

Open letter to governments hosting refugees from Burundi, Rwanda and the Democratic Republic of Congo: A call for the safety and dignity of refugees

As the pattern of forcible repatriation of refugees from Burundi, Rwanda and the Democratic Republic of Congo continues and as refugees flee ever further in desperate attempts to find safety, Amnesty International is making this public appeal to governments hosting the refugees to ensure their safety and dignity and not to forcibly return them to their country of origin, where they may face serious human rights abuses. This appeal also provides a brief summary of the grave human rights situation which prevails in Rwanda, Burundi and the Democratic Republic of Congo.

Dear Heads of State and Government,

With the mass *refoulement* of hundreds of thousands of Rwandese refugees from the Democratic Republic of Congo (DRC) and Tanzania and the forcible mass expulsion of thousands of Burundian refugees from the DRC in late 1996, Amnesty International is concerned that a bad precedent was set: a precedent of non-adherence to international standards governing refugee protection. This precedent has particularly affected Rwandese and Burundian refugees but is also affecting current and future refugees from the DRC and other African countries.

Amnesty International is concerned that increasingly, countries hosting refugees and asylum-seekers from Rwanda, Burundi and the DRC no longer seem prepared to provide protection. In flagrant violation of their international obligations, these countries are forcibly returning or threatening to return these refugees to their country of origin, despite the fact that many of them are likely to be at risk of serious human rights violations there.

Recent examples include the *refoulement* of 775 Rwandese and Burundian refugees from the DRC on 5 September 1997; the *refoulement* of around 155 Rwandese refugees from Gabon on 12 August 1997; and the return by July 1997 of more than 700 of the 20,000 Rwandese refugees in the Republic of Congo, who were not given an option of seeking asylum in Congo. On 18 August 1997, Malawi made a clear statement of intent to return Rwandese and Congolese (DRC) refugees as it considered - despite overwhelming evidence to the contrary - "peace to have returned" to their countries of origin. In July 1997, sweeping arrests of hundreds of refugees and other Burundian, Rwandese and Congolese (DRC) nationals in Kenya have raised fears of forced return from that country. The Tanzanian Government has signed an agreement with the DRC Government for the return of Congolese (DRC) refugees and has said that it is preparing to return at least 5,000 refugees, hundreds of whom have already returned. Since late August 1997, hundreds of Burundian refugees from Musange and Kigeme camps in the south of Rwanda have returned "voluntarily" to Burundi. Yet Amnesty International delegates who interviewed Burundian refugees in

Musange camp in February 1997 found that many of them who had said they were willing to return had felt under pressure to do so, following a visit in January 1997 of a high level Burundi and Rwandese government delegation in the camp; many feared returning to Burundi but thought that refusal to return might be mis-interpreted as hostility to the Burundi Government or an admission of participation in the massacres of 1993. On several occasions, the Governments of Angola and Central African Republic have threatened to forcibly return Rwandese refugees on their territories. The DRC Government continues to force Rwandese and Burundian refugees to return to Rwanda; fear of being sent to Rwanda and of further human rights abuses if they remain in the DRC is forcing many Burundi refugees to return to Burundi despite the risks they also face there. The Rwandese Government has made it clear that it intends to return to Burundi the Burundi refugees expelled from the DRC.

Whichever way they turn, refugees are facing the risk of insecurity and serious human rights abuses.

Most governments seem to recognise that refugees from Burundi cannot be returned to that country, due to the human rights situation there. However, Burundian refugees have been expelled from their country of refuge and sent along with Rwandese refugees to Rwanda, where they are at considerable risk of subsequent *refoulement* to Burundi. The principle of *non refoulement*, as laid out in the 1951 Convention Relating to the Status of Refugees, forbids countries from sending a person in any manner whatsoever to a country where they might be at risk of serious human rights violations. Countries of asylum are in breach of this principle if they send Burundian refugees to Rwanda.

As for Rwandese refugees, little or no consideration appears to have been given to the risks which they might face on their return, nor to the escalation in human rights abuses in Rwanda before and during 1997.

Our appeal to you is based on the most fundamental premise of refugee protection: the principle of *non refoulement*, which states that no one should be forcibly returned to a country where their safety cannot be guaranteed. This principle is widely recognized as a principle of customary international law, binding on all states. All countries must ensure that refugees receive effective and durable protection from *refoulement*.

