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TANZANIA / RWANDA: INTERNATIONAL COOPERATION IN FORCING RWANDESE REFUGEES BACK FROM TANZANIA

In a joint statement issued by the Tanzanian Government and the United Nations High Commissioner for Refugees (UNHCR) dated December 1996, 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 this statement, addressed to all Rwandese refugees in Tanzania, makes no mention of options for those refugees who continue to fear human rights violations on return to Rwanda.

“The refugees are not just an anonymous mass of half a million people who can be treated in an identical fashion,” Amnesty International said. “There may be many among them who would be at risk on return. It is the responsibility of governments where they have sought asylum and of the UNHCR to ensure that such people have protection.”

In this unprecedented situation, over half a million people are being expected to return at less than one month's notice, with apparently no provision for those who continue to fear human rights violations in Rwanda to exercise their right to seek asylum.

This is a departure from situations elsewhere in the world where UNHCR has been closely involved and where some provisions have been made for identifying those who may be at risk in the country they would return to.

“Overlooking individuals' well-founded fears of return without giving them a chance to have their case examined could amount in some cases to a violation of the fundamental principle of non-refoulement,” Amnesty International said.

The joint statement makes no mention of the continuing human rights problems in Rwanda, where around 87,000 prisoners -- many of them arbitrarily arrested -- are detained without charge or trial in life-threatening conditions and where the justice system is still not functioning. Amnesty International has also documented a pattern of “disappearances” and extrajudicial executions in Rwanda which have persisted throughout 1996.

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. The organization welcomes assurances that arbitrary arrests will be stopped, that some prisoners will be released to ease the overcrowding in detention centres 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.

The Tanzanian Government and the UNHCR should insist on clear independent evidence of respect for human rights by the Rwandese Government, before sending refugees back to an otherwise uncertain future, Amnesty International said. Until proper safeguards have been established, it cannot be concluded that it is safe for all Rwandese refugees to return.

Amnesty international is concerned that the international community has been playing down the real level of human rights violations in Rwanda in order to entice refugees to return.

“This decision by the Tanzanian Government to expel more than half a million Rwandese refugees to an uncertain fate in Rwanda disregards the basic human rights of refugees and Tanzania’s commitments under international law,” Amnesty International said.

“By issuing this joint statement, the UNHCR is effectively rubber-stamping this decision by Tanzania which contravenes its own basic principles of protection of refugees. Instead, the UNHCR should be publicly protesting at Tanzania’s decision.”

“A deadline of less than a month for the return of around 550,000 refugees who have shown little sign of wanting to return to Rwanda in the last two years is not only unrealistic, but creates unacceptable pressure on the refugees,” Amnesty International said.

UNHCR officials have stated that this will not be a forced return, yet the refugees appear not to have been allowed to decide individually whether they can return. A return in these circumstances would effectively amount to forcible repatriation.

Amnesty International is appealing for an immediate withdrawal of the decision by the Tanzanian Government to expel all Rwandese refugees by 31 December 1996 and is urging the UNHCR to desist from taking any actions which would condone this decision. The joint statement also requires that any “vulnerable persons” be identified by Monday 9 December.

Amnesty International delegates were present in Rwanda when around 500,000 refugees returned from Zaire in mid November 1996. To date, there have not been large-scale arrests or killings of these returnees in Rwanda. However, in view of the persistent pattern of human rights violations in Rwanda, it is still much too early to judge their longer-term safety in the country. This therefore constitutes an inadequate basis for concluding that refugees from Tanzania can now also return in safety.

The situation of refugees in Tanzania is significantly different from those in Zaire and Burundi.

“One of the reasons that refugees returned from Zaire appears to have been because their camps were under attack, they no longer had access to food or humanitarian aid and staying in Zaire would have meant certain death,” Amnesty International said.

Similarly, the tens of thousands of refugees who returned from Burundi earlier in the year were fleeing a situation of violence there. More than 1,000 of those who returned from Burundi have since been arrested. These events and the circumstances behind the returns from Zaire and Burundi appear to have been deliberately overlooked by the international community.

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