

The Researcher

The Refugee Documentation Centre Newsletter

30th March 2006

Welcome to the first issue of *The Researcher*.

The Researcher is a new initiative of the Refugee Documentation Centre. It is an electronic newsletter distributed by e-mail and published quarterly. The purpose of *The Researcher* is to provide our clients and interested parties with up to date information on developments in the RDC. The newsletter will cover topics related to Country of Origin Information and legal research. We hope to feature a specialist article on a particular theme in each issue. We will also let you know of recent library acquisitions, new resources and relevant RDC statistics. We welcome your feedback on any of these matters.

Any letters, comments, news or views can be sent to us at the following addresses:

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This issue contains the following articles:

- COI Researchers: Who we are & what we do.
- The RDC's Library Management System (LMS)
- COI Network and E-Training
- High Court Case Summary
- Who are the Ogboni?
- RDC Statistics

COI Researchers: Who we are & what we do.

The Refugee Documentation Centre (or the RDC or simply the Doc Centre as our friends know us) is a clearing house and research service for Country of Origin Information for government agencies, solicitors and contractors of the RLS. We also provide library services to our clients.

While we are a body functioning within the Legal Aid Board, we are an independent service, providing objective information to all our clients.

The function of the COI researcher is to provide

- Current
- Relevant
- Reliable
- Balanced
- Accurate and Verifiable, as well as Transparent Country of Origin Information.

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About the Library Management System (LMS)

The LMS has been released to agencies and is available at <http://lib.lab.ie>. This is a separate database to the COI database which is already available at www.coi.lab.ie. To use the LMS you will login using your own username and password which will be assigned to you by the RDC.

About the Library Management System (LMS) (cont'd)

The RDC will have a record of all usernames and passwords supplied so if a password is mislaid, it can be re-supplied. Your homepage on the LMS will have your own contact details and a record of any items requested or borrowed from the RDC library. This information will be on the left hand side of the screen. If any details are incorrect please contact the RDC. A list of options common to all users will be available on the right hand side of the screen, for example Advanced Search, What's New, Serials and Journals etc.

The LMS will contain the following:

Library Catalogue Records: Catalogue entries for books and reports held in the RDC library. You will be able to request a library item on the system.

Journal Contents Pages: Listing of articles available in each issue of any journal received in the RDC. These were previously distributed either by email or placed on internal bulletin boards.

Published Anonymised Query Responses: These are the full text of our query responses with identifying information of the requester/client/researcher removed and edited in accordance with the RDC Style Guide. The RDC is focussing initially on publishing the most recent query responses. However we will be publishing past query responses in due course.

The search page on the LMS will allow you to limit your search, if desired, for example, to queries only. You can search by country, subject/keywords, free text etc or by a combination of options. The LMS can also generate a 'What's New?' page. This will present you with a list of the most recent additions to the catalogue. Note that the LMS will be updated on a continual basis. Remember that the LMS and COI Database are not the same and to carry out a complete

search of RDC holdings you must search both. The RDC will be providing training to the agencies on the use of the LMS and COI Database once the LMS has been released. If you have any queries on either database please contact the RDC.

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COI Network and E-Training

The RDC participated in developing the COI training programme which is used in a number of European countries. The RDC currently conducts this training programme as face-to-face training over the course of two days and has recently participated with European counterparts in the development of an e-learning course.

The training programme enables persons working with COI to understand the basic principles of RSD; apply quality standards in COI research; identify and select relevant and reliable sources and information; conduct efficient research and document search results according to quality control standards.

The e-learning course can be delivered as a stand alone version for independent self study (CD-ROM and Web based) as well as in a tutor-supported blended learning format. It is proposed to introduce a test phase in March and during that phase the quality will be assessed by an external observer.

The blended learning format will be offered over the course of three weeks online followed by a one day face-to-face training at the end of the course. The weekly study time will consist of 20 learning hours (3 weeks x 4 learning hours online phase + 8 hours face-to-face training). The RDC will provide e-tutor support for the duration of the online phase and also for a determined period following the face-to-face training. The course is currently available in English and it is proposed to

translate it into Italian, German, French and Russian at a later date. It is targeted at three different COI user groups – COI research/specialists; decision makers/judges and consultants/legal representatives.

