

COLOMBIA: A long search for justice

On 18 November 1996, the 8th Brigade of the Colombian Army handed over the remains of Luis Fernando Lalinde Lalinde to his mother, Fabiola Lalinde Lalinde. He was buried the following morning in Medellín. For his mother and his family, a nightmare that had lasted for 12 years was beginning to come to an end.

Luis Fernando, a sociology student and member of the Communist Party, had been detained by a military patrol in October 1984 as he was boarding a bus in the municipality of Jardín. Witnesses said that soldiers beat him, tied him up, and took him away in a military truck. A month later, the Commander of the 8th Brigade told Fabiola Lalinde that he knew nothing about the fate of 26-year-old Luis Fernando, but that on the day of his “disappearance”, a guerrilla known as “Jacinto” had been shot dead, allegedly while trying to escape.

A working woman who had raised four children alone, Fabiola Lalinde had never confronted authority, much less a government or military official. But when her son “disappeared” and she dedicated herself to the task of finding him, she encountered an official labyrinth of obstruction, deceit, and lies. The evidence she painstakingly collected, including witness testimony, convinced her that Luis Fernando had been tortured and murdered by the soldiers.

Her struggle to prove the truth about what had happened to her son brought her into contact with others who had suffered political violence and systematic human rights violations in Colombia. She joined organizations that supported families of the detained and “disappeared”, she enlisted sympathetic human rights lawyers, she continued to push at every possible door to find her son’s body and bring his killers to justice.

In September 1988 the Inter-American Commission on Human Rights of the Organization of Americas States (Iachr) issued a resolution finding the Colombian State responsible for the forced disappearance of Luis Fernando. The following month they issued a stronger resolution, holding the government responsible for his extrajudicial execution. This was the first time the Colombian Government had been publicly condemned for such offences by the Iachr.

Shortly after the IACHR’s first resolution, an army patrol came to Fabiola’s house and arrested her after “discovering” a package of cocaine in a wardrobe. She was detained for 15 days in prison, although the drugs were later found to have been planted. Members of the security forces continued to harass and threaten her, labelling her a subversive and a terrorist.

Fabiola Lalinde gained national and international allies. In a 1992 letter to AI, which had taken up her son’s case in 1987, she said that international solidarity had been “the fuel of my existence during these years of uncertainty and powerlessness... Solidarity is the weapon of the defenceless”.

The remains of “Jacinto” were finally exhumed in 1992, after years of concerted pressure. Although Fabiola was certain that the body was actually that of Luis Fernando, it was another four years before this was confirmed by DNA analysis and the remains handed over to her for burial.

In a recent letter to AI Group 197 in Germany she said: “Everything in this process, of these 12 years, has been very painful but also very beautiful for all the solidarity of those people like you who do not even know me yet have given me the spirit, support and strength to carry on.”

In Colombia, where so many of the “disappeared” remain in unmarked graves, Fabiola Lalinde has accomplished something rare. But even after 12 years, her struggle for justice has just begun: the case has never been adequately investigated and those responsible for abducting, torturing and killing Luis Fernando have not been brought to justice. “Now it doesn’t have to do only with my son,” she says, “but with all of the disappeared.”

The UN Commission on Human Rights, the main body of the UN system charged with monitoring human rights, will be in session in Geneva from 10 March to 18 April. The Commission is celebrating its 50th anniversary in 1997, and AI is urging it to use this opportunity to consolidate its past work and consider how to respond effectively to the human rights challenges it will face in the decades ahead. AI is also calling on the Commission particularly to take specific action on five countries where there have been persistent, severe and systematic violations of human rights: Algeria, Colombia, Indonesia/East Timor, Nigeria and Turkey. AI has brought all these countries to the attention of the Commission at previous sessions, and continues to be concerned because the human rights situation in all five countries is unchanged or deteriorating.

A wide range of mechanisms and an extensive body of human rights law have been developed over the past half century, giving the Commission real potential to take strong measures to protect human rights. Yet this potential remains largely unrealized: there are serious shortcomings in the area of implementation, and states often refuse to comply with decisions of the Commission or the recommendations of its mechanisms.

