

EXTERNAL

AI Index: AFR 02/36/96

EXTRA 189/96

Fear of refoulement

6 December 1996

TANZANIA / RWANDA

More than 500,000 Rwandese refugees in Tanzania

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The Tanzanian Government and the United Nations High Commissioner for Refugees (UNHCR) have issued a joint statement, dated December 1996, in which the Government of Tanzania states that all Rwandese refugees can now return to their country in safety and that all of them are expected to return home by 31 December 1996.

Amnesty International is concerned that the statement is tantamount to a decision to forcibly return the refugees to Rwanda. The organization fears that on their return, some of the refugees may be at risk of serious human rights violations including arbitrary arrest, ill-treatment, detention in life-threatening conditions, "disappearance" or extrajudicial execution.

A decision to forcibly return the refugees would disregard the basic human rights of refugees and Tanzania's commitments under international law. The deadline of less than a month for the return of the refugees - who have shown little sign of wanting to return to Rwanda in the last two years - puts unacceptable pressure on the refugees. The statement makes no mention of options for those refugees who continue to fear human rights violations in Rwanda.

Amnesty International has also expressed its concern about UNHCR's role in cooperating with repatriation under these conditions.

#### **BACKGROUND INFORMATION**

The joint statement comes shortly after the return of around 500,000 Rwandese refugees from Zaire in mid-November 1996. Most of those refugees fled Zaire because of more immediately life-threatening conditions there; their camps were under attack, they no longer had access to food or humanitarian aid and staying in Zaire would have meant certain death. To date, there have not been large-scale arrests or killings of these returnees in Rwanda. However, it is still far too early to judge their longer-term safety in the country. Earlier in 1996, tens of thousands of Rwandese refugees returned from Burundi, fleeing violence. More than 1,000 have since been arrested in Rwanda.

Senior representatives of the Rwandese Government have stated publicly and in meetings with Amnesty International delegates that measures will be taken to ensure the safety of returnees. Amnesty International welcomes assurances that arbitrary arrests will be stopped, that some prisoners will be released to ease the overcrowding in detention centres - there are currently around 87,000 prisoners in detention without charge or trial - and that properties will be restored to their rightful owners. However, close monitoring is needed to ensure that these promises are fulfilled and that longer-term safeguards against human rights violations are put in place. In particular, a fair and functional system of justice must become operational to charge and try those who participated in the genocide in Rwanda in 1994.

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

- expressing concern at the joint statement of December 1996 issued by the Tanzania government and UNHCR which appears to amount to a decision to forcibly return Rwandese refugees in Tanzania to Rwanda by 31 December 1996;

- expressing concern that if the refugees are returned to Rwanda some may be at risk of human rights violations including arbitrary arrest, ill-treatment, detention in life-threatening conditions, "disappearance" or extrajudicial execution;
- asking for immediate assurances that those refugees who have a well-founded fear of human rights violations in Rwanda will not be forced back to Rwanda;  
**if possible, also:**
- point out that any *refoulement* would be in contravention of Tanzania's obligations under the 1951 Convention relation to the Status of Refugees and the Organization of African Unity's Convention governing specific Aspects of Refugee Problems in Africa which outline the fundamental principle on non-*refoulement* and provide that no one should be forcibly returned to a country where they risk serious human rights violations.

**APPEALS TO:**

His Excellency Ndugu Benjamin William MKAPA  
Office of the President  
State House  
PO Box 9120  
Dar es Salaam, Tanzania  
**Fax: + 255 51 469 13**  
**Telegrams: President, Dar es Salaam, Tanzania**  
**Salutation: Dear President of the United Republic**

Edgar MAOKOLA Majogo  
Office of the Ministry of Defence  
PO Box 9544  
Dar es Salaam, Tanzania  
**Telegrams: Defence Minister, Dar es Salaam, Tanzania**  
**Salutation: Dear Minister**

The Hon. Ndudgu Ali Amer MOHAMMED  
Minister of Home Affairs  
PO Box 9000  
Dar es Salaam, Tanzania  
**Telegrams: Home Affairs Minister, Dar es Salaam, Tanzania**  
**Telex: 41231**  
**Salutation: Dear Minister**

**COPIES TO:**

Dr Ephraim KABAIJA  
Adviser to the President and Chair of the Committee on Repatriation  
Office of the President  
BP 15  
Kigali, Rwanda  
**Fax: 250 84769 or 84390**

Monsieur Patrick MAZIMHAKA  
Ministre de la Réhabilitation et de l'Intégration sociale  
Ministère de la Réhabilitation et de l'Intégration sociale  
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and to diplomatic representatives of TANZANIA / RWANDA accredited to your country.

**PLEASE SEND APPEALS IMMEDIATELY.** Check with the International Secretariat, or your section office, if sending appeals after 5 January 1996.