ISSUE 2

The Researcher

The Refugee Documentation Centre Newsletter

June 2006

Welcome to the second issue of *The Researcher*, the RDC Newsletter.

Thank you to everyone who gave us feedback on our first Newsletter. The issuing of *The Researcher* coincided with the RDC Customer Survey so that we were able to get some fairly instant responses to the Newsletter. We have now made *The Researcher* more accessible by adding it to the Legal Aid Board website. As always we welcome any views, news or comments or contributions to any of the following addresses:

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A Personal View on Asylum & COI

By Emilie Wiinblad Mathez UNHCR's Protection Officer in Dublin.

I would like to begin by introducing myself. My name is Emilie Wiinblad Mathez. I am the new Protection Officer with UNHCR (the UN Refugee Agency) in Dublin. Before taking up this post, I worked in Tanzania with refugees from Burundi and in Geneva with the repatriation and reintegration operation for Afghanistan. After working with asylum and refugee issues outside Europe I was happy when I got an opportunity to come to Ireland and work with UNHCR's office here.

When I first began working with UNHCR I led a Refugee Status Determination team in New Delhi. As the Indian government did not have an asylum procedure, UNHCR was doing the interviews and made decisions on rejection or recognition under the 1951 Convention and UNHCR's mandate. In this article, I would like to share some thoughts from my experiences with carrying out refugee status determination. Experiences which resemble some of the challenges here in Ireland.

In any legal process, determining eligibility for refugee status has two main features: first is establishing the facts and second is applying these facts to the law. While the correct interpretation of any legal text can pose some difficulty, most eligibility officers, including myself, find that it is the task of establishing the facts which poses the main difficulties in this process.

In an interview you have a man or a woman in front of you from a vastly different culture, a country you may never have visited, with customs,

ways of life and perceptions of right and wrong that you do not know or may not share. During an interview lasting at best a few hours, you get a glimpse into this person's life. Through your questions, you have to extract the necessary and relevant information to be able to recommend a decision on whether the person fulfils the criteria to be considered a refugee. It's difficult!

I am sure that there is no eligibility officer who hasn't wished that s/he could somehow see what really happened, see if the person told the truth. Instead, you are left with the task of assessing credibility, often with little documentation and proof.

In my experience, the best approach is to take it step by step and keep a few rules of thumb in mind. I always tried to treat each case with fresh eyes, be methodical and thorough in my research for information about the country and the events and situations mentioned by the applicant, and finally, remembering that "believing" has nothing to do with it. What I believe can or cannot happen in a person's life is not part of the credibility assessment, only evaluating the statements made and the evidence at hand to establish the facts that you will consider is.

After gathering the information about the claim from the applicant, the first step is analysing the statements for cohesiveness and drawing conclusions on the overall credibility. The next step is to see if parts of this claim can be verified objectively. I used to begin with the documents submitted (if any). Did these documents support what the person said? Were there any reasons to doubt the authenticity of the documents? If there is no doubt on them, then I would consider that the points supported by the documents are reliable. Then I looked to see if anything else could be verified. Are there places, events, circumstances, and customs, which can be confirmed? This is where the country of origin information becomes important.

There are two types of country of origin information (COI), which one may need to consider. The first is what can be classified as general knowledge about the country. Such information is gathered regularly by a number of state agencies and NGOs. You may all be familiar with the main and reputable agencies and authorities in this respect. Such COI is crucial for the assessment of any claim and reading it to understand what is going on and the history of a specific country is an essential part of an eligibility officer's work.

However, I learned to keep in mind that no matter how well-documented and well-written a research paper is paper cannot fully translate the complexities, dynamics and subtleties of a society. Nor can it cover every corner of a country or be fully up to date with latest events. From my experience with Afghanistan, for instance, there was no easy way to understand the relationship between the central government in Kabul and the different power players in the Southern, Northern and Western regions of the country. The more I learned about the country, the more I realised how difficult it was to grasp exactly what was going on.

