

GREAT LAKES REGION

Still in Need of Protection: Repatriation, *Refoulement* and the Safety of Refugees and the Internally Displaced

Throughout October and November 1996, the attention of much of the world was riveted on eastern Zaire, as an enormous humanitarian tragedy unfolded. Long simmering violence in the area exploded into open warfare and massive human rights violations. Over one million refugees from Rwanda and Burundi, and several hundred thousand internally displaced Zairians, were caught in the crossfire and were themselves deliberately and arbitrarily targeted by parties to the conflict. While states debated and delayed, with plans for a Canadian-led intervention force on the table, thousands died. Thousands of other refugees were forced back to Rwanda and Burundi.

Finally, with no other choice, refugees and the displaced fled - hundreds of thousands back to Rwanda, some 60,000 to Burundi, tens of thousands of Burundians and Zairians to Tanzania, and untold others further into the interior of Zaire. The international community congratulated itself on having encouraged the refugees to return to Rwanda, and promptly turned its attention elsewhere. Bolstered by the turn of events in Zaire, Tanzania, itself home to close to one million refugees, then took action to force hundreds of thousands of Rwandese home. Again, the international community - including, notably, the United Nations High Commissioner for Refugees (UNHCR) - encouraged and welcomed this development.

The events of the past few months in the Great Lakes region have been marked by a shocking disregard for the rights, dignity and safety of refugees. In this report, we outline some of Amnesty International's concerns regarding the disturbing trends in refugee protection that have arisen in the region. In other recent reports we have provided detailed accounts of abuses experienced by refugees and returnees.¹ Most urgently this report draws attention to the fact that the refugee crisis in Central Africa is far from over. Huge numbers of refugees and internally displaced persons remain, throughout the region, and continue to be at great risk. Refugees continue to face forced return, or 'choose' to go back because of grave danger in host countries. Armed conflict and human rights abuse, particularly in Burundi and eastern Zaire, are likely to give rise to further refugee flows and displacement. Immediate action is required to ensure the safety of refugees, and prevent further erosion of basic refugee protection principles in the region.

¹ Amnesty International, *Rwanda: Human rights overlooked in mass repatriation*, January 1997, AI Index: AFR 47/02/97; Amnesty International, *Zaire: Hidden from scrutiny - human rights abuses in eastern Zaire*, 19 December 1996, AI Index: AFR 62/29/96; Amnesty International, *Burundi: Refugees forced back to danger*, 20 November 1996, AI Index: AFR 16/34/96; Amnesty International, *Rwanda and Burundi: The return home - rumours and realities*, 20 February 1996, AI Index: AFR 02/01/96.

I. THE RECORD TO DATE: PROTECTION BETRAYED

1. Imposed Return in Tanzania

'... all Rwandese refugees in Tanzania are expected to return home by 31 December 1996.'

These words, included in a statement issued by the Tanzanian Government in early December, endorsed and co-signed by the UNHCR, have put into clear focus the fragile state of international refugee protection. Within a month of the statement's release, the majority of Tanzania's estimated 540,000 Rwandese refugees had gone back to Rwanda.

Refugees who felt it was unsafe to return were not given any other options. It is only now, after the repatriation, that UNHCR has expressed hope that Tanzania will institute a screening procedure to evaluate the claims of individuals too fearful to return. Initially tens of thousands of refugees fled the camps and attempted to move further into Tanzania, in the hope of reaching neighbouring countries. The Tanzanian security forces intercepted the fleeing refugees and 'redirected' them towards the Rwandese border. There have been some reports of excessive force, ill-treatment and rape of refugees. Several Roman Catholic priests who opposed the expulsions were deported by the Tanzanian government. There have also been reports that Rwandese soldiers were present in and around the camps at the time.²

Reports now indicate that some refugees who refuse to go back are being arrested and held in a detention camp in the northwestern part of the country. Other refugees who wished to remain were undoubtedly forced back in the rush. Only a few thousand were successful in finding temporary refuge elsewhere - escaping over the border to Uganda, where they have also been told they will not be allowed to remain. Others were turned away by the Kenyan authorities.

