

EXTERNAL

AI Index: AFR 02/17/97

UA 60/97

Threat of refoulement / fear for safety

6 March 1997

KENYA/ZAIRE/RWANDA101 Rwandese refugees in Kenya

101 Rwandese refugees, including men, women and 59 children, arrived in Kenya from eastern Zaire between 27 February and 1 March 1997. They are seeking asylum in Kenya but have been denied entry by the Kenyan authorities who are threatening to deport them to Rwanda or back to Zaire. Amnesty International believes that they would be at risk of grave human rights abuses in either of these two countries.

The refugees reportedly arrived at Wilson airport, in the Kenyan capital, Nairobi, on a private aeroplane, from Kisangani in eastern Zaire. Like many other refugees, they are thought to have been fleeing the increasing violence in the region, particularly the fighting between the Zairian security forces and the *Alliance des forces démocratiques pour la libération du Congo-Zaire* (AFDL), Alliance of Democratic Forces for the Liberation of Congo-Zaire, as AFDL troops advance towards Kisangani.

The Kenyan authorities have reportedly refused to grant the refugees asylum. They reportedly proposed to send the refugees to Rwanda but the refugees refused. The Kenyan authorities are reportedly seeking ways to send them back to Zaire. The refugees are currently still waiting at the airport in Nairobi. They appear to be at risk of imminent *refoulement* to either Rwanda or Zaire.

BACKGROUND INFORMATION

Amnesty International has received numerous reports of deliberate and arbitrary killings of Rwandese refugees in eastern Zaire since fighting began in the area in October 1996. Refugee camps have been deliberately targeted; the total number of victims is still unknown as access to the area is severely restricted by the AFDL. Hundreds of thousands of refugees returned to Rwanda in November 1996.

In Rwanda, the human rights situation has also deteriorated since the end of 1996. Arbitrary arrests, ill-treatment, detention in life-threatening conditions, "disappearances" and killings have increased since the mass return of hundreds of thousands of refugees from Zaire in November 1996. Returnees from Zaire and other neighbouring countries have been among the victims of these human rights violations.

Many of the Rwandese refugees who fled Rwanda in July 1994 are believed to have participated in the 1994 genocide. However, many others who may have played no part in the killings fled for fear of reprisals by the Rwandese Patriotic Front (RPF).

RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express or airmail letters in English or your own language:

- expressing concern at reports that the group of Rwandese refugees currently at Wilson airport in Nairobi are being denied asylum by the Kenyan authorities;
- appealing to the Kenyan authorities not to forcibly expel them to Rwanda or Zaire as they would be at serious risk of human rights abuses in either country;
- seeking assurances that Kenya will abide by its international obligations (under the 1951 United Nations Convention Relating to the Status of Refugees

and the 1969 Convention of the Organization of African Unity) to protect refugees and not to return them to a country where they will be at risk.

APPEALS TO:

President Daniel arap Moi
Office of the President
PO Box 30501, Nairobi, Kenya
Fax: +254 2 337340 (if no tone, please try later)
Telegrams: President Moi, Nairobi, Kenya
Telex: 22003 FOREIGN ROB / 22796 FOREIGN RB
Salutation: Your Excellency

Mr Stephen Kalonzo Musyoka
Ministry of Foreign Affairs and Internal Cooperation
Harambee Avenue, PO box 30551, Nairobi, Kenya
Fax: +254 2 335494
Telegrams: Foreign Minister Musyoka, Nairobi, Kenya
Salutation: Dear Minister

Mr Amos Wako
Attorney General
PO Box 40112, Nairobi, Kenya
Fax: +254 2 211082
Telegrams: Attorney General Wako, Sheria, Kenya
Salutation: Dear Attorney General

Mr Duncan Wachira
Commissioner of Police
Kenya Police Headquarters
PO Box 30083, Nairobi, Kenya
Telegrams: Commissioner Wachira, Police, Kenya
Salutation: Dear Police Commissioner

COPIES TO: diplomatic representatives of Kenya accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 17 April 1997.