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# RI BULLETIN

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## A POWERFUL VOICE FOR LIFESAVING ACTION

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### **Rwandan Refugees in Burundi: Intimidation and Violence Unacceptable**

Since the beginning of April approximately 10,000 people have fled Rwanda to seek asylum in Burundi. They claim fear of reprisals in the *gacaca* tribunals, local people's courts that have begun to hear cases against persons accused of participating in the 1994 genocide, and also speak of rumors of possible revenge massacres. The government of Rwanda has pressured Burundian authorities to ensure that these asylum seekers return to Rwanda and that has resulted in acts of violence and intimidations against the asylum seekers. While there is a legitimate need to screen the asylum seekers to see if they meet the definition of refugee, the government of Burundi must not use violence to intimidate them to return to Rwanda and must respond to their immediate humanitarian needs in relocation sites in accordance with international law.

On April 27, the government of Burundi announced, after a meeting with Rwandan authorities, that Rwandan asylum seekers who had fled across the border would not be granted refugee status. Under international law, all persons have a right to seek asylum and have their claims fairly examined. However, international law also states that those responsible for acts of genocide or certain other grave international crimes may be excluded from refugee status. Reports indicate that approximately half of the Rwandans who fled to Burundi were probably too young to have participated in the 1994 killings. Rwandan asylum seekers, mostly Hutus, have also reported threats and rumors of massacres and revenge attacks from genocide survivors and governmental authorities in Rwanda. A woman interviewed in a transit camp in Burundi told humanitarian workers, "A military man came to our hill and said: 'I will walk by your dead bodies. If you continue to provoke our anger we are going to react.'"

Another asylum seeker stated: "They made us take out from the land the bones of those who were massacred in 94. The local administrators and the militaries ask us to clean the bones. We can not refuse to do it because if we say no they beat us with sticks." According to a representative of a humanitarian assistance organization in Rwanda, "Some rumors circulating in Rwanda might not be well founded but others are believable given the circumstances of the use of the '*gacaca* courts.'" "During the *gacaca* hearings even the children are asked to tell what happened in 1994. *Gacaca* is not fair because they ask me to say what I saw and at that moment I was at primary school," said one Rwandan asylum seeker interviewed in Burundi.

Refugees International is concerned that the government of Rwanda is continuing to pressure the government of Burundi to force back the asylum seekers in order to show that the *gacaca* is a fair and just system. "The government of Burundi is caught between a rock and a hard place," said a western government official. Burundi is currently in a politically fragile state, striving to complete its own transition to peace. The elections of June 3 were disturbed by violence around the capital of Bujumbura, and one peacekeeper was killed. In this context, Burundi cannot afford to anger its neighbor.

In August 2004, Rwanda threatened to send troops into Burundi to defend Tutsi refugees from the Congo after the Gatumba massacre, where Hutu Burundian rebels claimed responsibility for killing over 160 Congolese Tutsis, known as the Banyamulenge, hosted at the local transit centre. According to a government official of Rwanda, "We are using all possible means to get back the refugees and what I can say

is, we are half-way done.” RI also received information that the joint Burundi - Rwanda campaigns to encourage asylum seekers to return to Rwanda started immediately after their arrival in Burundi and have been increasingly aggressive. There have been reports of both Rwandan and Burundian authorities using open intimidation and threats of violent repercussions against the asylum seekers who choose not to return to Rwanda. Both governments are convinced that people will end up going home and seem determined to use whatever means possible.

Around the 5th of May, a local Burundian administrator visited a section called Marangara and warned the Rwandans there that he wanted them to leave after the weekend and if they did not, “the police would not be peaceful” in forcing them to leave. On May 9, in Busiga commune, asylum seekers said that government authorities took the asylum seekers’ personal items and used sticks to force them onto trucks to return to Rwanda. On May 10, in Gatsinda, asylum seekers were beaten with sticks and forced to leave the area. “We documented cases of strong intimidation and torture carried out by Burundian soldiers in the site of Ntega on May 12th during the night. When the trucks came the day after, everybody either accepted to leave or fled to the hills” stated a humanitarian agency officer. On the evening of May 28, local Burundian authorities visited the transit camp sites of Gatsinda and Mihigo, again using physical intimidation to forcibly return Rwandan asylum seekers back to Rwanda. Governmental authorities destroyed shelters and latrines that had been set up by UNHCR. According to different sources, some of the asylum seekers returned to Rwanda but most moved to the Songore transit camp around 30 kilometers from the border with Rwanda. Those who do return to Rwanda are not necessarily returning of their own free will. A humanitarian agency confirmed this saying “Those who have chosen to board the trucks supplied by Rwandan authorities have in many cases already returned to Burundi.” This intimidation by the government of Burundi is in clear violation of the principles of *non-refoulement*.

There are currently around 6,300 people in the Songore transit camp. “Songore camp had the capacity to shelter only around 800 refugees and was already overpopulated with 1,000 residents before the transfers began,” stated a humanitarian assistance organization working in Burundi. The Burundian authorities gave UNHCR two days notice to prepare the transit centre to receive the additional 5000 people. The Songore transit camp is ill prepared to host this number of people. Shelters are still under construction so, for the time being, plastic sheeting has been distributed to provide minimal shelter for new arrivals. “The most immediate need is drinking water. We do not have enough trucks to supply the centre. Additionally, the latrines are not yet ready” stated a humanitarian worker. “In addition to the Songore camp, we have had to accommodate around 500 people in the transit centre for returnees in Mugano, close to the border with Tanzania, while another 2,000 people are temporary sheltered in other areas. They are difficult to reach and UNHCR is not providing support for them at this time,” said a UNHCR official.

Refugees International remains concerned about the conditions in which these thousands of asylum seekers are being forced to live. In addition to providing humanitarian assistance, it is urgent that any campaigns to encourage return that the government of Burundi conducts be done in a proper manner to ensure that the Rwandan asylum seekers who return home are doing so in accordance with their own free will.

**Therefore, Refugees International recommends:**

- The government of Burundi refrain from using physical and psychological violence to force asylum-seekers to return to Rwanda and assure security for the people in the resettlement sites;
- The government of Burundi ensure that all individuals, including women and children, who express a wish not to return to Rwanda have access to a fair, satisfactory and individual asylum determination procedure, including independent appeal procedures;
- The government of Rwanda respect international law and cease involvement in any operations in Burundi intended to coerce asylum seekers to return to Rwanda;
- The government of Burundi, assisted by the humanitarian community, redouble its effort to provide basic services in the resettlement sites, in particular the provision of clean water and basic sanitation.

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*Sarah Martin and Andrea Lari just returned from a three-week mission to the DRC and Rwanda.*