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RWANDA / BURUNDI: RECENT RESEARCH VISIT HIGHLIGHTS NEED FOR HUMAN RIGHTS PROTECTION FOR REFUGEES RETURNING TO RWANDA AND BURUNDI

Two years ago this week, massacres began in Burundi that claimed some 50,000 lives in the following months and contributed to the region's continuing refugee crisis that has seen hundreds of thousands of people uprooted and terrorized about returning to their homes out of fear of human rights violations. The overwhelming majority of Rwandese refugees who fled their country in the aftermath of the genocide in 1994 are still living in refugee camps in neighbouring countries.

"The international community has a moral obligation to assist Rwandese and Burundi refugees to return voluntarily and to ensure that the authorities in Rwanda and Burundi improve the human rights situation there to encourage their return," according to a five-person Amnesty International research team that has recently returned from visiting Rwanda, Burundi and Zaïre.

The delegates warned of a potential human rights disaster if Zaïre carries out its threat to forcibly expel around one million refugees if they do not leave by 31 December 1995.

"Amnesty International is concerned at the apparent readiness of the international community to try to comply with the arbitrary and unrealistic deadline imposed by Zaïre," according to the delegates. "If forced repatriation occurred, it would breach international law regarding the protection of refugees."

Amnesty International reminded the international community that Tanzania too has expressed impatience with the prolonged presence of around 700,000 Rwandese and Burundi refugees. Such statements heighten fears that a mass return of refugees without full guarantees of return in safety and dignity is likely to trigger widespread human rights violations.

The organization urged all parties responsible for ensuring the safe return of refugees to continue seeking ways to promote genuine voluntary repatriation - without the pressure of refoulement if unilaterally-imposed deadlines cannot be met. It appealed to countries hosting refugees to withdraw their threats to forcibly expel refugees and appealed to the governments of Rwanda and Burundi to persist in efforts to create a climate conducive to return.

"Justice is the key to voluntary return," Amnesty International said. "The vast majority of Rwandese and Burundi refugees will remain reluctant to return to their country as long as they fear becoming victims of the injustice - or absence of justice - which awaits them."

In Burundi, virtually no action has been taken to stop the daily killings of unarmed civilians by the security forces and armed opposition groups. Burundi refugees are afraid to return to the widespread violence and overwhelming insecurity in their country.

The United Nations (UN) Commission of Inquiry set up to investigate the massacres in Burundi has still not begun its work, despite a resolution adopted by the UN Security Council on 28 August 1995. A UN human rights operation in Burundi is still waiting for the minimum resources required to effectively begin functioning. At present, funding is only available for five human rights observers for the whole country.

In Rwanda, Amnesty International reiterated its concern about ongoing human rights violations, particularly arbitrary arrests, detention without charge or trial of around 55,000 detainees in prison conditions amounting to torture, "disappearances" and extrajudicial executions, including the massacre of at least 110 people in Kanama on 11-12 September 1995. However, the organization stressed that human rights violations in Rwanda are not taking place on the scale described by extremists in the refugee camps. The organization welcomed efforts by the UN High Commissioner for Refugees and others to provide refugees with accurate information about the real human rights situation and encouraged them to step up these programs.

The Amnesty International delegation pointed out that justice can only be achieved if the international community assists Rwanda and Burundi with the urgent need to rebuild a fair and functional system of justice, which excludes the death penalty.

"Without international assistance, cycles of killings and reprisals can only continue," they said. "We deeply regret the rejection by the Rwandese Transitional National Assembly of legislation which would have enabled foreign jurists to work in Rwanda - a practice which is used in many countries - and appeal for this decision to be reconsidered."

People in Rwanda are rapidly losing faith in the collective will of the international community to bring to justice those responsible for the massacre of up to one million people in 1994. Amnesty International continues to be concerned at delays in the operation of the International Criminal Tribunal for Rwanda. Almost one year after the UN decided to establish the tribunal, it has still not issued its first arrest warrants. The tribunal has been delayed by the failure of the international community to provide adequate resources, aggravated by the now partially lifted UN budget freeze, and by UN rules under which it can take up to six months to hire staff.

Meanwhile, perpetrators of the genocide are still at large. Some of them operate in the refugee camps where they continue to physically and psychologically intimidate Rwandese refugees in Zaïre and Tanzania. These tactics are aimed at preventing a mass return in order to retain control over the refugee population. The extremists are deliberately spreading false rumours that all returnees will be tortured or killed as soon as they reach Rwanda.

Amnesty International delegates interviewed some of the few refugees who have voluntarily returned to Rwanda and others who were forcibly expelled by Zaïre between 19 and 24 August 1995. These returnees were surprised to find relative peace in Rwanda. However, this peace is extremely fragile and may be short-lived.

Despite government promises, measures to safeguard the human rights of returnees are still largely absent. Some authorities in Rwanda and Burundi are making efforts to prepare for the return of refugees. For example, in Rwanda, procedures are being instituted to limit illegal

occupation of property. However, these initiatives appear to focus mainly on logistical aspects.

"The ultimate responsibility for ensuring the safety of returnees lies with the government," Amnesty International said.

During their mission, AI delegates also gathered information on continuing human rights abuses by militia suspected of involvement in the massacres in Rwanda in 1994. They expressed particular concern about a wave of recent armed incursions into Kibungo, in southeastern Rwanda, by groups operating from refugee camps in Tanzania. In at least two separate incidents in September 1995, unarmed civilians, including children as young as six, have been brutally killed and others seriously injured. These incursions appear aimed partly at eliminating witnesses who may identify future returnees as having participated in the 1994 massacres, and partly at further destabilizing the situation in Rwanda. Similar incursions are reported to be continuing along Rwanda's western border with Zaïre.

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