The Commission's effectiveness is being undermined by an over-emphasis on consensus decision making. Resolutions aimed at stopping human rights violations are frequently taken only if all states present agree, sometimes including the violating state itself. A small minority of states can thus block or substantially weaken a proposal in order to protect their own economic, political and security interests, and states in the same regional grouping often act to protect one another in the name of regional solidarity.

The text of the draft Declaration on human rights defenders, for instance, has been under discussion since 1985. This Declaration would make clear what rights human rights defenders, many of whom risk their freedom or even their lives to protect the rights of others, need in order to carry out their work freely. The Working Group charged with elaborating the text made no significant progress during the 1996 session; as in previous years, a few states abused the concept of consensus to block the recognition of rights that are indispensable for the defence and promotion of human rights.

Particularly disturbing has been the failure to recognize for defenders some of the rights and freedoms that make the defence of human rights possible, and are already guaranteed to all people — such as the rights to freedom of expression, association and peaceful assembly. If the draft cannot be completed during this session, AI will call on the Commission to appoint a Special Rapporteur on human rights defenders with a mandate to carry out investigations into the situation of human rights defenders, with the express aim of helping the Working Group resolve outstanding problems.

The Commission's responsibility is to call states to account if they violate universally accepted human rights standards. Any proposed actions must be in accordance with these standards, and consensus is desirable if and when it reinforces government accountability. Proponents of consensus decision-making argue that states will more readily comply with measures proposed by the Commission if they have been part of the consensus agreement to seek such measures. As this has not been proven in practice, AI is urging the Commission to set up a way to evaluate state compliance with recommendations made by the Commission and its mechanisms, and to be prepared to take a different approach when states do not cooperate.

The outside world does not understand why the Commission often fails to take effective action against governments that suppress human rights. If it continues to pass watered-down consensus resolutions, if it fails to act promptly and decisively when human rights are threatened, if it fails to ensure that states implement its recommendations, the UN's highest human rights body risks becoming irrelevant. AI believes that it is time for the Commission to demonstrate that its debates and resolutions do matter, that they do make a difference.

UPDATE ON WWA

ALEXANDR NIKITIN, a retired naval officer whose case was featured in the January 1997 AI NEWS, was released from detention in the Russian Federation on 14 December 1996 pending trial. However, the charges against him have not been dropped and further appeals should note that he was being held solely for the peaceful expression of his right to freedom of expression, and ask that the charges against him be dropped and that his release be made unconditional.

#### NEWS IN BRIEF

AI welcomed the unconditional release of three prisoners of conscience in Nigeria in November 1996 — Chief Gani Fawehinmi, Femi Falana and Femi Aborisade. All three of them are prominent human rights activists, who had been detained, incommunicado and without charge or trial for nearly a year. However, AI is concerned that their release, which coincided with a visit to Nigeria by the Commonwealth Ministerial Action Group, may have been as arbitrary as their detention. In recent weeks, there have been more arrests, including three more human rights and pro-democracy activists: Chief Olabiyi Durojaiye, Dr Frederick Fasheun and Chief Olu Falae.

The prominent Kenyan human rights activist and prisoner of conscience, Koigi wa Wamwere, was released on bail for medical treatment on 13 December 1996. His two co-defendants were released on the same grounds on 13 January 1997. Koigi wa Wamwere recently told AI that he and his friends are still alive “because of your efforts and those of others saved us from the gallows”. AI has been campaigning on behalf of the three prisoners of conscience since their arrest in November 1993 and continues to call for their release to be made unconditional.

AI welcomed the release of four prisoners of conscience in Tunisia in December 1996, but has expressed its concern that these releases were only conditional. Mohamed Najb Hosni, a lawyer and human rights defender, and Mohamed Hedi Sassi, a member of the illegal Tunisian Workers’ Communist Party, were arrested in 1994 and had been tortured during detention (AI Index: MDE 30/46/96). Mohamed Mouadda, leader of the opposition party the Movement of Democratic Socialists (MDS), and Khemais Chammari, human rights activist and former MDS official, had been sentenced to 11 and five years’ imprisonment respectively (AI Index: MDE 30/50/96).