For an outsider, especially in the position of an eligibility officer, there is a need to try and structure the vast information available and draw conclusions. However, these structures cannot reflect the actual situation on the ground. While a certain political leader, warlord, government official etc. may generally hold certain views and carry out certain actions, his or her motivation in individual cases cannot be determined for sure. Conclusions drawn from such documents in the assessment of individual cases must therefore be very cautious and cannot replace the individual assessment of the overall credibility of the claim, as it is stated by the applicant.

The other type of COI, which can be useful, is the verification of specific facts of the claim in the country of origin. Generally the eligibility officer will have very little means of carrying out such research and this should only be tried if such enquiries can be made without jeopardising the applicant (or his/her family members) and without breaching confidentiality. Any attempts at verifying specific or personal facts can be done only with the consent of the applicant.

"I always tried to treat each case with fresh eyes"

When these steps are completed, there may still be many parts which cannot be verified and other parts which cannot be confirmed from the general situation in the country. The UNHCR handbook on procedures and criteria for determining refugee status will give you good guidance on how to apply benefit of doubt in such situations. If the statements were coherent and overall credible, and not contrary to generally known facts, then benefit of doubt applies and my third rule of thumb comes into play – that my personal belief has nothing to do with it.

From living in India and Africa, I developed this third rule. There, it often struck me that people living in countries without strong, supportive and transparent government institutions for all had limited ways of influencing the course of their lives. A simple thing such as getting education may be impossible due to lack of school fees, rain or the absence of the teacher. Many things happened by chance. Someone or something came along and made something possible or impossible. Individual men (or women) in positions of power had free range to do good or bad, in the latter case often with impunity.

The - to me - logical link between cause and action, which I was used to and had learned to rely on in life, did not always apply. People did not always go "the straight way", they went the way they could afford to or simply the way they could. It was difficult to gauge the underlying motives. So, I realised that to understand fully, I had to accept that events happened to people and they reacted to these events in a manner that was not always understandable to me. For me to believe or not to believe had nothing to do with the facts of it all. In the end what I learned is that life can be pretty random.

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Subsidiary Protection and Asylum in Ireland

An analysis by Neil Shannon, ORAC Caseworker.

Background

The concept of subsidiary or complementary protection has assumed significance recently because of the government's obligation under the EU Qualification Directive to implement a system of complementary refugee protection that is based on human rights norms (Council Directive 2004/83/EC of 29th April 2004). Current and recent humanitarian catastrophes in places like Somalia, Iraq, Darfur, Liberia, Haiti and Zimbabwe affect individuals and groups alike in both discriminatory and indiscriminate ways. Article 1A of the 1951 Geneva Convention addresses only the discriminatory aspect of non-refoulement under the five convention grounds. Clearly complementary protection is vital for those falling outside the normal rubric of Convention refugee status.

The mechanism of subsidiary protection has its basis in what the UNHCR refer to as 'complementary' protection, to complement refugee protection under article 1A of the 1951 Convention. Complementary protection is usefully defined under the expanded refugee definitions of Article 1(2) of the Organisation of African Unity (OAU) 1969 and Conclusion 3 of the Cartagena Declaration on Refugees (1984) which refer *inter alia* to those at risk from 'external aggression, occupation' (OAU) and to those who 'have being threatened by generalised violence, foreign aggression, internal conflicts, massive violation of human rights or other circumstances which have seriously disturbed public order' (Cartagena Declaration).

UNHCR's views

The one overriding criticism the UNHCR makes of this form of protection is the lack of any uniformity in its application due a variety of reasons specific to each state (Position Paper July 2000. EC/50/SC/CRP.18). Complementary protection can be effected by various means; compassionate, practical, guaranteeing human rights protection, or any number of other discretionary or humanitarian reasons**.** For this reason it is difficult to summarise any form of eligibility criteria as is the case under the formal requirements of the 1951 Convention. Reasons for lack of uniformity in application according to the UNHCR are essentially due to the differences in the respective domestic legislation, jurisprudence and administrative guidelines that incorporate forms of complementary protection (Mandal, UNHCR, June 2005). Ireland is no exception to this. The UNHCR state that a 'single procedure to determine protection needs was necessary'. It stated that this single procedure for

complementary forms of protection should be 'comprehensive in which one central and expert authority would determine the protection needs of an applicant'. According to the ECRE (European Council on Refugees and Exiles) a 'single procedure' is the clearest and most efficient way of identifying those in need of complementary protection.

