

EXTERNAL

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Fear of refoulement

25 July 1997

SLOVENIA

Many of approximately 2,000 refugees from Bosnia-Herzegovina in Slovenia

Many of approximately 2,000 refugees from Bosnia-Herzegovina are at risk of *refoulement* when the temporary protection status they had been granted by the Slovenian Government ends on 31 July 1997.

The ending of temporary protection affects refugees from entities of Bosnia-Herzegovina where their nationality now constitutes a majority, for example Bosnian Serbs from Republika Srpska or Bosniacs (Bosnian Muslims) and Bosnian Croats from the Federation of Bosnia-Herzegovina (Federation). Some exceptions have been made for particularly vulnerable groups, for example the so-called Bosniac "Abdif supporters" from Biha... and Bosniacs from Mostar in the Federation and those who were the victims of extreme violence or torture, but there is no procedure for extending protection on the merits of an individual case. Refugees may individually seek permission to remain in Slovenia under the Law on Foreigners, which contains provisions which would allow foreigners to apply for temporary residence for humanitarian reasons. However, in order to remain in the country under the provisions of that law, applicants would have to fulfil strict criteria such as economic self-sufficiency during the time the application is processed.

It is not safe for many refugees to return to Bosnia-Herzegovina, including those from entities where their nationality now constitutes a majority. In addition to the obstacles facing returnees in gaining accommodation, Amnesty International receives daily reports of human rights violations in areas of Bosnia-Herzegovina where some of these people are expected to return, including forcible eviction, ill-treatment by the police, unfair trials, as well as the failure of the police to adequately protect vulnerable groups from attacks by local citizens. For example, on 10 June, a Bosniac woman and her son who had returned to their home town of Tomislavgrad (Federation) from Germany left after they were reportedly threatened by members of the Bosnian Croat military (HVO) and police.

A judge in Livno (Federation) has reportedly told human rights monitors that the authorities must give him "permission" before he can issue decisions about housing disputes. A Bosniac couple complained that they were assaulted on 25 June in Kiseljak (Federation).

BACKGROUND INFORMATION

There are currently approximately 6,000 refugees from Bosnia-Herzegovina in Slovenia.

Although those refugees for whom protection ends will be able to apply for asylum in Slovenia and to remain in Slovenia while their applications are processed, governmental authorities have told Amnesty International Slovenia that all such applications will be rejected. This is because Slovene law specifies that refugees wishing to apply for refugee status in Slovenia have only three days to do so following their arrival. This restrictive measure effectively denies those fleeing human rights violations the right to seek asylum within the meaning of the UN Refugee Convention.

On 2 July, the Human Rights Ombudsperson for Bosnia-Herzegovina issued a report which concluded "the forcible repatriation of refugees to areas to which the individuals concerned do not voluntarily return may lead to systematic and severe violations of human rights", and recommended that when authorities in Bosnia-Herzegovina negotiate with governments hosting refugees from Bosnia-Herzegovina, consideration should be given to whether political or other circumstances permit individual refugees to return to their pre-war homes, and whether such returns are in conformity with applicable human rights standards.

RECOMMENDED ACTION: Please send telegrams/faxes/express/airmail letters in Slovene, English, German, Italian or your own language:

- expressing concern about the decision to end temporary protection for many refugees from Bosnia-Herzegovina on 31 July 1997 and noting that some of those for whom temporary protection will end may still be in need of protection;
- noting that it is still not safe for many refugees to return to Bosnia-Herzegovina, and that the Ombudsperson for Bosnia-Herzegovina has concluded that forcible repatriation or resettlement of refugees may lead to systematic and severe violations of human rights;
- expressing concern that those who apply for asylum after the ending of temporary protection are likely to have their cases summarily rejected on the grounds that they did not apply within three days of entering Slovenia;
- stating that the possibility to apply for temporary residence under the Law on Foreigners is contingent on the ability to support oneself and therefore this procedure cannot be substituted for an asylum procedure;
- urging the authorities to take urgent measures to rescind the three-day rule measure for those who have received temporary protection in Slovenia and other asylum seekers;
- calling upon the authorities to rectify any other legal obstacles so that all refugees have the opportunity to have their individual asylum claims assessed in a fair and satisfactory procedure to determine if they are at risk of serious human rights violations if returned.

APPEALS TO:

President
 Milan Kučan
 Predsednik Republike Slovenije
 Erjavčeva 17
 1000 Ljubljana, Slovenia
Fax: (386) 61 178 13 57
Telegrams: Milan Kucan, President, Ljubljana, Slovenia
Salutation: Dear President

Prime Minister
 Dr Janez Drnovšek
 Predsednik Vlade Slovenije
 Gregorčičeva ul. 20
 1000 Ljubljana, Slovenia
Fax: (386) 61 178 1607
Telegrams: Janez Drnovsek, Prime Minister, Ljubljana, Slovenia
Salutation: Dear Prime Minister

COPIES TO:

Ivo Bizjak
Varuh ...lovekovih pravic
Slovenska 27
1000 Ljubljana, Slovenia

and to diplomatic representatives of Slovenia accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat,
or your section office, if sending appeals after 5 September 1997.