Was their return voluntary? Were conditions in Rwanda truly safe? These fundamental concerns should govern when a decision is taken to repatriate refugees. But these critical questions were overlooked or given very short shrift in the rush to meet the arbitrary deadline. That those oversights were possible, were legitimized by the UNHCR, and were so readily accepted by the international community speaks volumes. Does the world remain committed to protecting refugees, or do we now emphasize return, for political and financial reasons, over safety?

² Amnesty International, *Rwanda: Human rights overlooked in mass repatriation*, January 1997, AI Index: AFR 47/02/97.

2. Zaire and Burundi: Expulsion and Return Amidst Violence

Tanzania is not the entire story. In the second half of 1996, huge numbers of Rwandese refugees have also returned or been forced back from Burundi and Zaire - 75,000 from Burundi in July and August, after refugees became targets of threats and violence at the hands of Burundi security forces; 700,000 from Zaire in November and December, fleeing brutal human rights violations by all parties involved in the conflict which erupted in eastern Zaire in October. Some 1.3 million have gone back in 1996, a population increase of approximately 20%. In some parts of Rwanda, the returnee population now outnumbers the rest of the population. The implications of such a large number of people flooding back in a short period of time could be extremely grave for a country still struggling to heal from monstrous genocide, and rebuild a society shattered by civil war. In those circumstances, and given the legacy of Rwanda's horrifying record of human rights abuse, decisions about refugee protection and return must be taken with the greatest of care and caution.

Thousands of Burundian refugees were also forced out of eastern Zaire when the fighting erupted. There are reports that Zairian and Tutsi-led armed groups attacked Burundian refugees to force them to return, and even handed them over to Burundi government forces at the border. As many as 500 of those who went back are reported to have been killed by Burundian soldiers. Others have "disappeared".³ Civil war and severe politically-motivated ethnic violence continue in Burundi, with at least 10,000 casualties recorded since the end of July 1996. Massacres of innocent civilians continue in the country, on a horrifying scale.⁴

3. International Standards

While there has been little suggestion that Burundian refugees were ready to return home voluntarily, the international community, including the UNHCR, quickly characterized the return of Rwandese refugees as just that. Have Rwandese refugees returned voluntarily? Why does that question matter? The best repatriation is obviously a voluntary repatriation. Voluntariness helps ensure that refugees' rights and dignity are respected. It increases the likelihood that the returning population will be able to successfully reintegrate and rebuild. Voluntariness also recognizes that it is refugees themselves who are generally the best judges of whether conditions have become sufficiently safe in the country of origin. In that respect it plays an important protection role.

³ Amnesty International, *Burundi: Refugees forced back to danger*, 20 November 1996, AI Index: AFR 16/34/96.

⁴ Amnesty International, *Burundi: Crimes against humanity continue as the world remains silent*, 20 December 1996, AI Index: AFR 16/39/96.

International law highlights the central role of voluntary repatriation in refugee protection. The Statute of the Office of the UNHCR emphasizes voluntary repatriation. The Executive Committee of the UNHCR has concluded that “the essentially voluntary character of repatriation should always be respected,”⁵ and, further, that

[t]he repatriation of refugees should only take place at their freely expressed wish; the voluntary and individual character of repatriation of refugees and the need for it be carried out under conditions of absolute safety, ... should always be respected.⁶

African states have gone further and bound themselves by treaty obligation to ensure that the “essentially voluntary character of repatriation shall be respected in all cases and no refugee shall be repatriated against his will.”⁷ Recognizing all of this, the UNHCR has recently emphasized that “the principle of voluntariness is the cornerstone of international protection with respect to the return of refugees” in which an “informed decision” and “free choice” are critical.⁸

The repatriation of Rwandese refugees, from all three countries, fails on both counts. Much has been said of the fact that many of the refugees had not made an informed decision to remain in exile, and were being coerced and terrorized to stay by extremists allied to the former government and army of Rwanda, who controlled the camps. Clearly that was a serious factor. However, asylum states and the international community did little to remove that element of intimidation. If they had, meaningful steps might have been taken to accurately ascertain the refugees’ true wishes.

What small measures were taken to separate ‘intimidators’ resulted in arbitrary and unlawful arrests, and sometimes *refoulement*. In 1995 the UNHCR employed 1,500 Zairian soldiers to enforce security in the camps in eastern Zaire. Although security in the camps was reported to have subsequently improved, it is unclear why the soldiers were not used to disarm armed refugees. Instead, Zairian soldiers carried out arbitrary arrests of refugees accused of intimidation. About 30 of these individuals remain in custody in Zaire and many more were

⁵ Conclusion No. 18 (XXXI), para. (b), 1980.

