

1. THE REFUGEE CRISIS IN THE GREAT LAKES REGION: BACKGROUND INFORMATION

1.1 Numbers and locations

There are still more than 1.7 million Rwandese refugees who have been living in refugee camps since July 1994. Approximately one million of these are in Zaire, 600,000 in Tanzania and 150,000 in Burundi. The vast majority are Hutu who fled Rwanda at the time of the victory of the RPF, in the aftermath of the genocide orchestrated by the former government of Rwanda which claimed as many as one million lives between April and July 1994. The total population of Rwanda before April 1994 was estimated at around seven million.

The number of refugees from Burundi is approximately 200,000. Many fled their country in late 1993 and early 1994 to escape the massacres sparked off by the assassination of President Melchior Ndadaye in October 1993. Many others fled in 1995 to escape ongoing massacres. Others fled decades ago to escape earlier waves of killings. In addition, inside Burundi, there are several hundred thousand internally displaced persons - those who have been forced to leave their homes but have not sought or obtained refuge in another country. The total population of Burundi is estimated at around 5.7 million.

The refugees in eastern Zaire are mainly grouped in camps around Goma, to the north of Lake Kivu (where there are approximately 700,000 refugees), and Bukavu, to the south of Lake Kivu (where there are approximately 300,000 refugees). These camps are close to the border with Rwanda and Burundi, marked by the lake. In addition, there are some 160,000 refugees in camps near Uvira, further south. The refugee camps in Zaire vary in size: some of the largest, such as Katale and Kibumba, still held around 200,000 refugees at the end of 1995.

In addition, large numbers of mainly Tutsi refugees who fled Rwanda in 1959-1960 have

been living in Zaire since that time, mostly around the area of Masisi to the north of Lake Kivu. Many of these are now choosing to return to Rwanda.

In Tanzania, there are an estimated 600,000 Rwandese refugees and around 80,000 Burundi refugees; in addition there are around 200,000 Burundi refugees who have been in Tanzania for several decades. The refugees are grouped in camps around three areas: Ngara, Karagwe and Kigoma. Ngara, which holds around 420,000 refugees, is described by some as the second largest town in Tanzania.

1.2 Social and economic conditions

The United Nations High Commissioner for Refugees (UNHCR) and non-governmental organizations have been providing humanitarian assistance to the refugees since the camps were set up in 1994. In recent months, food rations have been cut (from 2,000 to 1,500 calories a day) and some longer-term humanitarian programs have been curtailed, including support for secondary-level schooling. According to some UNHCR officials, this was partly due to the realization that some refugees were reluctant to leave the camps as they believed they were leading a more comfortable life there than they could in Rwanda or Burundi.

There is an active social life in some of the camps. Some, such as Ngara in Tanzania and Mugunga and Kashusha in Zaire, have many facilities. Refugees have taken the initiative to set up makeshift shops, health centres, restaurants, video viewings, barbers' shops, craft shops, churches, schools and post offices. Some refugees have settled in the towns, particularly mixed Hutu-Tutsi couples who were afraid of victimization in the refugee camps.

Some refugees in Zaire attempt to earn a living in the towns of Goma and Bukavu to supplement the rations they receive in the camps. These initiatives are not always welcomed by the local population and since July 1995, measures have been imposed to limit commercial activities by refugees. For example, small businesses are now subject to registration and tax.

Curfews, imposed on several occasions for security reasons, have also had a negative effect on refugees seeking work, particularly in Goma.

In 1994 and early 1995, there were frequent reports of theft, looting and intimidation carried out by Zaïrian soldiers and also by Rwandese refugees within the camps. The presence of the Contingent zairois de securitÇ dans les camps (CZSC), Zaïrian Contingent for Security in the Camps - Zaïrian soldiers, picked by President Mobutu, but working under UNHCR and responsible for security in the camps - is said to have reduced the level of insecurity of that nature.

Many refugees have been separated from their families as a consequence of sudden flight and/or forced expulsion. Many do not know where their relatives are, or if they are still alive. Children have probably borne the greatest burden. The United Nations International Children's Emergency Fund (UNICEF) and UNHCR estimated that in July 1995, there were 117,100 Rwandese children separated from their families, living in Rwanda, Zaire or Burundi.

1.3 Returns of 1993 and 1994 refugees - and further flight in 1995 and 1996

So far, the rate of voluntary return of the 1993/94 refugees - known among those working with refugees as the "new caseload" - to Rwanda and Burundi has been low. During 1995, approximately 230,000 out of 1.7 million refugees had voluntarily returned to Rwanda, but only 78,000 of these were "new caseload" refugees. The monthly figure for voluntary returns declined from around 27,000 in September 1995 to around 13,000 in October and only 6,700 in November. The figure rose again to around 13,500 in December. It is noticeable that a high proportion of those returning to Rwanda are women and elderly people.

Still fewer have returned to Burundi. The high level of insecurity in Burundi continues to create many obstacles to the return of both refugees and internally displaced persons to their

homes within Burundi, as well as to cause further flight from Burundi. In one month alone, between mid-December 1995 and mid-January 1996, around 15,000 more Burundi refugees arrived in Uvira, in Zaire, fleeing the fighting in Burundi's northern provinces of Cibitoke and Bubanza.

It is significant that many of the Rwandese refugees opting to return to Rwanda are refugees from camps in northern Burundi. The widespread violence there is driving Rwandese refugees back to their own country, even though they may not have chosen to return otherwise. For example, many refugees from Rwanda who fled to Burundi in April 1995 after the massacre at Kibeho (in which up to several thousand people were killed when soldiers of the Rwandese Patriotic Army (RPA) opened fire on a crowd of internally displaced persons) are now returning to Rwanda - not because they necessarily feel safe there but because it is seen as the lesser threat.

