

AMNESTY INTERNATIONAL PRESS RELEASE

AI Index: AFR 16/005/2005 (Public)
News Service No: 160
13 June 2005

Burundi: 8,000 asylum seekers facing expulsion

As thousands of Rwandese asylum-seekers are being forcibly expelled from Burundi, Amnesty International said today that their forcible return is in complete contravention of international refugee and human rights law.

The governments of Rwanda and Burundi claimed yesterday that the 8,000 asylum-seekers, the majority of whom are staying at Songore transit camp in Ngozi province and fled to Burundi beginning in early April, are illegal immigrants and would be expelled -- by force, if necessary.

"The use of verbal or physical threats to induce people to return to countries where they fear persecution is in complete contravention of international law -- in particular the binding principle of *non-refoulement*," said Kolawole Olaniyan, Director of Amnesty International's Africa Programme.

"We urge the government of Burundi to implement fair and transparent asylum procedures to establish the risks of return for every single person claiming asylum -- as is their duty under international law."

Many of the Rwandese at risk of return reportedly fled the ongoing work of the *gacaca* tribunals, which are currently gathering information about crimes committed during the 1994 genocide in Rwanda. Others cited threats of intimidation, persecution and rumours of revenge as reasons for leaving Rwanda.

For those who have already been expelled, Amnesty International said that close monitoring of their safety and security must be undertaken by an independent monitor, such as the UN High Commissioner for Refugees.

Background

Article 1(F) of the UN Refugee Convention excludes from international protection persons with respect to whom there are serious reasons for considering that they have committed a crime against peace, war crimes, crimes against humanity, serious non-political crimes, or are guilty of acts contrary to the purposes and principles of the United Nations.

However, determination to exclude an individual from refugee status on grounds recognized under the Refugee Convention should only be made after full consideration of his/her asylum claim in a fair procedure in accordance with international law and standards, including the right to be informed of the evidence for exclusion, to rebut the evidence and to appeal against a negative decision to grant refugee status.

A decision to exclude a person from the protection of the Refugee Convention does not mean, however, that Burundi can expel or extradite a person to a country where they would risk serious human rights abuses or face unfair trial.

For further information, please see "*Burundi: Rwandan asylum seekers should have access to fair and satisfactory refugee determination procedures*", 19 May 2005 (<http://web.amnesty.org/library/index/engaf160042005>).

Public Document

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