The Qualification Directive and Ireland's Position

There is no explicit recognition in Irish law of 'subsidiary or complementary protection' (Handoll, John - Study on the Asylum Single Procedure Ireland). As a result there appears to be a gap in the legislation affecting those in need of complementary protection. Therefore, it can be argued that there exists a discretionary system of protection in place rather than a formal system, as exists for asylum seekers under the Geneva Convention.

In response to criticisms by the UNHCR and in line with the original ethos of the EU Tampere agreement in 1999 to achieve harmony in asylum and refugee law, the EU Qualification Directive standardises complementary forms of protection instead of developing an elaborated refugee definition such as described in the Cartagena and OAU definitions. Ireland is obligated under article 18 of the EU Qualification Directive, to implement a system of subsidiary protection. The transposition deadline is 10th October 2006. Article 2(e) of the Directive stipulates eligibility criteria for subsidiary protection for those who *'would face a real risk of suffering serious harm'*. In reality, all states in the EU have some form of complementary protection, including Ireland. However, the UNHCR criticises the clear absence of any complementary protection for 'discretionary humanitarian or compassionate reasons' within the Directive (Mandal, UNHCR, June 2005). The UNHCR have recommended that a consolidated process in the European Union states offers a more efficient and less fragmented approach and should result in greater coherence in the interpretation of international protection norms (COM(2006) 67, 17 Feb. 2006). Ireland and Belgium are the only states that do not have a 'single procedure' in the EU and Ireland is likely to adopt such a procedure when the Directive is transposed into law in Oct 2006.

Discretionary versus rights-based system

Ireland's current form of complementary protection is a two-tier system. Because Ireland does not provide for subsidiary protection it is left to the discretion of the Minister whether to grant 'leave to remain' encompassing 'humanitarian considerations'. Ireland has what is described as 'discretionary system' rather than 'a rights-based system' (Handoll). The Minister under a discretionary model does not have as clear an obligation to use a human rights-based assessment in granting 'leave to remain', as would apply under the substantive rights-based determination of refugee status such as in the ORAC and RAT. Under section 3(6) of the Immigration Act 1999 the Minister may deport or not deport a person based on 'humanitarian grounds' rather than a stated protection need. Subsidiary protection is not addressed and falls under the 'humanitarian' element of section 3(6). The Minister may give this 'leave to remain' which is on an *ad hoc* basis. It is an immigration need as opposed to a mandatory human rights protection entitlement. As Handoll has stated the two-stage system in Ireland does not address the question whether the claimant might *otherwise* be able to remain on the basis of the prohibition against refoulement or on other 'humanitarian' or 'subsidiary protection' grounds. However, Handoll shows that the Minister, in the exercise of such considerations under section 3(6), is subject to the observance of statutory procedural rules and other requirements of natural and constitutional justice (Adam v. Minister for Justice - High Court, 16th Nov. 2000). This includes the prohibition on refoulement under article 5 of the Refugee Act 1996, the provisions of Article 3 of the European Convention on Human Rights, and the prohibition of refoulement under section 4 of the Criminal Justice Act 2000 (UNCAT).

The DJELR's Discussion Document (April 2005) on Proposals under the Immigration and Residence Bill intends to operate a 'one-stop shop' where all protection claims are assessed under a single procedure. The document states *inter alia* that this should happen for reasons of efficiency and the integrity of the protection process. How this might affect the procedures in place under section 3 of the Immigration Act 1999 is not yet clear. Also, unclear are the rights to family reunification under a new system. The Minister states that it is likely

that the Office of the Refugee Applications Commissioner (ORAC) would be responsible for a determination of subsidiary/complementary protection. A 'One-Stop Shop' approach to asylum protection in the EU could encompass complementary protection and other humanitarian or discretionary reasons as currently assessed under section 3(6) of the Immigration Act 1999.