⁶ Conclusion No. 40 (XXXVI), para. (b), 1985.

⁷ *OAU Convention Governing the Specific Aspects of Refugee Problems in Africa*, art. V(1), adopted 10 September 1969, in force 20 June 1974.

⁸ UNHCR, Division of International Protection, *Voluntary Repatriation: International Protection*, 1996, page 10.

forcibly returned to Rwanda where virtually all of them are held in appalling prison conditions.

When the moment of return did arrive for Rwandese refugees, the *only* choice available was to go back - often a matter of life or death. There was nothing free about that choice. In Burundi it was to escape persecution at the hands of the Burundian military, in Zaire it was the only hope of surviving the conflict in eastern Zaire, harrowing attacks on refugee camps and starvation as aid agencies were forced to suspend their operations, and in Tanzania the army ensured that refugees found their way to the border and nowhere else.

If not voluntary, was the repatriation at least safe? That question is absolutely vital in ensuring the human rights role of refugee protection. To conclude that conditions in a refugee's country of origin have become sufficiently safe to justify return requires a finding that there has been effective and durable change. When that occurs, refugee status comes to an end. If we cannot be reasonably sure that the changes are going to last, we cannot force refugees back. They remain fully entitled to and in need of protection.

Amnesty International has followed closely the efforts and initiatives taken by the Rwandese government to improve human rights protection in the country. The task is daunting and the government has made a number of encouraging promises. However, serious problems remain. The prison population in Rwanda is now around 92,000, including children, elderly and sick detainees. Significant numbers of returnees from Burundi, Tanzania and Rwanda have been arrested and such arrests are continuing. Figures from early January 1997 estimated a total of around 5,500 arrests of returnees - the majority returnees from Tanzania. In addition, more than 2,000 returnees from Burundi had been arrested by November 1996.

While many of those detained may be guilty of involvement in the genocide, many are also believed to be innocent. At the time of the mass return from Zaire, the Rwandese government gave assurances that no one would be arrested without prior thorough investigation by the procuracy. Even at the best of times, with a properly functioning judiciary, there is no way there could have been thorough investigations into allegations against 5,500 suspects in one month. Some have been arrested in the context of disputes which have arisen when refugees have returned to find their homes occupied. The vast overcrowding in the prisons continues to result in deaths among detainees. In some detention centres, there is not even enough room for prisoners to lie down.

Rwanda's decimated judicial system has simply been unable to cope with such a caseload. It is only now, 2 ½ years after the genocide, that trials are beginning in Rwanda. While this is clearly a welcome development, there are serious concerns about the delivery of justice in these trials, most notably a shocking lack of defence lawyers and competent judges and prosecutors. Fair trial safeguards are especially vital as those convicted of the most serious charges, of

planning and supervising the genocide, face mandatory execution. Two death sentences have already been imposed, after 4 hour trials which Amnesty International considers to have been grossly unfair. The defendants had no legal representation.⁹

Other serious human rights concerns persist in Rwanda, including 'disappearances,' deliberate and arbitrary killings, and physical attacks by civilians. Amnesty International has reported that 1996 was marked by a sharp escalation of killings by the military and armed opposition groups, with at least 650 unarmed civilians killed between April and July alone.¹⁰ More than 250 more were killed in August. In the following months, such incidents reportedly decreased. However, following the mass returns from Zaire in November and Tanzania in December, cases of killings are being reported again with increased frequency, in various parts of the country - particularly the areas bordering Zaire and Tanzania. Scores of individuals are reported to have been killed; returnees have been among the victims. The identity of the perpetrators is not always known. Returnees have also experienced problems recuperating their land and property, especially in the eastern regions. Occupants have sometimes refused to vacate the land and have threatened returnees.

In a wider sense, Rwanda will be hard pressed to meet the basic needs and social demands of the returning population. The World Food Programme refers to "difficult living conditions," "bleak prospects," and a "fragile and unstable food supply," and notes that resettlement and reintegration of the returnees poses a "serious challenge."¹¹ The UNHCR is worried that "local authorities do not have the capacity to deal with all the problems that are arising: arrests, public order, house occupation, land occupation, health problems, registration and distribution of assistance."¹² Tensions are reported to be running high in a number of communes, particularly in areas such as Kibungo, where returning refugees outnumber the settled population. The potential for further violence, and certainly for deprivation and hardship, is high.

