

Congress of the United States

Washington, DC 20515

January 28, 2010

Mr. Antonio Guterres
United Nations High Commissioner for Refugees
United Nations High Commission for Refugees
1775 K Street Northwest, Suite 300
Washington, D.C. 20006

Dear Mr. Guterres:

As Co-Chairs of the Bipartisan Congressional Refugee Caucus in the U.S. House of Representatives, we recently reviewed a report by the U.S. Committee for Refugees and Immigrants (the "report") concerning the Sahrawi refugees detained in camps in Algeria. We are enclosing a copy of that report for your review.

The report states that the situation in the Polisario-controlled camps has constituted an ongoing human rights and resettlement failure for thirty-five years. We believe the Office of the United Nations High Commissioner for Refugees should work toward fulfilling its important mandate by ensuring that the rights of these refugees under international law are fully protected.

One problem, described in the report, with establishing a workable process of resettlement, is that no international body has conducted a census of the camp population to properly identify and document these refugees. We believe that establishing an accurate count of the number of refugees living in the Polisario-controlled camps is required to ensure the security of the refugees and to adequately assess whether foreign aid is meeting the needs of the people. A reliable population count is also an important first step toward developing a process of refugee resettlement.

We also are concerned about the report's description of dire living conditions in the Polisario-controlled camps. The report indicates that these refugees are subject to human rights abuses. The refugees, who are reportedly forbidden to leave the camps, are denied the right to freedom of movement, although this is a basic right guaranteed to refugees under the 1951 Convention and the 1967 Protocol, to which Algeria is a signatory and bound to respect under international law. As refugees, the camp residents should have the option of repatriation to countries that will accept them. It has also been reported in several studies that humanitarian assistance to the camps has been diverted, further eroding the quality of life of the refugees.

It is critical that UNHCR take a strong position on behalf of refugees. We appreciate your visit to the region in September 2009, the first visit of a Commissioner since 1976, as well as your press statement acknowledging the UNHCR's neglect in the past. However, before yet another generation of refugees is born in these camps, we respectfully request that you actively work with the UN Security Council and other interested States to establish a credible system to protect the population of these camps who have reportedly suffered far too much already.

Thank you for your kind consideration.

Cordially,


Lincoln Diaz-Balart


Zoe Lofgren