



## Repatriation: going home in dignity and safety

Making return sustainable

Articles from Kosovo, Panama, Burundi, Sudan and Guinea

■ September 2007



# Refugee repatriation is a right

## The challenges faced by refugees returning home

Lluís Magriñà SJ, JRS International Director

Most refugees dream of going back home in safety and dignity. It represents the end of their economic dependence and of restrictions on their rights. It offers them the prospect of rebuilding their lives in peace and prosperity. The reality of repatriation, however, is far more complex. This Servir examines the obligations of the international community, and the challenges facing refugees, as they return home and reintegrate into their local communities.

Although the authorities deemed that the Idizi family would not face persecution in Kosovo, as Mr Dodaj sustains in his article, this did not justify their forced return at such short notice and without assistance. During their years in Luxembourg, the parents were denied access to job training programmes and to the labour market itself,

reinforced, made more transparent and properly resourced. At a minimum, refugees need to be fully informed about all aspects of the repatriation process.

Nevertheless, as Mr Yoasa highlights, the mass return of poorly educated and ill-equipped refugees places huge strains on public service provision. It will take time for returnees in southern Sudan to harvest their crops and for the government be in a position to meet the basic needs of the population. In the meantime, it is crucial that the international community assist their reintegration home.

As Sr Irizar-Muñoz points out in her article on Liberian refugees, the international community often reduces



Refugee yearning to go home, Panama (Kevin Sánchez Saavedra/ JRS)

and the children did not receive any mother-tongue language support. Prior consultation with the family, financial aid and training would probably have helped them manage much better back home.

If the deportation of the Idizi family was safe, the forced returns of Vivian and Ana from Panama, discussed by Mr Sánchez Saavedra, were clearly illegal. Both women were forcibly removed without any attempts to verify the human rights situation they would face once back home. They both subsequently faced further persecution and were again forced to flee. Unless state agencies ensure the safety of their repatriation procedures, illegal deportations will continue.

Even when refugees no longer face persecution, they frequently return to post-conflict societies where the rule of law is not safeguarded. Mr Clemesac illustrates how Burundian returnees, whose land has been expropriated, also lose their livelihoods. Although processes to reclaim land have been established, they need to be

assistance to refugees to coerce them to return home. They feel abandoned. Often, it is a question of more information and other confidence building measures. For some vulnerable groups, such as single families, sick and older people, it is a question of providing additional support. Yet others are unable to survive in Guinea or Liberia. In this case, resettlement to a third country should be considered.

"...refugees need to be fully informed about all aspects of the repatriation process."

JRS is not just called upon to accompany refugees throughout their exile and return home. Our role, and that of the human rights and international communities, is to hold governments accountable to ensure they offer durable solutions to refugees, and if possible to facilitate their return home. ■

# Forced repatriation and education

## Inhumane deportation procedures hurt children the hardest

Kastriot Dodaj, JRS Kosovo Director

Eight years after the end of the war, Kosovar refugees continue to be forced home from Luxembourg instead of being integrated into local communities. In 2005 and 2006, a number of these people were arrested by the police and deported without even an opportunity to gather their belongings.

Thousands of Kosovar families fled to Western Europe due to extreme poverty, generalised violence and persecution. While governments expected most would eventually go home, little effort was made to plan for the return process. To make matters worse, states provided little support to develop the employment skills of the adults and the linguistic skills of the children. Countries, such as Luxembourg, failed in their obligations to ensure

an asylum seeker in Luxembourg, Florim was not entitled to undertake paid employment, the family received accommodation, clothing, education, food, and of course medical treatment. In Kosovo, none of this was available. The family longed to return to Luxembourg. Unemployed and unable to find suitable housing, Florim rented a humid old room from a relative for 50 euro per month. The family struggled to get by.

As soon as possible, Florim enrolled his sons in school. Having spent a good part of their lives in Luxembourg, Egzon and Xhemshir, were unable to read or write Albanian. They immediately faced difficulties in learning. Fortunately, JRS Kosovo, with support of Caritas, had established a project to provide between 70 and 80



Refugees fleeing Kosovo at the height of the conflict (A. Harper/ JRS)

Kosovar children grew up in a safe environment and received appropriate education services, in particular mother tongue language classes. The Albanian Kosovar family of Florim Idizi illustrates the failure of the authorities in Luxembourg to discharge their duty of protection.