Participants need to possess basic computer and internet skills. They should know how to open, save, read, download files, work with text-editing software (e.g. Word) and be able to use email and browser. Access to a computer with internet connection is also required.

For further information please contact
CMDoyle@Legalaidboard.ie

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High Court Case Summary

Atanasov and others v Refugee Appeals Tribunal (Tribunal Member, Aidan Eames), Chairman of The Refugee Appeals Tribunal and Minister for Justice Equality and Law Reform

High Court Judicial Review Mr. Justice John MacMenamin 07/07/2005 [2004 No. 572 JR] Asylum – Refugee Appeals Tribunal – Refusal of Refugee Appeals Tribunal to grant access to applicants to certain previous decisions by that body – Refugee Act, 1996, sections 19, 16 and 28 – Function of the Chairman - Right of applicants to access certain previous determinations – The nature of the procedure - Entitlement to natural justice and fair procedures – Extent of fair procedures Consequences of confidential hearings in private – Companies Act, 1963, section 205 – Bunreacht na hÉireann, 1937, Articles 34, 34.1º - European Convention for the Protection of Human Rights and Fundamental Freedoms, 1953, Article 6.1 – Decisions of the European Court of Human Rights – Common Law Authority – Legal Principles and their Application – Discretion of the Chairman to publish decisions.

Facts

Three judicial review proceedings were heard together by agreement of the parties. The applicants sought a review of their entitlement to certain previous determinations made by the Refugee Appeals Tribunal. The applicants contended that the effect of the refusal of the Refugee Appeals Tribunal to grant access to previous decisions or determinations of that body would “have a bearing upon, or are relevant or material decisions relating to their applications before that body.” The applicants claim an entitlement to records of previous decisions of the Tribunal as a matter of fair procedures. The applicants had contended that they were entitled to “the same degree of natural justice and fairness of procedures as a citizen” and this applies where he or she has made an application for asylum or refugee status. The Tribunal submitted that there is no mandatory requirement to do so by virtue of the Refugee Act, 1996, as amended, and referred to section 19 of that Act, which deals with confidentiality, publication of decisions and the Chairman’s discretion. The Tribunal further submitted that sections 16(17), 28 and 28(A) of that Act, which deal with communication of decisions and the question of retrospectivity, preclude the Chairman from publishing his decisions. The Tribunal submitted that publication of previous decisions was not a requirement of fair procedures.

“there must be vested in the Chairman a positive discretion to publish decisions which are of legal importance”.

Held by Justice MacMenamin that there is a discretion in s. 19 4A (a) not to publish unimportant decisions of the Tribunal. But this does not preclude publication of all decisions.

It is clear from s. 4A(a) and (b) that there must be vested in the Chairman a positive discretion to publish decisions which are of legal importance. Decisions of the Tribunal can only be considered relevant to an applicant where they deal with a substantive issue of legal principle. The court held that such principles are at stake in the applicants cases. The respondents' refusal to make available to the applicants in the second and third set of proceedings relevant tribunal decisions constitutes an unlawful exercise of the statutory discretion afforded them under the Immigration Act of 2003. The court accepts the proposition that the 2003 Act operates only prospectively on this issue and does not apply to the first named applicant. The rights of all three applicants to fair procedures and natural and constitutional justice pursuant to the provisions of Article 40.3 of the Constitution are breached by the refusal of the first and second named respondent to make relevant tribunal decisions available to the parties.

This case was subject to an appeal in the Supreme Court at the time of printing.

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Who are the Ogboni?

David Goggins investigates.

"The Ogboni are a secret society in Nigeria. They worship Satan and believe in the use of charms. Its members are drawn from the affluent and influential. They perform rituals, which include human sacrifice. When a member of the society is initiated he drinks human blood and swears an oath."

The above description of the Ogboni comes from a Nigerian seeking refugee status in the UK on the basis of persecution by the Ogboni "Cult".

A good summary of the available information on the Ogboni can be found in a "Response to Information Request" published by ACCORD in June 2004. This states that "The Ogboni is a Yoruba secret society, an Elders' Council, whose structures date back to pre-colonial times where the Ogboni were part of the system of checks and balances of Yoruba kingdoms. Apart from being kingmakers, they had religious as well as judicial power."

