

EXTERNAL

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Fear of refoulement

18 August 1997

MALAWI

Around 765 Rwandese refugees in Malawi

And around 470 refugees from Democratic Republic of Congo

There are fears that preparations may be underway in Malawi to forcibly return around 765 Rwandese refugees to Rwanda in the coming days. These fears are heightened by a pattern of forcible repatriation from other host countries. If returned to Rwanda, the refugees' lives could be at risk. Around 470 refugees from the Democratic Republic of Congo (DRC - formerly Zaire) may also be at risk of *refoulement* the DRC.

On 18 August 1997, the Malawian authorities and a representative of the United Nations High Commissioner for Refugees (UNHCR) met with refugees at Dzaleka camp, where most of these refugees live, to announce that a voluntary repatriation operation would begin. According to a Malawian government official, those who refuse repatriation will be re-screened by a special panel of UNHCR and government lawyers to determine the validity of their refusal to leave.

A similar meeting to discuss voluntary repatriation on 11 August was cancelled for reasons which are unclear. Refugees had already noticed the presence of about 150 Malawian police and vehicles around the camp at that time. The camp has since been surrounded by Malawian police and roadblocks erected on the road outside to prevent refugees from leaving. Witnesses say refugees have been forcibly brought back to the camp. Malawian authorities previously ordered all refugees outside Dzaleka to return by 13 August.

The unusual police presence, and the knowledge that Rwandese refugees have been forcibly repatriated from other countries in similar circumstances, have sown panic among the Rwandese refugees, causing many to flee from the camp. There are now thought to be only a few hundred remaining in Dzaleka, primarily those who have large families, are sick or frail, and women with young children. Some Malawian authorities perceive refugees who have fled as having participated in the genocide in Rwanda in 1994. Amnesty International is concerned that this perception could influence the impartiality and independence of the re-screening of refugees who refuse to return.

Forcible repatriation of Rwandese refugees has taken place from a number of countries in 1995, 1996 and 1997, including Tanzania, the DRC, Burundi and most recently Gabon.

Most of the Rwandese refugees in Malawi were previously refugees in Tanzania, until Tanzania forcibly repatriated hundreds of thousands to Rwanda in December 1996. Some managed to escape the forcible repatriation by fleeing to Malawi. The refugees from the DRC were fleeing the conflict which erupted in the eastern part of the DRC in October 1996.

#### BACKGROUND INFORMATION

Since the beginning of 1997, the human rights situation in Rwanda has deteriorated considerably. Thousands of unarmed civilians have been killed, many by members of the Rwandese Patriotic Army (RPA), others by armed opposition groups believed to be allied to the former Rwandese army

and *interahamwe* militia. Among the victims of extrajudicial executions by the RPA are many refugees who were forcibly returned from neighbouring countries. Returnees have also been victims of "disappearances", ill-treatment and prolonged detention without charge or trial in life-threatening conditions.

Many of those fled Rwanda in 1994 and are now returning to their home country are suspected of having participated in the genocide which claimed as many as one million lives in Rwanda between April and July 1994. Some of them may well be guilty of these crimes, but many others are innocent. Amnesty International believes that individuals who participated in the genocide should be brought to justice, promptly and in accordance with international standards of fairness. However, if tried in Rwanda, they may face the prospect of an unfair trial and the death penalty.

Refugees from the DRC also face the risk of serious human rights abuses in their country. Since the new government of President Kabila took power in May 1997, killings, "disappearances", arbitrary arrests and torture have continued in many parts of the country.

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

- seeking assurances that no refugee will be forcibly repatriated to Rwanda or to the Democratic Republic of Congo if they refuse to go and expressing deep concern at the current human rights situation in these two countries;
- pointing out that many refugees repatriated to Rwanda from other countries have been victims of serious human rights violations, such as extrajudicial executions and "disappearances";
- asking for assurances that no refugee who fled Dzaleka camp will be subjected to ill-treatment by members of the Malawian police, and pointing out that many refugees from Rwanda have a well-founded fear for their safety if they returned to their country;
- reminding the Malawian Government that it is bound by its international commitments not to forcibly return refugees to a country where they could face human rights violations, as guaranteed by the 1951 Convention Relating to the Status of Refugees and the 1969 OAU Convention Governing the Specific Aspects of Refugees Problems in Africa - both ratified by Malawi.

**APPEALS TO:**

His Excellency the President Dr Bakili Muluzi  
Office of the President and Cabinet  
Private Bag 301  
Lilongwe 3, Malawi  
**Faxes: +265-782-095**  
**Telegrams: President Muluzi, Lilongwe, Malawi**  
**Salutation: Your Excellency**

Mr Patrick Chikapa  
Inspector-General of Police  
Malawi Police Headquarters  
Private Bag 305  
Lilongwe 3, Malawi  
**Faxes: +265-732-579**  
**Telegrams: Inspector-General, Police Headquarters, Lilongwe, Malawi**  
**Salutation: Dear Inspector-General**

Mr Lucius Chikuni, Coordinator  
Commission for Disaster Preparedness, Relief and Rehabilitation  
Office of the President and Cabinet  
Private Bag 336,  
Lilongwe 3, Malawi  
**Faxes: +265-784-894**  
**Telegrams: Lucius Chikuni, Office of President, Lilongwe, Malawi**  
**Salutation: Dear Mr Chikuni**

**COPIES TO:**

The Representative  
UNHCR - Malawi  
Box 30230,  
Lilongwe 3, Malawi  
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and to diplomatic representatives of MALAWI accredited to your country.

**PLEASE SEND APPEALS IMMEDIATELY.** Check with the International Secretariat,  
or your section office, if sending appeals after 12 September 1997.