After three and a half years in the asylum process in Luxembourg, the Idizis' applications were rejected. In September 2006, they were deported back to Mitrovica in northern Kosovo. Florim's unfortunate surprises had not come to an end. On arriving home, he found his apartment in the north of the city occupied by a Serb family. Many ethnic Serb Kosovars had fled to northern Mitrovica, occupying the homes left by Albanian Kosovars. Florim, his wife and their two children, 9-year old Egzon and 7-year old Xhemshir, were left with nothing.

The Luxembourgian authorities had promised to provide the family with financial support in Kosovo, but none came. The family faced further difficulties. Florim's wife, Hajrija, suffers from depression and Egzon suffers from both depression and enuresis (bedwetting). Although as

hours of mother tongue language classes to returned children, facilitating their integration into the Kosovar education system.

"...Egzon, suffers from both depression and enuresis (bedwetting)."

The classes were a success. Egzon and Xhemshir, still quite young, quickly improved their language skills. However, the economic situation facing their family continues to have an impact on their education. Egzon's teacher complains he comes to school unkempt. Florim put this down to his poor economic position. The family needs assistance to become self-sufficient.

Few organisations assist returned families. With so many of them forced to live in precarious economic and social conditions, their children's education is suffering as a consequence. In this case, Luxembourg and Kosovo have failed to provide adequate protection to these children. ■

## From mass expulsion to individual forced repatriation Illegal return does not depend on the number of individuals removed

Kevin Sánchez Saavedra, Communications Officer, JRS Panama

In 1996, 400 Colombian farmers and their families fled to the southern Panamanian border province of Darién. Since that time, many illegal deportations have taken place. Customary international human rights law, including refugee law, obliges countries not to forcibly return anyone to a country where he or she risks serious human rights violations. Panama's practice of illegal deportations violates its obligations under international law. On a positive note, the government has bowed to international pressure and no longer carries out mass deportations. However, it continues to deport individual refugees in violation of their rights.



A Colombian refugee family in southern Panama (Kevin Sánchez Saavedra/ JRS)

In early 1997, the Colombian armed forces, in cooperation with the right-wing paramilitary group, the United Self-Defence Forces of Colombia launched a campaign to root out guerrilla forces in the Bajo Atrato region of the Chocó Department, northern Colombia. Consequently, hundreds of families fled their homes. One of these refugees was a middle-aged woman, Vivian (not her real name), and her extended family of 14 adults and 14 children. They fled their home in Río Sucio, walking for days in the tropical forest and crossing over the border to Panama before arriving in Kuna de Paya village in Darién Province. They were placed under the authority of the national border police (PNF) and remained there in a precarious situation for approximately two months.

At the end of April, this family, together with many other refugees, was arrested by the PNF. With the cooperation

of the Colombian authorities, they were forcibly deported. Before their removal to the Pacific coast region, the Panamanian authorities made no effort to verify the social, economic or political situation the refugees would face in Colombia.

For three years, Vivian lived in Cupica. Facing a hostile local population, she decided to return to her home village, the Paz Nueva Vida settlement. However, in June 2001, she again sought refuge in Panama after the settlement was once more attacked by armed groups. This time, she was granted humanitarian protection. Yet, denied access to the labour market and confined to Boca de Cupe (Darién), practically a prison village, she patiently waits in the hope that one day she may obtain permanent residence.

Despite international criticism, mass state deportations in Panama had not ended. In 2003, a right-wing paramilitary group attacked the northern Colombian border villages of Púculo and Paya and assassinated four indigenous leaders. Subsequently, 109 Colombians, of whom 65 were children, fled to Panama seeking international protection. Shortly afterwards, the refugees were forcibly deported back to Colombia — to Miel village just over the border. They were obliged by the staff of the migration office, the national refugee assistance office (ONPAR) and the PNF, to sign and give their finger prints on documents, testifying that they had left the country voluntarily. In April, they were moved by helicopter, with very few of their belongings and without being given an opportunity to harvest the land they had been working.