An important distinction needs to be made between the Reformed Ogboni Fraternity and traditional secret societies, which also use the name Ogboni. ACCORD refers to this distinction, saying "The traditional Ogboni society has to be distinguished from the 'Reformed Ogboni Fraternity', a secularized form of the secret society, which acts as support network for Yoruba in influential positions."

The UK Home Office country report on Nigeria contains information on the Ogboni provided by Mr B Akintunde Oyetade (School of Oriental and African Studies). This report states "The Ogboni traditionally played a significant role in Yoruba religion and society, and were involved in the installation of new kings. Historically, an Ogboni could be said to have combined the powers of a local magistrate, with those of a member of the local government and a religious leader. The Ogboni have engaged in animal sacrifice.

According to Nimi Walson-Jack, the Ogboni "are more known for their influence peddling, undue favouritism to members, and such matters". "Membership of the Ogboni Society is linked to the professions and the public service." There is no firm evidence to suggest that they engaged in human sacrifice. In the event that a king abused his power, however, they could compel him to commit suicide.

They could also impose sanctions against other members of the community if they believed that these were justified. The Ogboni are reputed to threaten its members with death should they break their oath of secrecy regarding its rituals and beliefs. It is still regarded as being a powerful organisation throughout Nigeria."

A *This Day* article by Kazeem Adeleke states "It was the duty of the Ogboni society to check the excesses of the Oba (King) whenever he was becoming despotic or misusing his powers. Based on this vital role, every Yoruba town or village had one form of Ogboni society or the other to check on the Baale or village head whenever he was wielding his power arbitrarily."

Daniel A. Offiong, in a chapter on the Ogboni Society in *Secret Cults in Nigerian Tertiary Institutions*, gives us a description of the initiation of new members, saying "Initiation consists of splitting kola nut on the image *eda* (a pair of tongs, the handles of which bear a human image) on which the mystery of the society centers, and the blood of the fowl killed drops on both kola and image, which is embossed on a pair of tongs."

In a presentation at the 8th European Country of Origin Information Seminar, Heinz Jockers suggested that societies such as the Ogboni do not practice forced recruitment, saying "membership in a secret society.... may secure access to resources and social integration and is thus very important for the survival and social status of family. There is, however, usually no forced recruitment into secret societies, but pressure may be exerted on certain individuals to join because of the advantages of being part of a secret society. Neither would the societies accept anybody but would be inviting persons from certain highly regarded families."

Jockers also comments on the issue of

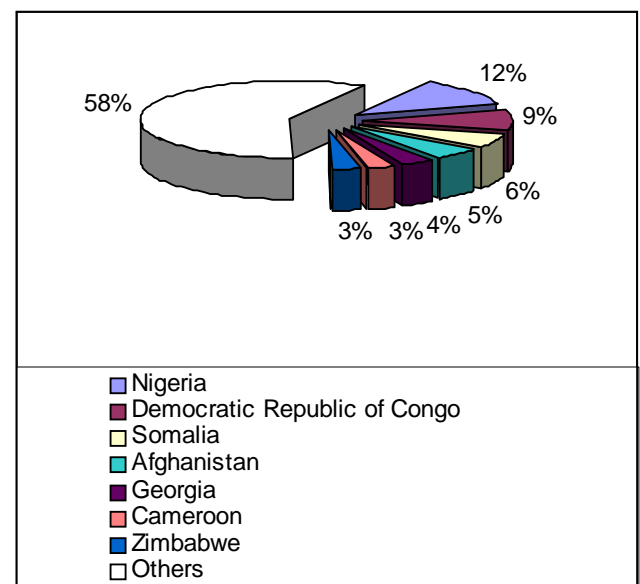
succession "It is also unlikely that there is a rule of automatic succession in a position (i.e. the son replacing the father) but more likely that those families who traditionally have had the authority to invite new members would choose the most suitable candidate."

ACCORD tells us "Although little is known about the Ogboni and secret societies in general, anthropologists believe they still play an important role in current Yoruba social life."

Perhaps the final word should come from A.B. Ellis, who reminds us "Of course, since the organization is secret, little can really be known about it."

Articles and summaries contained herein do not necessarily reflect the views of the Management of the RDC and the Legal Aid Board.

RDC Statistics



The total number of queries received for 2005 was 3113.
