

UA 154/95

Refoulement and Fear of
Extrajudicial Executions

30 June 1995

TANZANIA/BURUNDI/RWANDA

There are continuing reports that Burundi and Rwandese refugees and asylum-seekers in Tanzania are being forcibly returned to Burundi by the Tanzanian security forces where they may be at risk. There are credible reports that some of these refugees have been killed by the Burundi army within minutes of their return. Forced returns have continued throughout April, May and June 1995, in clear breach of Tanzania's obligations under international law to provide refugees with effective and durable protection against forcible return to a country where their lives may be threatened.

On 31 March 1995, Tanzania announced the closure of its border with Burundi following a new influx of around 50,000 Rwandese refugees fleeing a wave of killings in Burundi. Despite international pressure, the Tanzanian authorities have refused to reopen the border. Since 7 April, representatives of the United Nations High Commissioner for Refugees (UNHCR) have been denied access to the border area and have been instructed by the Tanzanian authorities to stop monitoring the situation there, reportedly because the Tanzanian army was unable to guarantee their safety.

Since April 1995, a pattern has developed in which Tanzanian border patrols, sometimes assisted by local militia, have ill-treated and turned back Burundi and Rwandese asylum-seekers; they have also forced back some refugees who were already in Tanzania before the border closure. Some reports suggest that forcible returns occur daily; the exact number is not known.

Many of those returned have been subjected to severe human rights abuses in Tanzania and on arrival in Burundi. On 4 April, Tanzanian soldiers reportedly rounded up 1,500 Burundi refugees in Mugoma. The local army commander forced approximately 300 back into Burundi. Tanzanian soldiers were seen beating the refugees, including children and the elderly, chasing them across the border. Between three and six of those forced back to Burundi were reportedly killed within one hour by Burundi soldiers waiting on the other side of the border who attacked them with knives and machetes. It is feared that many more refugees who were forcibly returned may have been victims of political killings and other human rights violations.

Several hundred refugees were reported to have been returned from Tanzania to Burundi in the first week of June alone. There were also reports that Tanzanian soldiers beat refugees, raped women and stole their belongings. On 17 June, Tanzanian troops fired shots at a group of around 250 Rwandese trying to cross into Tanzania.

On 20 June 1995, the Tanzanian army sent military reinforcements to the Burundi border, claiming that Burundi soldiers had carried out raids on Tanzanian territory. Negotiations on border security are now taking place between the Tanzanian and Burundi authorities. The Tanzanian authorities have criticized the Burundi army for killings of civilians and are therefore aware of the risks faced by refugees.

BACKGROUND INFORMATION

Following the genocide and other mass killings in Rwanda between April and July 1994, more than one million Rwandese nationals sought refuge in neighbouring Tanzania, Burundi, Zaire and Uganda. Tens of thousands of Burundi nationals have also fled their country as a result of widespread killings in Burundi since October 1993. The vast proportion of these have not returned home. Many fear attacks by the Rwanda Patriotic Army (RPA) or the Burundi security forces. There are continuing reports of human rights violations by the security forces in Burundi and in Rwanda.

Tanzania is host to approximately 600,000 Rwandese and 88,000 Burundi refugees, putting the country under enormous strain, for which it has received insufficient help from the international community. Nevertheless, this in no way excuses the government's failure to respect the right to asylum.

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

- expressing concern at the Tanzanian government's decisions to close its country's border with Burundi despite evidence of widespread killings and other human rights abuses occurring daily in Burundi, as publicly acknowledged by the Tanzanian authorities;
- while recognizing the difficulties faced by the Tanzanian authorities, appeal to them to reopen the border to refugees from Burundi and Rwanda;
- reminding them of their international obligation not to forcibly return refugees who are clearly at risk of human rights violations in their own country, referring to the principle of *non-refoulement* set out in the 1951 Convention relating to the Status of Refugees and in the Organization of African Unity Convention on refugee problems in Africa; refer also to the reports of killings by the Burundi army on 4 April 1995;
- expressing concern at reports that Tanzanian soldiers have also subjected some of the refugees to serious abuses, including beatings and rape;
- urging the authorities to ensure that soldiers operating at the borders do not ill-treat refugees or return them against their will.

APPEALS TO:

1) His Excellency Ali Hassan Mwinyi

Office of the President
State House
PO Box 9120
Dar es Salaam, Tanzania

Telegrams: President Mwinyi, Dar es Salaam, Tanzania

Telexes: 41192

Faxes: +255 51 469

Salutation: Your Excellency

2) Head of the Tanzanian People's Defence Forces

Lt-Gen Kiwelu
Ministry of Defence
PO Box 8544
Dar es Salaam, Tanzania

Telegrams: Minister of Defence, Dar es Salaam, Tanzania

Salutation: Dear Minister

3) Minister for Home Affairs

Mr Ernest Nyanda
Ministry for Home Affairs

PO Box 9223
Dar es Salaam, Tanzania
Telegrams: Minister for Home Affairs, Dar es Salaam, Tanzania
Telexes: 41231
Salutation: Dear Minister

4) Minister for Foreign Affairs
Mr Joseph Rwegasira

Ministry for Foreign Affairs
PO Box 9000
Dar es Salaam, Tanzania
Telegrams: Minister for Foreign Affairs, Dar es Salaam, Tanzania
Telexes: 41086
Salutation: Dear Minister

COPIES OF YOUR APPEALS TO:

Son Excellence le Président Sylvestre Ntibantunganya
Président de la République
Présidence de la République
BP 1870 Bujumbura, République du Burundi
Faxes: +257 22 6424

Prime Minister *
Monsieur Antoine Nduwayo
Premier Ministre
Présidence de la République
BP 2800 Bujumbura, République du Burundi

and diplomatic representatives of Tanzania accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat,
or your section office, if sending appeals after 11 August 1995.