Amnesty International does not believe that conditions in Rwanda were ripe for return. The authorities have not yet demonstrated a clear commitment to human rights protection. This absence of clear commitment has been demonstrated by the persistence of human rights violations in December and January. Furthermore, the rushed and forced nature of these returns

⁹ Amnesty International, *Rwanda: First defendants faced unfair trials*, 14 January 1997, AI Index: AFR/47/03/97.

¹⁰ Amnesty International, *Rwanda: Alarming resurgence of killings*, August 1996, AI Index: AFR 47/13/96.

¹¹ Food and Agricultural Organization and World Food Programme, *Crop and Food Supply Assessment Mission to Rwanda Special Report*, 23 December 1996.

¹² UNHCR, *Great Lakes Crisis*, 23 December 1996.

may well lead to increased violations, as the authorities and Rwandese society struggle to cope with the tensions and emotions that will be unleashed.

II. DANGER AND UNCERTAINTY FOR THOSE WHO REMAIN

Although international focus and concern have faded, Central Africa's refugee tragedy is far from over. Significant numbers of refugees and internally displaced remain in all countries in the region. No one is certain how many - estimates vary widely. What is clear is that many of the refugees and internally displaced persons have now taken shelter in isolated, hidden areas, beyond the reach of most aid agencies. Even though international attention has shifted away from them, they remain at great risk.

1. Tanzania

At the present time approximately 230,000 Burundian Hutu refugees are in Tanzania. More continue to arrive daily. Between 60,000 and 70,000 fled Burundi in November and December 1996, when fighting erupted in eastern Burundi's Ruyigi province. Others fled from the conflict in eastern Zaire in November 1996. Many others have been refugees in Tanzania for several years. A smaller number of Zairians have also fled to Tanzania - an estimated 38,000 in the Kigoma area, with an additional 5,000 having arrived from the Zairian town of Fizi in early January 1997.

For the time being, the Tanzanian government is allowing most of these refugees to remain, but there have been distressing reports of groups of Burundians forcibly returned to Burundi and of arrests of Zairian and Burundian refugees who have fled camps in Kigoma, raising fears that the Tanzanians may eventually impose a deadline for return on Burundians and Zairians as well. Some Zairians who have paid 50 U.S. dollars for a three-month visa have seen their visas abruptly cancelled or reduced to one week by the Tanzanian authorities, with a threat of expulsion if they failed to pay more to renew their visas later. The consequences of enforced return to either country would be disastrous. The situation in both Burundi and eastern Zaire continues to be explosive. In fact, if conditions worsen, a mass exodus of refugees - most likely into Tanzania - is expected.

Already, the expulsion of at least two groups, one of at least 48 and another of 126 Burundian refugees, from Tanzania's Kitale camp in early January has led to tragedy. All of the refugees, with the exception of four from the group of 126 who may have survived and escaped, were killed by Burundian security forces, in circumstances suggesting summary and deliberate executions. The first group had been expelled from Tanzania on or about 5 January, and were taken to Muyinga military camp in Burundi. At the camp they were tortured and then killed the next day. The second group of 126 refugees were expelled on 10 January. Of that group, 122 refugees were killed by Burundian security forces at the border post of Kobero. Different

versions have been given of the circumstances leading to the killings, including allegations that the refugees had attempted to escape from a detention centre, or that soldiers had panicked when a woman refugee had thrown a hand grenade which did not explode. A UNHCR official, who was present in Kobero at the time, was apparently ushered away from the scene before the shootings began. The Burundian authorities have said that six or seven soldiers, including a corporal, have been arrested in connection with the killings.