Conclusion

The adoption of a single procedure, therefore, can only enhance and strengthen the right to non-refoulement under international law for vulnerable asylum seekers and other claimants, who are not recognised as Convention refugees. UNHCR maintain that an Ex.Comm conclusion is urgently needed in order to address the protection gap created by the absence of universal norms of complementary protection. It would broaden the provisions under Irish refugee law for the right to protection and non-refoulement. The creation of a single procedure or 'one-stop shop' will enhance the integrity of Ireland's protection system by enshrining in law a mandatory and efficient rights-based system to replace the current and less transparent discretionary-based model.

This Article does not necessarily reflect the views of the Office of the Refugee Applications Commissioner.

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Refugee Appeals Tribunal (Tribunal Member, Margaret Levey B.L.) 21/06/2005 [No. of pages 8] [2006 Volume 1 Reference No 19] (Nigeria) Applicant

Refusal of Refugee Applications Commissioner to grant application for refugee status – Membership of a particular social group - Female genital mutilation - Refugee Act 1996, sections 2, 1 – Burden and standard of proof – Well founded fear – Persecution – UNHCR Handbook, paragraphs 53, 65 – Analysis of Claim/Determination – Country of Origin Information – Internal relocation

Facts: The applicant sought a review of the refusal by the Refugee Applications Commissioner of their application for refugee status. The applicant is entitled to asylum if he or she is a refugee within the meaning of Section 2 of the Refugee Act 1996 (as amended). The burden of establishing the veracity of his or her allegations and the accuracy of the facts on which his or her claim is based rests with the claimant. Credibility is established where "the applicant has presented a claim which is coherent and plausible, not contradicting generally known facts and therefore is, on balance, capable of being believed". There is no definition of persecution in the Convention, reference is therefore made to the various human rights instruments in determining what amounts to persecution. Where persecution does not emanate from a state, it has to be demonstrated that the state was either unwilling or unable to provide protection.

Held by Margaret Levey B.L. a Convention refugee is a person who is outside the country of her origin, who "needs and deserves international protection" because she reasonably believes that her "civil or political status puts her at risk" of serious harm in that country, and that her own government is unable or unwilling to protect her. In this case, the applicant is outside her country of origin. The Tribunal held that the evidence as presented by the applicant demonstrates a genuine subjective fear and a valid basis for it. However, there must be a nexus between the persecution and the Convention reason. This nexus can be provided either by the risk of serious harm to the claimant or the failure of State to provide protection. The applicant's claim is based on membership of a particular social group, the reason for which she is being persecuted. If the Tribunal were to accept "that the risk of harm (FGM) by the non-State Agent (her husband's family) is Convention related, the issue of State protection has to be addressed". An applicant for refugee status must explore all options with regard to seeking State protection before seeking the protection of another State. In the instant case, the applicant did not avail of the different protection alternatives open to her and failed to approach the State for protection in Benin, Kaduna or Lagos. The Tribunal must be satisfied that the claimant requires refuge from an anticipated risk in her country of origin. In this

regard, "Past persecution is in no sense a condition precedent to recognition as a refugee". Furthermore, country of origin information for Nigeria indicates that internal relocation is possible for women wishing to avoid female genital mutilation. Protection is also available for potential victims of FGM. The application for refugee status is refused on the above grounds and the decision of the Refugee Applications Commissioner is affirmed.

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Who are The Union for Democracy and Social Progress?

David Goggins Investigates.
RDC Researcher.