Ana (not her real name) was one of the victims of this mass deportation. The authorities lied to force her to go home. She was told that her mother had died. During her repatriation, her husband and daughter, both Panamanians, anxiously waited for news in Boca de Cupe village in Panama. Ana's deportation was successfully challenged in the Inter-American Court of Human Rights. Subsequently, the Panamanian and Colombian human rights ombudsmen ruled that the young woman could return to Panama, to be reunited with her family.

"In 2003, a right-wing paramilitary attacked the northern Colombian border villages of Púculo and Paya..."

Both women were deported to areas where they would supposedly not face any risks to their lives from the ongoing conflict. However, when the Panamanian authorities deported Vivian to Cupica, she was rejected by a local community antagonistic to the presence of so many displaced persons. Unable to remain, Vivian was forced to move back home to a place where her security could not be guaranteed. Each time, the deportations were carried out with the explicit complicity of the Colombian and Panamanian authorities.

While mass deportations have not been carried out since 2003, these actions have been replaced by a series of individual deportations of unsuccessful asylum seekers, who are considered undocumented migrants.

"Unable to remain, Vivian was forced to move back home to a place where her security could not be guaranteed."

Upon arrival, asylum seekers receive inadequate legal assistance and very little information on the refugee status determination procedure before they submit their



Colombian refugee child in southern Panama (Kevin Sánchez Saavedra/ JRS)

application to ONPAR. It is therefore extremely difficult for them to prepare their cases for asylum. Many Colombians flee their country of origin fearing generalised violence; unable to prove the violence they face amounts to personalised individual persecution, they run the risk of being forcibly deported after being refused refugee status by the Panamanian authorities.

Nevertheless, many asylum seekers, if not most, may still fit into the refugee definition under the Geneva Convention. The problem is that they need to prove this and are not given the necessary tools to do so. This flawed process fails to protect these refugees. Year after year, month after month, the number of forcibly returned individuals attests to this. ■

## Repatriation and land

### Land disputes need to be settled with haste

Nicolas Clemesac, Advocacy Officer, JRS Grands Lacs

Civil war and ethnic conflict, the source of two mass exoduses from Burundi in recent years, have cost the lives of up to 700,000 people and displaced as many as two million others. Since the peace agreement in Burundi in 2005, refugees have been returning en masse. More than 340,000, mostly from Tanzania, have already gone home.



In this densely populated and fertile country land is a source of conflict, Burundi (Nicolas Clemesac/ JRS)

Once home, returnees have to deal with reintegration issues and, above all, the problem of reclaiming their land. Owning land is essential in a country where 90 percent of the population earn their living from agriculture. This is an important stake for returnees who want at last to live like those who stayed in Burundi during the crises. Reclaiming land is a long and difficult process. High population density and growth further hinder this process. With 350,000 displaced persons yet to return, the situation is expected to deteriorate further.

The causes of land disputes are numerous. Refugees sold, rented, or requested third parties to oversee their land in their absence. Tenants or guardians sometimes claim these lands and dispute ownership with the original owners returning home. In other cases, refugee parents sold their land without telling their children born in exile.

Returning to Burundi, convinced they will work the land of their parents, the children discover they are no longer the owners. Other disputes are related to expropriation of refugee land by public authorities.

"With 350,000 displaced persons yet to return the situation is expected to deteriorate further."

In Ruyigi, where JRS is based, the situation is by no means the worst for land disputes. Plots are very often only partially occupied, meaning returnees can live on the



For landless Burundians, food security is a major issue (Nicolas Clemesac/ JRS)

remaining part while the dispute is being resolved. The proximity of Ruyigi province to Tanzania also minimises the gravity of land disputes. Many refugees returned regularly to their land, preventing others from coveting their property. This is not to underestimate the seriousness of the land ownership problem in Ruyigi, since some disputes have led to bloodshed.