The refugees were apparently accused by the Tanzanian government of being involved in factional fighting between supporters of two rival Hutu rebel groups in the Kitale camp, leading to the death of eight refugees. The conflict is alleged to have been between members of the *Parti pour la libération du peuple hutu* (PALIPEHUTU), Party for the Liberation of the Hutu People, and the *Conseil national pour la défense de la démocratie* (CNDD), National Council for the Defence of Democracy. The majority of those returned are said to have been affiliated with PALIPEHUTU. However, it does not appear that any of the returnees were confronted with the allegations or given an opportunity to refute the charges, before being rounded up and taken to the border in Tanzanian army trucks. It also appears that the expulsion decisions were taken at the local level, without consultation with or approval from the relevant national officials. In fact, four days after the massacre, Tanzania's deputy minister of Home Affairs, Emmanuel Mwambulukutu was quoted as saying that Tanzania had "never expelled Burundi refugees."¹³

Tanzania's assurances that Burundian and Zairian refugees will be allowed to remain appear open to doubt in light of tragic reports such as these. Tanzania's Minister of Home Affairs stated on 12 January that all Burundian refugees must register in camps by 18 January. The statement also urges Burundians to seriously consider returning, and suggests that the dangers awaiting them are not as serious as some might suggest. Amnesty International is deeply concerned that these statements may foreshadow plans to repatriate larger numbers of Burundian refugees or even to require all Burundians to return, as was the case for Rwandese refugees. The statement similarly requires Zairian refugees to report to camps, raising concerns about possible returns to the dangerous and highly unstable situation prevailing in eastern Zaire.

Returns of Rwandese refugees from the camps in Tanzania are almost complete. There have been some worrying reports of brutal ill-treatment of the refugees, including rape, at the hands of Tanzanian soldiers and police. As well, thousands of refugees are thought to still be hiding in Tanzania, and are actively being sought by the authorities. The UNHCR reports that as of 1 January 1997, 50,000 Rwandese remained in Tanzania.

Some refugees who have refused to go back have turned themselves in to or been arrested by the Tanzanian authorities. At least 50 are being held in a detention camp that has been established at Mwisu, in the northwest part of the country. On 15 January, government officials

¹³ AFP, *Tanzania denies expelling massacred Burundian refugees*, 14 January 1997.

reported that 6,354 Rwandese refugees had been apprehended in a special crackdown in Ngara district. The authorities have not yet instituted a screening process to evaluate the claims of any of these individuals. UNHCR has now stated that they hope the Tanzanian government will implement a screening procedure to examine the cases of those Rwandans who do not want to return home. Amnesty International has earlier expressed its serious concern that UNHCR did not underline this legal obligation to the Tanzanian government, and make sure that it was communicated to the refugees, before the repatriation exercise began in December.¹⁴

UNHCR has had some initial contact with the detainees at Mwisa, but has not yet been able to fully interview them. Those detained include individuals who are suspected of involvement in the genocide, and it is understood that they may be handed over to the International Criminal Tribunal for Rwanda, based in Arusha, Tanzania. Amnesty International is investigating reports that other refugees who refuse to return, but who have seemingly not been accused of human rights crimes, are also being detained.

2. Zaire

Alarming reports suggest that tens of thousands of Rwandese and Burundian refugees (the International Committee of the Red Cross (ICRC) estimates 270,000, the UNHCR 330,000) remain in eastern Zaire, in and around Shabunda, Tingi-Tingi and Amisi, where they are receiving very little humanitarian assistance. The UNHCR is only just now beginning to reach these refugees. The ICRC was first on the ground in the Shabunda area. They were initially only able to get needed supplies to the refugees by means of a cumbersome route involving heavy transport planes, lighter aircraft, dugout canoes and, for the final leg, bicycles. Many are sick and wounded. UNHCR has stated that up to 15 refugees are dying daily at Tingi-Tingi camp, where food shortages have led to conflict between refugees and the local population. According to UNICEF there has been an alarming increase in child mortality in the camp, with twelve deaths of children under the age of five in one day alone.

The whereabouts and circumstances of the refugees remaining in Zaire was unclear throughout December 1996. While information about the plight of refugees in Shabunda, Tingi-Tingi and Amisi is now more readily available, other refugees remain unaccounted for. UNHCR reports that a group of 4,500 refugees emerged from a previously unknown location northwest of Bukavu on 6 January, and that by 9 January, 10,000 refugees had gathered in the area, ready to be returned to Rwanda.

At the same time, fighting continues in eastern Zaire, with armed opposition forces still gaining ground amidst reports of a full scale counter-offensive being planned by the Zairian Armed

¹⁴ Amnesty International, *Tanzania/Rwanda: International Cooperation in Forcing Rwandese Refugees Back from Tanzania*, 6 December 1996, AI Index: AFR/02/35/96.

