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Burundi: Prevent Forced Return of Rwandan Asylum Seekers

A group of 3,800 Rwandans who have fled alleged political intimidation and threats of violence and sought security in the northern provinces of Burundi remain in urgent need of protection and humanitarian assistance.

Gathered in two different areas provided by local authorities, the majority of the group is composed of women and children. People are living in crowded conditions in small huts often with no plastic sheeting cover, with a few latrines and limited access to water. The Office of the UN High Commissioner for Refugees (UNHCR), in collaboration with the government of Burundi and non-governmental organizations, should start the construction of the temporary facility to house them immediately, as delays would allow the spread of disease.

Increased movement across the border, coming mainly from the southern province of Butare, started in April 2005. Those fleeing are mainly Hutu individuals whose political loyalties are suspect to the Tutsi-dominated Rwandan government as the country struggles to provide justice for the victims and survivors of the 1994 genocide while gradually integrating refugees returning from neighboring Democratic Republic of the Congo, many of whom were affiliated with militant groups contesting the Rwandan government for power. Innocent individuals are being unfairly accused of anti-government actions as this difficult process of justice and re-integration unfolds.

Initially the asylum seekers found accommodation in local households but then started to gather in several informal sites close to the border. In June the Burundian authorities gathered around 6,000 of them into the Sangore transit camp supplied by UNHCR and international non-governmental organizations and committed to allowing a proper screening process to ascertain the veracity of their claims. In fact, the exact opposite happened. The Rwandans were abruptly rounded up and loaded on trucks to be deported back to Rwanda. The events took place during a sensitive time for Burundi, where a political transition towards peace was peaking through the holding of a series of elections, and the Rwandan authorities intervened across the border to organize and lead the forced repatriation.

In early November Refugees International visited one of the two sites where the asylum seekers are presently staying. Around 1,300 people were squatting around a football field located in the Mivo Commune, Ngozi province. They had arrived three weeks earlier, escaping from another location in Burundi where local authorities alerted them about the nearby presence of Rwandan army soldiers. An asylum seeker told RI, "I fled Rwanda in April because I feared for my life. I saw many soldiers around in my *colline* [literally "hill," used to designate a community]. That was not normal. I heard of people disappearing at night." He continued, "I crossed in April and then the soldiers took me back, then I ran away again and when I was moved to Sangore, I was taken back again to Rwanda on a truck. Some people have been imprisoned after returning. One of us was beaten up by the soldiers and left unconscious outside the prison. Now, I am here because I am still afraid."

Another asylum seeker noted, "It is not true that we are fleeing justice in Rwanda, we do not feel safe in our *collines*. When we were forcibly repatriated they told us we are traitors and we are shaming our country. I do not understand why they want to use violence and force us back." Instead, a group of asylum seekers suggested, "The government of Rwanda says that we have no reason to flee. We would like to see that ourselves and send a group of us to visit our *collines* with the presence of UNHCR and verify that all is fine. If so, we would not need trucks, we would walk back home immediately."

The Rwandan authorities have repeatedly dismissed the claims of insecurity, intimidation and threats reported by the asylum seekers. Refugees International interviewed a high level official in Kigali in late October who stated that the group who fled was composed by prisoners recently released and now escaping from the *Gacaca* courts [traditional courts mandated to try perpetrators of the 1994 genocide]; ordinary criminals running away from justice; young recruits for the Hutu militias still operat-

ing in Eastern Congo (FDLR) and in Burundi (Paliphehutu-FNL); and some guillible people who fled because they saw others fleeing.

The Burundian government, which in June failed to protect the asylum seekers and allowed their forced repatriation, contravening its responsibilities under international refugee law, keeps taking contradictory positions. Authorities have stated that they would consider the Rwandans asylum seekers, that they would be accommodated at a proper site and that an individual refugee status determination process would soon take place with the assistance of the UNHCR. Nevertheless, local administrators who met several times with their Rwandan counterparts, continue to express a different opinion, saying that the Rwandans are illegal immigrants since both countries are at peace and there are no reasons why people should flee.

While this political stalemate unfolds, the asylum seekers have to cope with day to day survival. In Mivo, at the time of the RI visit, two thirds of them had a week earlier received limited food (five kilos of corn and one kilo of beans per person) and some non-food items (plastic sheeting, water cans and soap) provided by non-governmental agencies. They had started to trade the little food received for firewood since the local community is preventing them from collecting it. Heavy rains and lack of plastic sheeting and blankets are leading to an increasing number of chest infections for children. Access to medical care is therefore an urgent priority. To make matters worse, the surrounding areas hosting the Rwandans have been affected by an upsurge of malaria and diarrhea, making local medical facilities unable to respond adequately.

The government of Burundi has offered a site in Musasa commune for temporary shelter and UNHCR has already completed the technical assessment for the construction of emergency facilities with a capacity to host around 3,600 people. More than half of the funds needed are now available and several NGOs have expressed their readiness to work on construction and the provision of basic services like water and sanitation and health care. Nevertheless, things are moving ahead too slowly. A UNHCR official confirmed that they had finally received a written authorization from the government to go ahead with the project, but an important local government official told RI that “they [the asylum seekers] will be moved to Musasa, but we are waiting for UNHCR to start the construction”. These delays are jeopardizing the well being of the asylum seekers and the contradictory messages sent by the Burundian authorities continue to leave several thousand people in a state of insecurity and uncertainty.

Once people are moved, providing security at the site must be a matter of priority as it is located only 30 kilometers from the border. The June incident in

Sangore demonstrates that the Rwandan government will not hesitate to effect another forced repatriation unless adequate protection for the site is provided. The government of Burundi will have the responsibility to assure security through the national police, but in light of the June events, UNHCR protection officials will need to maintain a monitoring presence at the site. Also, patrols from the United Nations Observation Mission in Burundi (ONUB) around the new site would increase overall security. Once the asylum seekers are accommodated in the camp, in the light of the precedents of intimidation and harassment, including interference from Rwandan officials, they should be accorded a full and fair refugee status determination process respecting all procedural safeguards.

REFUGEES INTERNATIONAL RECOMMENDS:

- ❑ The UNHCR start immediately the preparation of the new site for Rwandan asylum seekers at Musasa. Meanwhile, it should coordinate urgent interventions by the different humanitarian agencies which are ready to provide assistance to the asylum seekers in their current locations.
- ❑ The government of Burundi remain firm in treating the Rwandans as asylum seekers, assure that local authorities respect this policy and refrain from issuing contradicting and intimidating statements.
- ❑ The government of Burundi, the government of Rwanda and UNHCR organize “go-and-see” visits together with representatives of the asylum seekers to their areas of origin with the objective of ascertaining security conditions and building confidence for a possible return.
- ❑ The government of Rwanda, and in particular local authorities of the areas bordering with Burundi, do not interfere in the process of ascertaining the status of the Rwandan asylum seekers. Rwandan authorities should also respond positively to the possibility of conducting go and see visits to the asylum seekers’ areas of origin.

Advocate Andrea Lari conducted a humanitarian assessment mission to Rwanda and Burundi in late October through mid-November.