

AMNESTY INTERNATIONAL PRESS RELEASE

AI Index: AFR 47/018/2004 (Public)
News Service No: 311
15 December 2004

Embargo Date: 15 December 2004 00:01 GMT

Rwanda: Refugees must be protected

Amnesty International today urged the UN High Commissioner for Refugees and countries in the Great Lakes region to provide robust protection and assistance to Rwandese refugees.

"Repatriating refugees to Rwanda prematurely for the sake of political and financial expediency will only cause unnecessary human suffering and set the stage for further unrest," the organization warned. "The focus should be on ensuring viable solutions based on the informed and voluntary consent of refugees."

In a new report, *Protecting their rights: Rwandese refugees in the Great Lakes region*, Amnesty International provides a critical examination of past and present voluntary repatriation operations in Tanzania, Uganda, the Democratic Republic of Congo and other countries in the region. The report also clearly sets out why conditions in Rwanda continue to warrant the international protection of Rwandese refugees.

Refugees from the Great Lakes region, and particularly those now in Tanzania, are facing increasingly severe restrictions on their movement, income generation activities, cuts in their food rations and pressure from their home and host governments to repatriate.

"There seems to be a concerted effort in the Great Lakes region to thwart international refugee law and deny protection to legitimate Rwandese refugees. However, no one can honestly claim that there has been a fundamental and durable change in the human rights situation in Rwanda that would eliminate many refugees' 'well-founded fear of persecution'", Amnesty International said.

The reports main findings include:

- Thousands of Rwandese asylum-seekers and migrants expelled from Tanzania, sometimes suffering physical violence, forcible separation from their families and destruction of their homes;
- Forced repatriation of demobilized Rwandese members of armed political groups in the Democratic Republic of Congo;
- The increasingly forceful language and measures used to encourage Rwandese to return home from Uganda or other neighbouring countries;
- Continuing human rights abuse in Rwanda including the repression of perceived opposition members, arbitrary detentions and torture;

The inability of returning Rwandese refugees to reclaim or access their land due to an overburdened and sometimes biased judicial system.

Amnesty International is urging host countries and the government of Rwanda to protect the rights of Rwandese refugees and to honour their obligations under the 1951 Convention Relating to the Status of Refugees and the Organization of African States Refugee Convention. All countries with the capacity to provide aid and material assistance should do so and donor countries must honour the pledges they make regarding the assistance of refugees.

Background

Since at least October 2002, various governments asked the UNHCR to consider the possibility of invoking the cessation clauses for international protection of Rwandese refugees, which would terminate international protection of fundamental human rights accompanying refugee status, replacing it with national protection in the refugee's country of origin or habitual residence. The issue of cessation resurfaced in later tripartite meetings between Tanzania, Rwanda and the UNHCR, between UNHCR and other countries hosting Rwandese refugees and at UNHCR Executive Committee meetings. The UNHCR has at various times considered total or partial application of the cessation clauses with respect to Rwandese refugees. At the present time, UNHCR has postponed a decision on this issue until mid-2006.

September 2002 meetings between UNHCR, Rwanda and Tanzania led to a change in UNHCR policy regarding Rwandese refugees. The agency moved from merely facilitating voluntary returns to the promotion of voluntary repatriation.

With the September 2002 change in UNHCR policy towards Rwandese refugees a host of tripartite agreements were negotiated between the UNHCR, Rwanda and a number of African countries hosting Rwandese refugees: Central African Republic, Burundi and Tanzania in 2002 and Zambia, the Republic of Congo, Uganda, Malawi, Namibia, Mozambique and Zimbabwe in 2003. An estimated 55,756 Rwandese refugees have been repatriated since the September 2002 shift in policy. UNHCR hopes to bring home all remaining Rwandese refugees, approximately 60,000, within the next 12 months, 40,000 of them in 2004.

For a copy of the report *Protecting their rights: Rwandese refugees in the Great Lakes region*, please see: <http://web.amnesty.org/library/index/engaf470162004>

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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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