Forces. UNHCR notes that the conflict makes it difficult to adequately assist refugees in Shabunda, Tingi-Tingi and Amisi, as opening land corridors to reach them would necessitate crossing a war zone. There appears to be a growing level of fear in Goma about the possibility and likely consequences of the Zairian military retaking the city. Zairian troops and foreign mercenaries have been reported to be gathering in the city of Kisangani, the likely staging point for any attempt to retake the territory held by the armed groups. The refugee camps in Shabunda, Tingi-Tingi and Amisi lie between the two forces, raising the frightening prospect that refugees will again be caught and perhaps targeted in the cross-fire. There have also been reports of fighting within the AFDL, as conflict has arisen between the Tutsi-led armed group and *Mai-Mai* militia, and some reports of ambushes and an attack on the village of Mushaki which have been attributed to members of the former Rwandese Army and the *Interahamwe* militia, reported to be assisting Zairian troops.

The ICRC and *Médecins sans Frontières* recalled their foreign national staff from the area in late December, due to the dangerous and violent conditions. In light of the growing security problems, UNHCR temporarily suspended operations in the Tongo transit centre, near Goma. On 15 January, the World Food Programme (WFP) suspended relief flights to eastern Zaire, after refugees and Zairian military forces surrounded a plane carrying food aid. WFP officials acknowledged that the suspension would be catastrophic for the refugees, as more than 50 percent of relief supplies are currently reaching them by air. On that same date, the Zairian government announced a three day suspension of all flights to the area. All international aid workers left Amisi on 15 January due to the deteriorating security situation in the region.

UNHCR has recently publicized its concerns about the safety of the refugees remaining in Zaire. The statement points to reports that the Tingi-Tingi camp appears to be under the control of Hutu extremists; and the prospect that refugees will not be allowed to freely decide if they wish to return to Rwanda. The UNHCR has called for steps to be taken to separate the refugees and the 'intimidators.' The UNHCR has also indicated that the possibility of targeted evacuations of refugees from the area by air, back to Rwanda, is being considered and has called for an opening up of humanitarian corridors to the areas where refugees have taken sheltered, which could be used to facilitate repatriation and transport aid.

Also dramatically overlooked has been the plight of internally displaced persons in eastern Zaire. More than 300,000 Zairians had already been displaced by violence and human rights abuse in North-Kivu region, before the armed conflict erupted in October 1996. That number has undoubtedly gone up dramatically, and will inevitably increase again if a counter-offensive is mounted or factional fighting intensifies.

Amnesty International is concerned that serious human rights violations persist in eastern Zaire, by all parties to the conflict.¹⁵ With continuing insecurity, there is a clear risk that violations will again escalate, and lead to further internal displacement and refugee flows. In such a context, the plight of these refugees and displaced Zairians could not be more precarious. The ill-fated multinational force which had intended to intervene to protect refugees in Zaire has been disbanded, the international community having declared that the refugee crisis had been successfully brought to a close. Without that kind of logistical and security support, it is nearly impossible for aid agencies to ensure the protection and basic needs of these refugees. In these circumstances, it has become difficult to obtain accurate information about human rights concerns.

3. Other states in the region

There are serious concerns for the safety of Burundian refugees in Rwanda. On 30 September 1996, 392 Burundians were forcibly expelled from Rwanda to Burundi's northwestern Cibitoke province - an area characterized by a high level of killings by the Burundian security forces and armed opposition groups. Between 3,000 and 4,000 Burundians had fled to Rwanda in June and July 1996, after reports of massacres in Cibitoke.¹⁶ In mid-January 1997 it was reported that Rwandese authorities wished to close a Burundian refugee camp in the *préfecture* of Gikongoro. The authorities initially intended to repatriate 1,500 refugees to Burundi, many of them forcibly. They have apparently agreed to reconsider that decision in light of a protest made by the UNHCR. However, Amnesty International is not yet aware of any indication from the Rwandese government that the refugees will be allowed to remain.