When the property of a returnee is disputed, several possibilities are available. First of all an appeal may be made to the Bashingantahe, a local traditional assembly of wise men charged with settling disputes. Its members try to find a solution which is satisfactory to all. Returnees appeal to them first since they are well known, accessible and provide free and faster verdicts than courts of law. Nevertheless, the Bashingantahe are often corrupt.

Further, Bashingantahe decisions are not binding and can be challenged in court, as happened in the case of Balthazar (not his real name). After he fled Ruyigi province to Tanzania in 1993, his neighbour took possession of his land. On his return in 2002, his neighbour refused to give it back so Balthazar brought his dispute before the Bashingantahe. This common law authority ruled in Balthazar's favour after he presented two witnesses to certify the land was his. Unhappy with this sentence, the neighbour brought the issue to court and in June 2007 the case was still pending.

Local NGOs, such as ACCORD, are equally engaged in the resolution of land conflicts and organise meetings between returnees, those who have occupied their land and the Bashingantahe. In many cases, these mechanisms are successful, as Lucien, a 34-year old returnee, found. Lucien tried to reclaim the land he was forced to sell at below market value before fleeing the country. ACCORD mediated between Lucien and his neighbour, Didace. In this case, a solution was found. Lucien accepted that Didace is still the owner on condition that he pays

him the market price for the land. If reconciliation fails, the returnee can appeal to the local courts. However, the plaintiff must pay approximately two US dollars to bring a case to a lower court and four to appeal a decision to a higher court. For the majority of Burundians, who survive on less than a dollar a day, this can be a considerable obstacle. In addition, court procedures are generally extremely slow.

Last March, the government established a Commission for Land and other Property, responsible for settling land disputes. Though operational, the Commission is unfortunately extremely under-resourced. If future disputes are to be reduced, all the actors — government, NGOs and the international community — need to ensure the procedures work more quickly. More resources also need to be made available to those involved in informal mediation procedures. Above all, returnees need more information on their rights and how to claim back their land. If the remaining refugees in the region return to this present situation, further and more serious conflict can be expected.

"More resources also need to be made available to those involved in informal mediation procedures."

High population density in an agriculturally-based economy is at the heart of the problem. In this sense, returnees may be a benefit to the community. Many of them have acquired expertise in exile which allows them to develop alternative activities such as tailoring, mechanics or carpentry. Many returnee children received free education in refugee camps. They will perhaps be able to choose a non-agricultural profession and take part in the development of a service and manufacturing industry. ■

## Basic service provision underpins sustainable repatriation

### International assistance key in the short-term

Saluwen Yoasa, Yei Project Director, JRS Sudan

In 1983, when war broke out in Sudan for the second time since independence in 1956, refugees fled to neighbouring countries, mainly the Democratic Republic of Congo, Ethiopia, Kenya and Uganda. Those host countries were already facing their own problems and were unable to guarantee their own citizens an adequate standard of living. Meeting the immediate and long-term needs of refugees was not a priority.



JRS-supported secondary school for girls, Yei, Sudan (Don Doll SJ/ JRS)

In 2005, following the Comprehensive Peace Agreement between the Sudan People's Liberation Army and the government of Sudan, southern Sudanese refugees began to return home. Unfortunately, reintegration for upwards of 145,000 returning refugees is being hindered. In exile, refugees received little or no opportunity to develop their skills. Once back in this war-devastated society, it is difficult for returnees to gain access to basic services. The international community has been unable to meet all the needs of the returnees. They are unprepared for life at home.

Shortages of food assistance for returnees are indicative of gross difficulties concerning the repatriation process. In principle, refugees are entitled to a return and integra-

tion package which includes six months of food rations. This should give returnees enough to become food self-sufficient. However, food supply inadequacies are constantly raised at routine People's Protection Coordination meetings between UN agencies, NGOs and government officials. In May this year, a group of 187 refugees who returned from exile in the Democratic Republic of Congo asked JRS pastoral staff in Sudan to raise concerns with relevant agencies regarding the supply of food. The chairperson of the group complained of serious problems faced by some families in receiving food rations. Even though typical food rations should comprise more than half a kilogramme of food per person per day (or 2,100 kilocalories), one refugee family of seven reported receiving approxima-



JRS in-service teacher training workshop, Yei, Sudan (Don Doll SJ/ JRS)

tely half this amount. Moreover, the long neglect of southern Sudan has hindered the development of the economy and the provision of basic social services. Adequate education services are just not available. Poor or non-existent skilled labour has, in turn, hampered the development of other services. These historical challenges have been compounded by the lack of sufficient resources made available to those managing the repatriation process.

