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Burundi: Fragile peace at risk as refugees pressured to return

As hundreds of thousands of Burundian refugees flow back into Burundi under pressure from the Tanzanian government and just one week before the critical legislative elections planned in the country, Amnesty International today warned that the forcible return of refugees could destabilize the fragile peace process currently underway.

In a report released today, *Refugee rights at risk: Human rights abuses in returns to and from Burundi*, the organization laid strong criticism at the doors of the Tanzanian and Burundian governments, along with that of the Office of the UN High Commissioner for Refugees (UNHCR), saying that, "Tanzanian and Burundian government actions promoting premature return, coupled with UNHCR facilitation of these returns, is leaving refugees in little doubt that they are being pressured to leave Tanzania as soon as possible."

"Although the UNHCR has not been actively promoting return for Burundian refugees, it's 'facilitating' role in the return process -- especially in the context of the Tanzanian government's hostile attitude to their continued stay in the country -- has led many refugees to believe that the agency is actually promoting repatriation to Burundi," said Kolawole Olaniyan, Director of Amnesty International's Africa Programme.

"If the return process isn't managed properly, it could be a major destabilizing factor in an already delicate political situation in Burundi. We urge all parties to take measures to ensure that refugees are not forcibly returned, and the Tanzanian government in particular to abide by its responsibilities under international refugee and human rights law."

The organization also urged the government of Burundi to ensure the sustainability of any returns that have already taken place, including ensuring the prompt, fair and transparent resolution of all land and property disputes.

The government of Tanzania is urged in the report not only to ensure that all individuals seeking asylum in Tanzania have access to a fair asylum determination procedure, but also to ensure a secure legal status -- including residency rights -- to Burundian refugees who fled Burundi in 1972 as a result of massacres orchestrated by the Burundian military. These long-term refugees have already attained a significant degree of socio-economic integration in Tanzania.

Background

The term "facilitation" is used by the UNHCR to indicate assistance it will provide to refugees who wish to return home despite UNHCR advice that conditions on the ground are not conducive for a return in safety and dignity. This assistance should include accurate information about the current human rights situation in the country and realistic advice on the difficulties they may face upon return. This is in contrast to UNHCR "promotion of repatriation", which is only done when the agency believes the situation in the country of origin is stable enough -- including a meaningful improvement in the human rights situation -- to allow for the active encouragement of refugee return.

Under international refugee law, the return of a refugee to his/her country of origin should be voluntary, sustainable and safe.

The principle of *non-refoulement* is a well-established principle of customary international law that ensures that no one shall be returned to a country where he or she is at risk of serious human rights violations. It is further set out in Article 33 of the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, and is reaffirmed in Article 2 (3) of the 1969 Organization of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa.

Large numbers of refugees have returned to Burundi only to find that conditions in their home areas are not yet sustainable. Some manage to find their way back to refugee camps in Tanzania, where they are often labeled by the Tanzanian government and the UNHCR as "recyclers" trying to secure additional return packages. As many are afraid of being sent back to Burundi, they tend to live secretly in the camps, relying on the charity of other refugees.

Public Document

For more information please call Amnesty International's press office in London, UK, on +44 20 7413 5566

Amnesty International, 1 Easton St., London WC1X 0DW. web: <http://www.amnesty.org>

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