The Union for Democracy and Social Progress (Union pour la democratie et le progress social) is the oldest and best-known political party in the Democratic Republic of Congo (DRC). The UDPS is a Socialist party whose principal policy is to bring peace to the Congo through democracy and justice. The party is committed to establishing democracy by non-violent means. The UDPS claims to represent all of the Congolese people, although the party's opponents have accused it of merely representing the interests of the Luba ethnic group.

The UDPS analysis of the current situation in the DRC is that the government of Joseph Kabila does not represent the Congolese people, but is instead a corrupt regime which has permitted the neo-colonisation of the Congo by Belgian, French and US mining corporations who are plundering the country's natural resources.

The UDPS was founded on 15 February 1982 by a group of thirteen dissident members of parliament opposed to Mobutu Sese Seko, who ruled the country, which he had named Zaire, for a period of 32 years. One of the UDPS co-founders was Etienne Tshisekedi, who is the party's leader and its best-known personality. Tshisekedi had served in Mobutu's government for fifteen years before being thrown into prison in 1980 for criticising the corruption of the Mobutu regime. He was subsequently imprisoned many times by both Mobutu and Laurent Kabila. He also served as prime minister for three brief periods during the 1990's. Mobutu was deposed in 1997 by a coalition of forces led by Laurent Kabila, who became the new president. Tshisekedi welcomed Kabila at first, believing that he would lead a transition to democracy. However, Kabila banned opposition parties and confined Tshisekedi to his native village in Kasai-Oriental province. Tshisekedi later spent 16 months in exile, residing in South Africa, Belgium and other western countries. Laurent Kabila was assassinated in January 2001 and succeeded by his son, Joseph Kabila. Tshisekedi returned to the DRC in April 2003 and participated in the inter-Congolese dialogue which led to the formation of a national transition government.

The International Crisis Group describes Etienne Tshisekedi's leadership of the UDPS as follows:

"Tshisekedi's strong personality has been both an asset and a liability for his party. His reputation has made the party what it is and galvanised support in an era when most Congolese have lost faith in politicians. But his allegedly autocratic party management and lack of pragmatism has led to many defections. Of the thirteen founders from 1982, only Tshisekedi remains."

The National Transition government came into power in June 2003, with the stated intention of pacifying, reuniting and reconstructing the country. The government consisted of President Joseph Kabila, four vice presidents and a 620-seat parliament. Presidential and parliamentary elections were to be held within two years.

Etienne Tshisekedi ran for the position of vice-president of the unarmed political opposition. (The other vice-presidents represented the Kabila regime, the pro-Ugandan rebel group MLC and the pro-Rwandan rebel group RCD). When this position went to Arthur Zihidi Ngoma, the UDPS denounced the appointment process and claimed that they had been cheated. Thereafter the UDPS did not participate in the transitional government, instead becoming its staunchest critic.

When the elections scheduled for June 2005 were postponed the UDPS led a series of protest demonstrations in Kinshasa and other cities. Demonstrations on 30 June 2005 resulted in

serious violence when the police used tear-gas and live ammunition to disperse the protestors. The government admitted that 10 people had been killed in these clashes, while the UDPS claimed that six protestors had been killed in Kinshasa and more than twenty persons had been killed in the Kasai provinces, where the UDPS has its strongest support.

The UDPS refused to support a referendum for a new constitution, and also called on its supporters to boycott a new electoral register. However, the UDPS was forced to reassess its tactics in December 2005 when the constitutional referendum was passed by a huge majority of Congolese voters who saw this as a vote for peace.
In January 2006 Tshisekedi announced that the UDPS would take place in elections scheduled for June 2006 (since postponed until 30 July 2006). However, the UDPS listed certain conditions for its re-entry into the election process, including the re-opening of the electoral register, representation on the Media Authority and the sole right to use the name UDPS. (There are two parties founded by UDPS defectors which lay claim to this name and which are recognized by the Kabila government). The electoral commission has refused to re-open the register of voters, stating that this would be costly and time-consuming. As a result, no UDPS candidates have registered as candidates for the election. This has given rise to concerns that the result of the election will not be accepted as valid and that there may be further unrest in the DRC.

