

4 September 1997

Further information on EXTRA 115/97 (AFR 36/04/97, 18 August 1997) - Fear of refoulement

MALAWI Around 765 Rwandese refugees and around 470 refugees from the Democratic Republic of Congo

On 18 August 1997, a representative of the Malawian Government issued a statement on national radio announcing the government's decision to repatriate refugees from Rwanda and the Democratic Republic of Congo (DRC) "because there is a degree of peace and stability in the two countries."

Amnesty International visited Dzaleka refugee camp on 29 August and spoke with Rwandese and Congolese refugees, as well as with Malawian government authorities, who cooperated with Amnesty International in facilitating on-the-spot investigations. The Malawian authorities assured Amnesty International that refugees who did not want to return would not be forcibly repatriated.

There are currently around 300 Rwandese and Congolese refugees left in Dzaleka camp. Others fled in mid-August; some reportedly made their way into Zambia, others to Mozambique. The police presence around Dzaleka camp has been reduced.

However, the authorities confirmed that the police were instructed to bring back to Dzaleka any refugee found outside the camp without an official pass.

According to the Malawian authorities, in the course of a preliminary registration exercise during the last two weeks, 49 Rwandese refugees and 133 DRC refugees signed a form indicating their consent to voluntary return, while more than 100 Rwandese and more than 150 DRC refugees said they did not want to return.

Refugees told Amnesty International that some had felt compelled to sign the form consenting to voluntary return because of the police presence and claimed they had been told that if their asylum claim was rejected during the screening process, they would be denied further assistance or be forced to return to anyway. Both Rwandese and Congolese refugees said they were afraid to return to their home country for fear of persecution; some gave detailed accounts of how other returnees, including their relatives, had been killed or "disappeared" on return to Rwanda.

Amnesty International believes that these fears are well-founded in view of the persistent patterns of human rights abuses in Rwanda and the DRC and the fact that many returnees from other countries have been among the victims of killings, "disappearances" and other human rights abuses in recent months.

A re-screening operation that began this week is due to be carried out over the next few weeks. The refugees' asylum claims are to be studied by a panel of protection officers of the United Nations High Commissioner for Refugees (UNHCR) and Malawian government lawyers. All refugees, including those who indicated consent to repatriation, are to be screened. Details about the scope and methods of the screening are not yet known. However, there are indications that refugees will be questioned not only about their reasons for fearing return, but also about their involvement in the genocide in Rwanda in 1994.

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

- seeking assurances that the screening process for refugees will be fair and satisfactory and conform with the fundamental standards for refugee determination procedures laid out in the UNHCR Handbook on Procedures and Criteria for Determining Refugee Status; also asking for assurances that the body conducting the screening be completely independent;
- asking for assurances that those making decisions on the asylum claims of refugees take into account all available information on the current human rights situation in Rwanda and the DRC, relating in particular to recent human rights abuses against returnees, including extrajudicial executions and "disappearances";
- stressing that if individual refugees are suspected of having participated in massacres and other crimes, thorough and independent judicial investigations should be launched into these allegations to enable a quick decision to be reached on whether they should be prosecuted; stressing that the screening process should not serve as a substitute for such investigations;
- appealing to the Malawian authorities to continue providing protection to those refugees who have well-founded fears of return and to fulfill their promises that no refugee will be forcibly repatriated.

APPEALS TO:

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COPIES TO:

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and to diplomatic representatives of Malawi accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 5 October 1997.