In the case of the Great Lakes region, the dangers of return are only too clear and have been extensively documented by Amnesty International and others. The human rights abuses faced by refugees on their return to Burundi, Rwanda and the DRC are not new; they fall within existing patterns of abuse. Hundreds of returnees to Rwanda and Burundi have been killed since their return; others have “disappeared”; many others have been arrested, in some cases arbitrarily; others have been severely ill-treated.

Amnesty International is also concerned that a number of countries in Western Europe have forcibly returned or are threatening to forcibly return refugees from Rwanda, Burundi and the DRC. The organization is also making approaches to those governments to take into account the risks which many of these refugees would face in their country of origin.

We are calling on you, and the international community as a whole, to acknowledge the reality of the human rights situation in these countries and to recognize that many refugees are at risk

of serious human rights abuses on their return. We urge you accordingly to refrain from forcibly returning refugees, and from coercing refugees to repatriate “voluntarily”. Measures should be taken to ensure the safety of refugees in your country until there is a genuine and long-term improvement in the human rights situations of the refugees’ countries of origin.

If some refugees in your country are suspected of having participated in massacres in Rwanda or Burundi, these allegations should be thoroughly and independently investigated and if substantiated, the individuals should be brought to justice. However, the fact that many refugees are alleged to have participated in massacres does not mean that all of them are guilty of these crimes and, in any case, does not provide justification for *en masse*, indiscriminate *refoulement*. Amnesty International believes that under no circumstances should refugees be forcibly returned to a country which cannot provide a verifiable assurance that the refugee will not be subjected to serious human rights violations, such as extrajudicial executions, “disappearances”, arbitrary arrests, unfair trials and the use of the death penalty.

Overview of the human rights situation in Burundi

Reports of massacres of civilians, including extrajudicial executions and deliberate and arbitrary killings, continue to be a fact of daily life across Burundi. Government forces and armed groups consistently, deliberately and arbitrarily kill civilians in the areas in which they operate. Many killings in conflict appear to be the result of a deliberate failure by the Burundian security forces to distinguish between unarmed civilians and members of armed groups; scores of children and elderly men and women who could not possibly be suspected of being members of armed groups are reported to have been killed in massacres during military operations.

Displaced people, including returnees, within Burundi too are vulnerable to the cycle of violence and reprisal. Camps for the displaced have been vulnerable to attacks by armed Hutu groups, who have arbitrarily and deliberately killed men, women and children. Hundreds of thousands of Hutu civilians, including returnees, are now confined to “regroupment” camps. Although the government claims that regroupment is voluntary and intended to protect the population, hundreds of men, women and children have been extrajudicially executed during

the process. Camps have been attacked and ill-treatment and “disappearances” have been reported.

Arbitrary arrest, torture, and detention without trial are also common throughout the country. More than 6,500 people are in detention awaiting trial, many accused of participation in the massacres which followed the assassination of President Melchior Ndadaye in October 1993, or of collaboration with armed opposition groups. In many cases, the arrests appear to be arbitrary. At least 150 people, accused of participation in the 1993 massacres, have been sentenced to death after grossly unfair trials. Six were executed on 31 July 1997. Since Major Buyoya returned to power in July 1996, critics and opponents of the government have been harassed, arrested and tortured in a pattern of attacks on political opponents, aiming to eliminate effective political opposition.

Overview of the human rights situation in Rwanda

Human rights violations - in particular the violation of the right to life - have increased significantly during 1997. Thousands of unarmed civilians have been killed in the first half of 1997. The timing of this increase can be attributed in great part to the mass forcible return of hundreds of thousands of Rwandese refugees from neighbouring DRC and Tanzania in November and December 1996. Within days of the return of the first wave of these refugees in November 1996, killings and arbitrary arrests were already being noted. In early January 1997 the rate of killings and “disappearances” escalated sharply, especially in the northwestern *préfectures* of Ruhengeri and Gisenyi. Killings in other parts of the country have also increased. A significant proportion of the victims have been refugees who were forced to return from the DRC, Tanzania and other countries.

Soldiers of the Rwandese Patriotic Army (RPA) and armed groups believed to be allied to members of the *Forces armées rwandaises* (FAR), the former Rwandese Armed Forces, are deliberately targeting unarmed men, women and young children, hunting them down in their homes. More than 6,000 people are believed to have been killed in this way since the start of 1997. In particular, military operations by the RPA have led to the deaths of thousands of people - most of them unarmed civilians who were taking no part in the hostilities, such as young children and elderly men and women. Many people have “disappeared”. Armed conflict between the RPA and armed opposition groups is reported to have intensified. Whole regions in the northwest of the country have become virtually inaccessible because of the insecurity. Independent human rights investigations in these areas are severely restricted and monitoring of the safety of returnees has become virtually impossible, with the result that the perpetrators of human rights abuses are able to carry on killing with impunity.