UDPS party spokesman Jean-Baptiste Bomanza is reported by IRIN News as saying that:

"We want to participate in elections that are fully transparent. There won't be elections in the Congo without Etienne Tshisekedi and the UDPS, because the Congolese people who support us will not let this farce continue." There is a question as to how much support the UDPS has among the Congolese electorate. The Wikipedia encyclopaedia entry on the UDPS says that:

"Since the actual electoral strength of the political parties in Congo is not known, the size of the party cannot be determined."

The International Crisis Group estimates support for the UDPS as follows:

"Using a conservative estimate of 20 per cent support in Kinshasa, 30 per cent support in the Kasais and 10 per cent in Bas-Congo, Province Orientale and Katanga, 2.5 million people could vote UDPS out of a total of 25 million voters."

In March 2006 a UDPS delegation visited Dublin with the intention of promoting the party's viewpoint. UDPS spokesperson Dohnat Mabana stated that the party's uncompromising commitment to establishing democracy in the DRC had made it a threat to the ruling elite, and that as a result many of its members had been imprisoned, tortured or killed. He referred to the arrest of UDPS members following demonstrations in Kinshasa on 10 January 2005 and on 30 June 2005, and stated that he expected further arrests arising from a planned protest march in Kinshasa on the following Friday. This protest did result in violent clashes, with Reuters reporting that the police had used batons and teargas to disperse the demonstrators.

Mr. Mabana claimed that if a person is identified as a UDPS party member they will not be able to get work and that their families would also be targeted by the authorities. He also claimed that it is dangerous for UDPS members who are retuned to the DRC after a failed claim for asylum. The treatment of failed asylum seekers returned to the DRC is discussed in a paper published by the UNHCR in April 2006, which quotes from a number of sources, including the Congolese human rights NGO "Voix des Sans Voix" which is cited as saying that:

"They mentioned that there were many failed asylum-seekers who are sent back by western European countries, but they are not aware of any of these persons detained and/or tortured upon return."

The full text of this very interesting report can be found at:

http://www.unhcr.org/cgi-bin/texis/vtx/rsd/rsddocview.pdf?tbl=RSDCOI&id=445

Google Tips

Google is the world's most used internet search engine. To improve the quality of your searching on Google try some of the following:

Google Search Request	Search Result: Google gives you pages with
human rights	the words **human** and **rights**
tribe **OR** clan	the words **tribe** or **clan**
"police corruption"	the exact phrase **police corruption**
nationality -stateless	the word **nationality** but NOT the word **stateless**
part-time	the words **part-time, part time** or **parttime**
Google~Guide	the words **Google** & both **guide** & its synonyms
trafficking ukraine site:www.state.gov	the words **trafficking** and **Ukraine** from the US Department of State website
internal displacement site:edu	the words **internal** and **displacement** from the .edu domain (i.e. educational institutions, mainly from the US)
+on discrimination	the words **on** and **discrimination** (The + sign just before a word forces Google to include words like 'the', 'on', 'where', 'how', which it would otherwise ignore)

Source: Nancy Blachman's Google Guide http://www.googleguide.com/cheatsheet.html

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Know Your Sources

By Paul Daly
Refugee Documentation Centre

In this issue *The Researcher* features a new series which looks at some of the core Country of Origin Information (COI) sources. Core sources provide relevant, reliable, balanced, current, accurate and verifiable COI. A list of core Human Rights and Country of Origin Information sources was drawn up in consultations between COI Network & Training Partners as well as UNHCR and ECRE.

UNHCR have summarised a number of questions which are useful to ask when evaluating sources. These include the following two questions, which we will try to examine in looking at the various sources:

- Who produced the information and for what purposes?
- Whether the information producer is independent and impartial?