Last August, the local authorities in Yei, bordering Uganda, undertook a report on education facilities in the county. The findings were disturbing. Among other conclusions, the report cited the absence of toilet facilities for both boys and girls in all but 23 of 81 primary schools, and that in just 13 schools children were taught in permanent classroom structures. It also found that only 32 schools were situated within half a kilometre of access to drinking water and a mere 13 schools within a kilometre of a health facility. Even more shocking just 69 teachers out of 750 had received formal training. Schools in urban areas were better equipped; consequently, the population tends to concentrate in towns. JRS-supported schools, comprising 18% of schools, host 40% of the local school-going population. This places further pressure on JRS-delivered education services.

"...just 69 teachers out of 750 had received formal training."

NGOs and UN agencies have limited resources to provide comprehensive education to all refugees. Even though Uganda is regarded as one of the better countries in providing refugee protection, it is extremely difficult for refugees to gain access to tertiary education to enhance

their labour market skills. Therefore, very few refugees return with the necessary skills and capital to start a new life in Sudan.

Outside the education system, refugees in Uganda who had capital were allowed to engage in commerce, so they return with capital to invest and are able to make a living out of the profits. The majority of the refugees made a living cultivating small plots of land allocated to them by the state. They return with nothing that would enable them to make a decent living without assistance from UN agencies, humanitarian NGOs and relatives.

"...it is extremely difficult for refugees to gain access to tertiary education..."

In the health sector, shortages of financial and skilled human resources make accessing health facilities a last resort. In June last year, when a JRS staff member was taken to Yei local hospital unconscious after a car crash, personnel lacked the medicines to treat him properly. The patient was only admitted after colleagues bought the prescribed medicines from a local pharmacy and gave them to hospital personnel.

Organisations cannot change the past, but they can influence the future. Refugee return takes place within the context of post-war reconstruction. The arrival of significant numbers of returnees places a strain on receiving populations. In the long-term, this situation can only be mitigated by increasing the capacity of the government to provide basic services and of the economy to create employment. In the interim, the international community must ensure these basic needs are met, in particular the need for food and sanitation facilities. Otherwise the stability of the process risks being compromised. ■

## When return is not feasible

The international community has an obligation to provide real alternatives

Maria Iriza-Muñoz CCV, JRS Guinea Director

Approximately 12,000 Liberians are still living in two refugee camps in N'Zérékoré region in the western African Republic of Guinea. The repatriation programme promoted and facilitated by the UN refugee agency (UNHCR) ended on 30 June 2007. However, few of these Liberians have gone home. Some still fear persecution or feel they have nothing to return to. Others, after up to 17 years of dependence on humanitarian assistance, fear the future.



Refugee repatriation from Lainé camp (Maria Iriza-Muñoz CCV/ JRS)

Many refugees feel unprotected and abandoned to their fate without the minimum conditions necessary to live in dignity and safety. They long to be resettled in a third country where there are real opportunities. This can lead to enormous frustration and desperation. It is certain that resettling all 12,000 is out of the question. Yet, whether they return to Liberia or stay in Guinea, the international community has an obligation to ensure they are equipped to live in dignity.

Since last year's elections in Liberia, a new government led by President Johnson-Sirleaf has taken office and the international community, principally the European Union and the United States, has invested enormously in the country. UN agencies are busy rebuilding the country's infrastructure as quickly as possible. Despite all this, for those who returned home the decision was not an easy one.

Returnees find their country devastated and their homes destroyed. The infrastructure system — roads, public healthcare, education and security services — is poor or non-existent. They find themselves unemployed without enough money to feed their families. The majority of returnees choose to go to Monrovia, the capital, where most opportunities lie. Yet, life in this city is not without risks. Those who wish to earn some money before returning to their home counties frequently find a city full of crime and prostitution. Education, rent and transport are all expensive. Even though there is still much to do, the economy has started to pick up.