The level of arrests countrywide has risen sharply. Returnees appear to be especially targeted for arrest - sometimes legitimately, but most times arbitrarily. The mere fact that they have been refugees appears to turn them into objects of suspicion. Promises by the

government to release detainees against whom there is no evidence have not been fulfilled. Reports of ill-treatment have become more frequent and prison conditions have continued to cause the deaths of hundreds of prisoners as the total prison population in acknowledged detention centres has exceeded 120,000. Trials of those accused of participation in the genocide began in late December 1996; by early July 1997, more than 140 people had been tried, resulting in at least 61 death sentences, many of them imposed after unfair trials.

Overview of the situation in the Democratic Republic of Congo (DRC)

Returnees to the DRC also face a serious risk of abuse. Sources in the DRC estimate that thousands, if not tens of thousands, of people have been deliberately and arbitrarily killed since September 1996.

Among the victims are tens of thousands of Hutu refugees, who are reported to have been deliberately and arbitrarily killed in the eastern part of the country. Reliable sources have described how scores of mass graves have been uncovered in various locations. Thousands of unarmed civilians, most of them Rwandese refugees, have “disappeared” as a result of operations by the *Alliance des forces démocratiques pour la libération du Congo-Zaïre* (AFDL), Alliance of Democratic Forces for the Liberation of Congo-Zaire. It is feared that many of them may have been deliberately and arbitrarily killed or have died from starvation, exposure or curable illnesses. Thousands of Burundian refugees are also unaccounted for. Large numbers of Congolese Hutu and members of other ethnic groups are reported to have been massacred by the AFDL and its local and foreign allies. For example, as many as 120 Congolese citizens were reportedly extrajudicially executed in late May 1997 in South Kivu region’s Uvira town.

Despite these reports, and despite long overdue international condemnation of these atrocities, the DRC Government has repeatedly denied independent organizations access to many of the areas in question. By 15 September 1997, the government was still blocking the UN’s attempts to investigate reports of massacres. In some cases evidence of massacres has reportedly been destroyed, for example by burning bodies; similar tactics are also being reported in Rwanda.

On the basis of numerous testimonies received, Amnesty International believes that the killings by AFDL troops which began in eastern DRC in October 1996 were not simply a by-product of the armed struggle against former President Mobutu’s forces, but were part of deliberate and concerted attacks on members of the Hutu ethnic group in particular - on Rwandese, Burundians and Congolese - either by shooting the victims, beating them to death, or forcing them to flee into the forests where many later died from disease, starvation or exhaustion.

It is not only members of the Hutu ethnic group who have been targeted by the AFDL. Congolese refugees of other ethnic groups are also at serious risk of abuse. Hundreds of Congolese suspected of being sympathetic to the Hutu or hostile to the AFDL have been

attacked and killed. Serious human rights violations, including extrajudicial executions, torture, mutilation, “disappearances”, arbitrary arrest and unlawful detentions have also been reportedly carried out by the AFDL in the capital, Kinshasa, since the AFDL captured the city on 17 May 1997. The victims have included unarmed civilians accused of committing crimes such as looting and unarmed members of the former Zairian security forces. Many people who have been arrested by the AFDL have reported being subjected to torture and other forms of cruel, inhuman or degrading treatment, including rape, beatings and lashings. Women, in particular, have been subjected to various forms of public humiliation. Angolan refugees in the DRC have reportedly been targeted by members of the Angolan Government allied to the AFDL.

Conclusion

It is on the basis of these continuing patterns of grave human rights abuses in the countries of the Great Lakes region that Amnesty International is appealing to governments of countries hosting refugees from the region to offer those refugees effective and durable protection against *refoulement*.

We are also calling on governments to ensure that refugees in their countries are protected from human rights violations in their country of asylum and are treated with humanity and dignity at all times.

We urge the governments concerned to abide by the 1951 Convention Relating to the Status of Refugees and the 1969 OAU Convention Governing Specific Aspects of Refugee Problems in Africa. Most of the governments hosting refugees from the Great Lakes region have ratified these conventions and are committed to respecting their provisions, which include the principle of non-*refoulement*.

Yours sincerely,

Pierre Sané
Secretary General