US Department of State Country Reports on Human Rights Practices

We begin with one of the most widely used COI sources, the US State Department Reports. The best known of these are the Country Reports on Human Rights Practices which we will be looking at in more detail here. They are published each February/March for the previous year. They can be found at http://www.state.gov/g/drl/hr/c1470.htm.
The US Department of State also publish the International Religious Freedom Report (http://www.state.gov/g/drl/rls/irf/2005/),
the Trafficking in Persons Report (http://www.state.gov/g/tip/), Background County Notes (http://www.state.gov/r/pa/ei/bgn/) as well as ad hoc reports on topics of concern to the US Government.

Mandate

The US Department of State reports "cover internationally recognized individual, civil, political, and worker rights, as set forth in the Universal Declaration of Human Rights". The reports now cover 196 countries. The US Department of State has been publishing their annual country reports on human rights practices since 1977 in accordance with the Foreign Assistance Act of 1961 as amended. Since then Congress has also written into law formal requirements that U.S. foreign and trade policy take into account countries' human rights and worker rights performance. Therefore, as well as being "an effort by the US to promote respect for human rights worldwide", the reports are both shaped by and influence US foreign and trade policy.

Methodology

The methodology in compiling the reports is described in the Overview to the Reports:

"Our embassies, which prepared the initial drafts of the reports, gathered information throughout the

year from a variety of sources across the political spectrum, including government officials, jurists, armed forces sources, journalists, human rights monitors, academics, and labor activists… After the embassies completed their drafts, the texts were sent to Washington for careful review by the Bureau of Democracy, Human Rights and Labor, in cooperation with other State Department offices. As they worked to corroborate, analyze, and edit the reports, Department officers drew on their own sources of information. These included reports provided by U.S. and other human rights groups, foreign government officials, representatives from the United Nations and other international and regional organizations and institutions, experts from academia, and the media. Officers also consulted with experts on worker rights, refugee issues, military and police topics, women's issues, and legal matters. The guiding principle was to ensure that all relevant information was assessed as objectively, thoroughly, and fairly as possible."

Objectivity

This appears to be a thoroughly impressive series of checks and balances, through which the information is processed. However, the objectivity of these reports is sometimes questioned.

Criticism of reports

The criticism of the reports is often based on the credibility of the US as an advocate of human rights:

"How can our government speak with authority about the evil of torture in countries like Egypt and Syria and Uzbekistan when it is knowingly making deals with the worst elements of those regimes to send people to the very dungeons where they torture prisoners? (Tom Malinowski, Washington Advocacy Director for Human Rights Watch –18 March 2005).

Tom Malinowski balanced this criticism with praise for the overall objectivity of the reports:

"The reports fairly describe human rights violations committed by America's allies and adversaries alike." (Ibid)

The other main organisation to criticise the reports is Human Rights First or HRF (formerly known as the Lawyers Committee for Human Rights). Their critique of the 2005 report first acknowledges that "the Country Reports have become a leading resource for assessing the performance of close to 200 nations abroad for their baseline compliance with internationally recognized human rights" (Human Rights First, *Still Missing: Gaps in the U.S. State Department Human Rights Reports on Secret Detentions and Renditions* (March 2006))

However, HRF state in their conclusion to their report:

"In 2002, the State Department issued instructions to the drafters of the reports that '[a]ctions by governments taken at the request of the United States or with the expressed support of the United States should not be included in the report.'. This instruction was later withdrawn, but the failure to address violations implicating the United States in the most recent reports raises concerns that the instruction has been reinstituted or being followed nonetheless." (Ibid)

HRF criticizes the way the 2004 Country Reports are edited:

"The cataloguing of facts in the reports, while important, too often lacks the complementary analysis or summation necessary to identify systemic problems. …Those who skim the report or rely mainly on the Introduction are likely to come away with a misleading picture of the human rights conditions in a given country despite the careful cataloguing of specific incidents and cases. … Moreover, too often, particularly in reports on countries of high importance to U.S. strategic goals, conclusions concerning the overall human rights situation bear little relation to the details of abuses catalogued. " (Human Rights First Comments on 2004 State Department Country Reports March 2005)

The British charity, Immigration Advisory Service (IAS) draws attention to the often noted fact that the Country Reports are "unsourced documents which rely on primary and secondary sources of information" (Immigration Advisory Service, Summary Findings from Review of the Home Office's Country Information and Policy Unit's Country Reports April 2004). IAS also state:

"[T]he US Department of State is not itself free from political bias or opinion. It has been criticised by both the US-based organisation Lawyers Committee for Human Rights and Human Rights Watch for the lack of objectivity in its reports concerning countries in which it has a politically sensitive stance. This would certainly apply to Colombia, Egypt, Iraq, and Uzbekistan".