However, not all Rwandese refugees who want to leave Burundi are choosing to return to their own country. On 17 January 1996, around 15,000 Rwandese refugees fled from Mugano camp, in Muyinga province, in northeastern Burundi, and sought asylum in Tanzania. Their flight reportedly followed fighting around Mugano camp, apparently between Burundi security forces and armed groups. Several of the refugees who crossed into Tanzania reportedly had gunshot wounds. On 20 and 21 January, a second group of around 16,000 Rwandese refugees fled towards the Tanzanian border from Ntamba, also in Muyinga province.

1.4 Return and resettlement of 1959 refugees

In addition to refugees who left Rwanda in 1994, refugees who fled Rwanda in 1959 or 1960 and have been living in eastern Zaire for around 35 years are now returning to Rwanda. Around 146,400 are estimated to have returned during 1995. As mentioned above, these refugees are mainly Tutsi and tend not to feel threatened by the present government of Rwanda.

Many of these refugees cannot return to their areas of origin in Rwanda, either because their houses have been destroyed and their land occupied or because the government decides to locate them elsewhere. Many have to spend several weeks in transit camps before eventually being directed towards resettlement areas, mainly Kibungo in the east or Byumba in the north. In some cases, they occupy empty houses belonging to Hutu refugees who are still in exile. This is likely to lead to further problems if and when the "new caseload" of refugees who are the owners of these houses return. Resettlement of the "old caseload" often takes place in remote areas where the soil is not fertile and there are sometimes shortages of water. Many of the returnees have been used to an urban way of life and have difficulty adjusting to a rural existence. Some of the resettlement areas are very close to the Tanzanian border, in areas where armed incursions by Rwandese Hutu armed groups from Tanzania have created a climate of insecurity (see below).

The Rwandese government has made some efforts to provide extra security in these areas and should step up these efforts to protect the returnees from becoming easy targets for human rights abuses by Rwandese militia operating from Tanzania.

1.5 The infrastructure for return: the transit camps

Refugees who want to return are asked to register at UNHCR points of contact set up within the camps. Despite a mass information program run by UNHCR (see below), Amnesty International found that some refugees were not aware of the existence of UNHCR registration points. After registration, the refugees wait for transport to be organized by UNHCR and then return to Rwanda or Burundi, accompanied by members of UNHCR. In the case of Rwanda, once they have crossed the border, they are sometimes also accompanied by members of the RPA.

On arrival, Rwandese refugees are taken to one of the transit camps especially set up in Rwanda. Refugees from Goma are taken to the transit camp at Nkamira near Gisenyi and those from Bukavu are taken to Nyagatare camp near Cyangugu. Refugees coming from

Tanzania are taken to the transit camps at Birenga or Nyakarambi. Transit camps also exist further inside Rwanda, away from the borders, for example at Ndera, on the outskirts of Kigali. Refugees returning to Burundi from Zaire are taken to the transit camp at Gatumba, west of the capital Bujumbura.

The problem of separated families is particularly striking in the transit camps, where returnees include parents who do not know where their children are, and unaccompanied children, some as young as 10, who have returned alone. For example, one seventeen-year-old boy decided to leave INERA camp in Zaire as he was lonely there and had no family. He left secretly, pretending he was going to the market. On arrival in Rwanda, he was unsure where he would go or what he would do.

In September 1995, conditions in the transit camps inside Rwanda were reasonably good. They appeared fairly well organized, with basic facilities for distribution of food and sanitary and medical facilities. Some have a capacity of several thousand but in the event of a mass return, it is clear that that capacity would be exceeded, that facilities would prove insufficient and that the security of returnees would be difficult to guarantee.

In Rwanda, security and procedures on arrival at the camps vary from camp to camp. Nkamira is guarded by military security. During the forcible returns from Zaire in August 1995 and in their immediate aftermath, refugees arriving at Nkamira were subjected to interrogation and searches. Those who admitted being members of the former government army were separated and taken to a military detention centre nearby known as ETAG (a former school, the Ecole Technique Appliquée Gŕnŕrale). By the end of September, 226 people had been detained at ETAG. Most were former members of the military but at least 12 were civilians, some of whom appeared to have been picked up arbitrarily but were not immediately released. They included some Zaŕrians and a doctor from Burundi, Nicolas Bigirimana; no reason was given for his arrest but he was held for several weeks.

Amnesty International did not receive reports of torture and "disappearances" of returnees inside the transit camp at Nkamira.

Other transit camps appeared more relaxed and there was no visible presence of members of the security forces. In Ndera camp, outside the capital Kigali, Amnesty International delegates were told that soldiers were not allowed into the camp so as not to frighten the returnees. In Nyagatare camp, in Cyangugu in the southwest, the RPA took over responsibility for security when the United Nations Mission for Rwanda (UNAMIR) withdrew from this role. Some RPA soldiers posted in the camp were reportedly responsible for incidents of intimidation and theft of equipment belonging to refugees. However, the soldiers were removed from these posts and replaced by others after the incidents were reported.

1.6 Conclusion

Some 18 months after the flight of almost two million Rwandese from their homes and almost two years after the flight of several hundred thousand Burundi nationals, only a small fraction have chosen to return home. This is in spite of huge efforts by UNHCR to persuade them to return, indications from the host countries that they are no longer welcome and numerous statements by the Rwandese Government encouraging refugees to return. Yet the reluctance to return persists. It is clear that one of the main reasons is the refugees' fear of the risks they face in their own country. In the sections below, Amnesty International examines the risk of human rights violation faced by returnees in Rwanda and Burundi. But first, it is necessary to look at the principles of international law which govern the return of refugees and which all the countries in the Great Lakes region are bound to observe.

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