Nor is the situation very promising for those who remain in Guinea. Devastated by poor management, rampant corruption and international isolation, the social fabric of the country is fragile and its natural resources are in the hands of a minority. There are few prospects for Guineans, and even fewer for refugees.

Without social services or state assistance, people open small businesses or work the land to eke out a living. A multi-ethnic and multi-religious society, Guinea offers refugees an opportunity to integrate into local communities. However, they face challenges in gaining access to education, healthcare, land and the labour market.

"There are few prospects for Guineans, and even fewer for refugees."

As the repatriation phase was coming to an end, UNHCR assistance to refugees integrating into their new communities was also about to cease. In fact, this assistance was minimal. Depending on whether they were planning to work the land or settle in an urban area, they received a tool kit to meet their particular needs, as well as food rations for a few months. Without the social support networks of the local population, this is just not sufficient for the many refugees who have remained in Guinea.

Many vulnerable refugees with large families are anxious. Sick and single refugees face uncertain futures. The young refugees are desperate, denied opportunities to get on in life. Women, whose children have lived all their lives enclosed in camps, worry. Consequently, apprehension, tension and violence regularly come to the surface.

In early June, refugees in Lainé camp revolted against the presence of UNHCR and NGOs. Their anger was directed against the organisations working in the camp, including the JRS socio-community service teams. The closure of the camps leaves these refugees at the mercy of Guinean society.

Two months of crises and general strikes brought about a change of government in Guinea at the end of February this year. Nevertheless, state welfare institutions have not been strengthened at all. Unless the refugees are assist-



Refugee departure centre, Lainé camp. (Gonzalo Sánchez-Terán/ JRS)

ed, they face substantially higher risks of being forced to live in poverty on the margins of Guinean society where employment opportunities are limited to prostitution and other exploitative activities.

JRS will accompany this vulnerable refugee population. By listening to refugees and working with local authorities, staff will continue to advocate on their behalf to generate the sustainable institutional change necessary to ensure that their rights are protected. However, there are limits to JRS resources and influence. The international community and the Guinean authorities need to be mobilised.

"Unless the refugees are assisted, they face substantially higher risks of being forced to live in poverty..."

Huge amounts of resources have been invested to encourage Liberians to go home. In Guinea, support has been reduced, coercing refugees to leave the camps. However, it is now time to support those who are unable to return home. Donor governments should fund UNHCR to facilitate their integration. Access to the necessary national documentation, and help to overcome legal and bureaucratic obstacles to essential service provision, should be guaranteed. Financial and technical assistance needs to be provided to help the refugees become economically independent. If some are still unable to survive in either Guinea or Liberia, then resettlement should be considered. ■

## Servir No. 41

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## How to help one person

The mission of JRS is to accompany, serve and defend the rights of refugees and forcibly displaced people, especially those who are forgotten about and who do not attract international attention. We do this through our projects in over 50 countries worldwide, providing assistance in the form of education, health care, pastoral work, skills training, income-generating activities and many more services to the refugees.

JRS relies for the most part on donations from private individuals and development and church agencies.

Here are some examples of how JRS funds are used:

- to assist a refugee to establish a small business in Darién province, Panama  
- \$25 US -
- to provide social services to a refugee for one year in Lainé camp, Guinea  
- \$25 US -
- to provide education services to a refugee child for one year in Mellit, Northern Darfur, Sudan  
- \$60 US -
- to raise the awareness of a forcibly displaced person of HIV/AIDS, Bujumbura, Burundi  
- \$60 US -
- to offer vocational education services to a returnee in Liberia for one year  
- \$300 US -
- to materially assist for one year a separated child seeking asylum in Pretoria, South Africa  
- \$800 US -

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[servir@jrs.net](mailto:servir@jrs.net)

Jesuit Refugee Service  
C.P. 6139  
00195 Roma Prati  
ITALY  
tel: +39 06 6897 7386  
fax: +39 06 6897 7380

[www.jrs.net](http://www.jrs.net)

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