In Uganda, 3,000 Rwandese refugees, who escaped from Tanzania, face an uncertain future. The Ugandan authorities have stated that they intend to return the refugees to Rwanda or Tanzania. Close to 10,000 other Rwandese refugees already reside in Uganda, having fled there earlier in 1994 and 1995. Since the outbreak of armed conflict in eastern Zaire, several thousand Zairian and Rwandese refugees have fled to western Uganda. It has been reported that a group of approximately 300 Zairian refugees have recently arrived in Hoima, in western Uganda.

A number of Rwandese who attempted to flee Tanzania for Kenya were stopped at the border, and it has been reported that others may have entered Kenya and moved into the Mombasa area. Security along the Kenyan/Tanzanian border has now been tightened. Many Rwandese refugees fled to Kenya in 1994, where they have frequently been harassed by Kenyan

¹⁵ Amnesty International, *Zaire - Hidden from scrutiny: human rights abuses in eastern Zaire*, December 1996, AI Index: AFR 62/29/96.

¹⁶ Amnesty International Urgent Action, *Rwanda/Burundi: 392 Burundi refugees forcibly expelled from Rwanda, more than 3,000 others threatened with expulsion*, 3 October 1996, AI Index: AFR 02/09/96.

authorities, including arrests, short-term detention and threats of expulsion. Several well-known critics of the current Rwandese government have been killed, others injured, allegedly by agents of the Rwandese government. Kenya is also known to be harbouring several Rwandese suspected of having played a significant role during the genocide, but has done nothing to investigate their role, bring them to justice, or hand them over to the International Criminal Tribunal for Rwanda.

It has also been reported that over 200 refugees have fled eastern Zaire and arrived at a refugee settlement centre in northern Zambia.

III. A PROTECTION AGENDA FOR THOSE WHO REMAIN

Conservatively then, there are at least 500,000 and perhaps up to 750,000 refugees, Rwandese, Burundian and Zairian, in the Great Lakes region. There may be that number again displaced within their own countries. The humanitarian crisis is far from over. What can be done to ensure that they receive the protection they require, and are not abandoned so quickly by host governments and the international community?

- P No further forced repatriations to Burundi, Zaire or Rwanda.
- P No further statements or agreements encouraging or promoting voluntary repatriation to Burundi, Zaire or Rwanda.
- P Immediate efforts taken to locate any refugees or displaced persons who remain in hiding in Zaire and Tanzania, to ensure that they are protected from violence and human rights abuse and receive adequate humanitarian assistance, including health care.
- P In so far as host states have concerns about criminal activities and violence among refugees, the role of these individuals should be investigated and, if appropriate, they should be removed from camps, charged with recognizable criminal offences and tried in proceedings which are in keeping with international standards for fair trial, without recourse to the death penalty.
- P A commitment from host states and the UNHCR that until such time as safe return is possible, refugees will only be repatriated when it is clearly their personal, voluntary and informed choice. When return is being contemplated, the assessment of safety should be carried out in an open and transparent manner, in consultation with human rights

experts including U.N. monitors and non-governmental organizations. A conclusion that return is advisable requires a finding that there has been effective and durable change in the level of human rights protection in the country of origin, and a commitment to ensure post-return monitoring.

- P If and when safe return is adjudged possible, host states, with assistance from the UNHCR and the international community, must establish appropriate procedures to assess the claims of individuals who are unwilling to return. The expertise and independence of decision-makers is central to the fairness of any such procedures.
- P International assistance is required to ensure that states with large populations of refugees and/or displaced persons are able to meet the basic needs and protection requirements of the refugee communities they host. The international community, through the United Nations and other relevant organizations such as the Organization of African Unity, the Commonwealth and the European Union must ensure that sufficient financial and logistical support is available. Assurances of fiscal and logistical support are particularly critical in light of the very real prospect of further displacement in the region, adding to the already considerable burdens borne by a number of host states.
- P Urgent international assistance is also required to ensure that Rwanda will be able to cope with and respect the rights of the huge numbers of refugees returned in 1996, as well as the rest of the population. The WFP has indicated that there is a "pressing need for donor assistance" in meeting food needs. Resources are also required in the housing, justice, health care, and education systems. If reintegration proves difficult, the risk of violence and human rights abuses will almost inevitably lead to further refugee flows.
- P Assurances from all parties to the armed conflict in eastern Zaire that they will abide by the rules of international humanitarian law, and will not target refugees, displaced persons or camps in any way.