Conclusion

Notwithstanding these criticisms, the US Department of State Country Reports are likely to continue to be used worldwide as a major source of COI in Refugee Status Determination. It is important to stress, however, the warning of the Accord COI Training Manual:

"no source provides complete and objective information as their scope and focus of reporting will be influenced by their mandate or mission. Therefore, COI researchers and users should try always to consult many different sources and many different types of sources (i.e. UN; government; human rights NGO, media) in order to achieve the most complete and balanced picture of a country situation possible".

Library Management System Training

Over the last few weeks Joanne Hayes and Maurita McDonagh from the RDC have been giving training on the new LMS system and on the COI Database to the RLS in Dublin, Cork and Galway and also to ORAC.

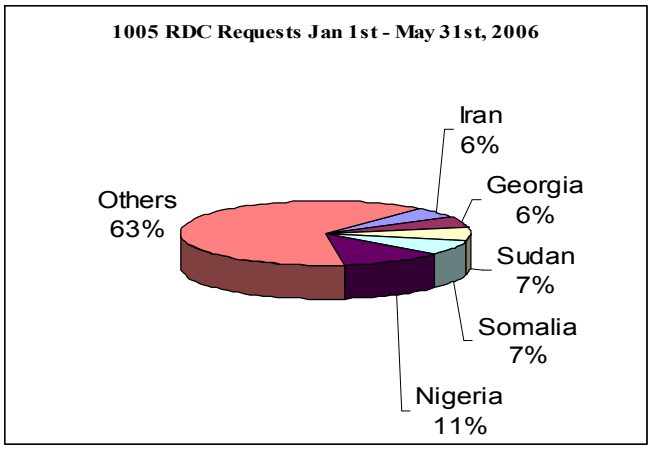
Training on both the LMS and COI databases is conducted in an informal setting. The training consists of a practical demonstration of the LMS and COI Databases rather than a formal presentation. A practical session allows trainees to pose possible catalogue searches on a live system, thus enabling them to gain a greater understanding of the database. Taking notes while on the training is not necessary as an information pack on both systems is available to each trainee in which they can refer to later.

The LMS database allows the user to conduct a search for books and reports, serials and journals and also anonymised query responses. It also assists the RDC in managing acquisitions and lending of library records. The COI database contains a catalogue of COI documents. Both databases are being updated on a continuous basis.

Within the RDC, the LMS and COI databases are displayed in a Lotus Notes workspace (RDC Library System). This LMS version is used by the RDC for adding, indexing and publishing media. The COI database allows the RDC to add and edit documents. For all other users of the database, a web version was developed and placed on the DJELR computer network for access by all asylum agencies within the Department. To access the web version, users must have an internet browser, however access to the Internet is not necessary as the web version is only on the internal DJELR network. The databases can be accessed at "http://lib.lab.ie" and "coi.lab.ie" respectively (no "www" as it is not on the Internet).

Following an article in our first issue about the LMS, we received a number of enquiries from private practitioners about how to access the LMS website. At the moment the LMS is not available to private practitioners, although this is being looked at through the Asylum IT Strategy, which is currently taking place. We recommend that private practitioners may wish to use the European Country of Origin portal which can be accessed at http://www.ecoi.net/ or the UNHCR website at http://www.unhcr.org/cgi-bin/texis/vtx/home

RDC STATISTICS



RDC SURVEY

Many thanks to those of you who completed the recent survey. However due to a low response rate it is planned to reissue the survey in September.