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Tanzania: Burundian refugees must not be intimidated to return home

The Tanzanian authorities must ensure that thousands of Burundian refugees who have been living in the Mtabila camp are not sent back to their country under coercion, as suggested by recent reports received from a number of refugees and organizations, Amnesty International said today.

“We are worried about reports of refugees being pressured to leave the Mtabila camp. Some of their homes have been set on fire, while other refugees have received threats of arson,” said Godfrey Odongo, Amnesty International’s East Africa researcher. “It is all the more worrying that these actions have been carried out by individuals said to be directly instructed by the Tanzanian authorities.”

More than 36,000 refugees have been hosted over the years in the Mtabila camp after fleeing from the conflict in Burundi. The Mtabila camp is set to close by 30 June 2009 as part of a repatriation programme that will see all refugees returned to Burundi.

The programme is being implemented under a tripartite agreement agreed to by the Governments of Tanzania and Burundi and the United Nations High Commissioner for Refugees (UNHCR) in April 2002. In a joint communiqué, signed in December 2008 the programme was described as “voluntary” and justified on the basis of “recent developments galvanizing the peace and reconciliation process in Burundi”.

Amnesty International understands, however, that contrary to international and regional law, there is no procedure in place to assess any individual claims by refugees and asylum-seekers of well-founded fears of persecution.

“Both Burundi and Tanzania must make it clear to the refugees that any repatriation programme is voluntary and offer the refugees alternative and durable solutions such as local integration,” said Godfrey Odongo. “Any coercion of refugees to return to their original country would be a breach of international and regional law.”

“Any repatriation must respect the relevant principles of refugee protection. Voluntary returns must be based on a free and informed decision taken in safety and dignity. Intimidation, removing assistance or closing camps can amount to coercion which means repatriations would be involuntary and potentially unlawful.”

Background:

Under the 1951 Convention relating to the Status of Refugees and the 1969 Organisation of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa, the governments of Tanzania and Burundi are obliged to refrain from any action that would result in the forcible return of refugees or asylum-seekers to a country of their origin where they may have a well-founded fear of persecution. The

determination of any well-founded fear of persecution requires the institution of a formal and fair cessation procedure that would allow refugees to challenge any decision to end their refugee status and to present their case for a continued fear of persecution.