

EXTERNAL

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Fear of refoulement / Fear for safety

14 July 1997

BELGIUM

About 500 asylum-seekers from the Democratic Republic of  
Congo

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Amnesty International is gravely concerned for the safety of around 500 asylum-seekers from the Democratic Republic of Congo (DRC) currently seeking asylum in Belgium. There are fears that they may be forcibly returned to the DRC without being given the opportunity to demonstrate the possible risks they face of serious human rights violations if returned to the DRC.

Asylum-seekers in Belgium who receive a negative decision on their claim for refugee status can appeal to the *Commission Permanente du Recours*, Permanent Commission for Appeals, an independent administrative body which makes the final decision on their case. In a recent newspaper interview, the President of the Permanent Commission stated that appeal cases pending from the DRC were mostly from asylum-seekers who had applied during the rule of President Mobutu. Now that the DRC has a new government headed by the *Alliance des forces démocratique pour de la libération du Congo* (AFDL), Democratic Alliance Forces for the Liberation of Congo, asylum-seekers would have to show they would still face danger if returned.

The President went on to announce that asylum-seekers from the DRC would be put through a new accelerated procedure. Around 500 Congolese asylum-seekers have subsequently been requested to appear before the Commission for an interview. These interviews, which have already begun, are reported to last between 15 and 20 minutes only with around 250 scheduled in the course of the next two weeks. Amnesty International has been informed that the claims of 26 asylum-seekers were processed in the course of one particular morning.

Under this procedure asylum-seekers will be interviewed by only one judge as opposed to the usual three. The President has stated that only those asylum-seekers who can demonstrate a credible fear of returning to their country will be referred on to a chamber of three judges and be subject to a full review.

Amnesty International is unaware of any decisions taken on the basis of this accelerated procedure. However, the organization fears that the Belgian authorities are operating on the presumption that the human rights situation in the DRC has fundamentally improved and that the vast majority of asylum-seekers fleeing the Mobutu regime can now return safely to their country. If this is the understanding of the Belgian authorities it does not take into account the complex situation which continues to prevail in the DRC. The political changes in the DRC may indeed enable some asylum-seekers to return in safety. There are, nevertheless, numerous groups of people who are equally at risk of human rights violations under the present government as they were under the previous one and the human rights situation in the DRC remains dire.

The organization is gravely concerned that implementation of this accelerated procedure would lead to the risk of asylum-seekers being returned to the DRC, a violation of the principle of non-*refoulement*.

Belgium is bound both by treaty and by customary law to respect this principle and afford protection to those at risk.

#### **BACKGROUND INFORMATION**

On 17 May 1997 forces of the AFDL entered Kinshasa, the capital of Zaire, and declared victory after a seven-month armed campaign against the Zairian army. The AFDL leader, Laurent Desire Kabila, has declared himself President, suspended the Zairian constitution, changed the name of the country to Democratic Republic of Congo and installed a new government.

Since the beginning of the armed conflict, which began in eastern Zaire in October 1996, Amnesty International has been documenting human rights abuses committed by the AFDL and their allies. These abuses have included large-scale deliberate and arbitrary killings, "disappearances", torture and arbitrary arrests. Since the AFDL have taken control of the whole country and established a transitional government, many more severe violations have continued to be reported, particularly against actual and perceived supporters of former President Mobutu Sese Seko and members of opposition political parties, which have been banned.

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

- Calling the attention of the Belgian authorities to the continuing grave human rights situation in the Democratic Republic of Congo (DRC);
- Urging the Belgian authorities to review the cases of all asylum-seekers from the DRC in a full and satisfactory procedure, so as to ensure that all those asylum-seekers from that country at risk of serious human rights abuses are given effective and durable protection from *refoulement*;
- Urging the Belgian authorities to respect their obligations under principle of non-*refoulement*, as enshrined in the 1951 Convention Relating to the Status of Refugees and the Convention Against Torture.

#### **APPEALS TO:**

##### **Minister of the Interior**

Monsieur J. Vande Lanotte  
 Vice-Premier Ministre et Ministre de l'Intérieur  
 Ministère de l'Intérieur  
 Rue Royale 60-62  
 1000 BRUXELLES/BRUSSELS  
 Belgium  
 Telegrams: Ministre de L'Intérieur, Brussels, Belgium  
 Fax: + 32 2 504 85 00  
 Salutation: Monsieur le Ministre/Dear Minister

##### **Minister of Justice**

Monsieur Stefaan De Clerck  
 Ministre de la Justice  
 Ministère de la Justice  
 Boulevard de Waterloo 115  
 1000 BRUXELLES/BRUSSELS  
 Belgium  
 Telegrams: Ministre de la Justice, Brussels, Belgium  
 Fax: + 32 2 538 83 75

Salutation: Monsieur le Ministre/Dear Minister

**COPIES TO:**

Diplomatic representatives of Belgium accredited to your country.

**PLEASE SEND APPEALS IMMEDIATELY.** Check with the International Secretariat, or your section office, if sending appeals after 25 August 1997.