The upsurge in executions in Iran was condemned by AI, as the recorded number of executions in the country rose from about 50 in 1995 to at least 110 in 1996. Many of these executions have also followed apparently unfair trials, contravening Article 14 of the International Covenant on Civil and Political Rights, to which Iran is a state party.

#### WWAs

##### Egypt

Marwa al-Sayyid Metwalli Hafez, aged 18, left her family home in the al-Marg district of Cairo on the morning of 18 August 1996 to go on a shopping trip. When she had not returned later that day, her family began to enquire about her whereabouts in the neighbourhood, only to be told that a group of State Security Investigations Department (SSI) officers had been stationed in the area that morning, and that a number of suspected Islamist activists had been arrested. AI fears that Marwa al-Sayyid Metwalli Hafez was among those arrested.

Since she “disappeared”, her family have made continuous efforts to trace her, but without success. They received a number of reports that she was seen by other detainees at SSI buildings in Cairo. In

early January 1997 they were told that their daughter had been seen in al-Qanater al-Khairiya Prison (women's section) outside Cairo, and went to visit her there on 15 January. After being permitted to enter the prison to see her, they were kept waiting for several hours, only to be told without any further explanation that their daughter was not there. They were asked to leave the prison immediately.

AI wrote to the Egyptian Government on 11 December 1996 seeking information about Marwa al-Sayyid Metwalli Hafez's whereabouts, but no response had been received by the end of January. As those held in secret detention are particularly vulnerable to torture, AI fears that she may have been subjected to torture or ill-treatment since her "disappearance", and remains concerned for her safety in detention.

+Please write, expressing fears for Marwa al-Sayyid Metwalli Hafez's safety and concern about her "disappearance", urging the government to make her whereabouts public and either charge her with a recognizably criminal offence or release her immediately and unconditionally, and calling for a public and impartial enquiry into her "disappearance", to: H.E. General Hassan Mohammad al-Alfy/ Minister of the Interior/ Ministry of the Interior/ Al-Sheikh Rihan Street/ Bab al-Louk/ Cairo/ EGYPT. Telex: 21361 MOICM UN.

#### Guatemala

Anthropologist Myrna Mack Chang was stabbed to death in Guatemala City on 11 September 1990. At the time of her murder, she was carrying out pioneering studies into the effects of armed conflict on the displacement of rural populations.

In February 1993, former-Sergeant Noel de Jesús Beteta was convicted of killing Myrna Mack and sentenced to 25 years in prison. One year later, the courts opened legal proceedings against three high-ranking military officials, who were detained and released on bail after being accused of ordering and planning her killing.

On 18 December 1996, the Guatemalan Congress approved a "National Reconciliation Law". Following concerns raised by local and international organizations regarding the vagueness of the proposed law and the possibility of a general amnesty for members of the security forces responsible for human rights violations, amendments were made so that exemption from legal accountability would not apply in cases of forced "disappearance", torture and genocide or in cases in which there was no "rational and objective" relationship between the human rights violation and acts of counter-insurgency.

The lack of specific reference to extrajudicial execution may lead to the interpretation that those responsible for such crimes can be granted immunity from prosecution.

In January 1997, the three military officers accused of ordering and planning Myrna's killing applied for amnesty under the National Reconciliation Law. The case of Myrna Mack will be the first to enter the courts since the passing of the new law and could set a precedent for hundreds of pending human rights cases in Guatemala.

+Please write, expressing concern that the full truth may never be known about the killing of Myrna Mack if those responsible are granted immunity from prosecution under the National Reconciliation Law, and urging that all those involved in the killing of Myrna Mack are brought to justice and the relatives of the victim compensated, to: Sr. President Alvaro Arzú Irigoyen/ Presidente de Guatemala/ Palacio Nacional/ 6 Calle y 7 Avenida/ Zona 1/ Ciudad de Guatemala/ Guatemala.

#### TURKEY

At about 11am on 28 November 1996, armed men with portable radios — apparently plainclothes police officers — raided the home of 55-year-old Fahriye Mordeniz in Diyarbakir and took her away. An hour earlier, the same men had picked up her husband, 58-year-old Mahmut Mordeniz, while he was buying and selling livestock at the crowded local market. As they hustled Mahmut away,

someone intervened to ask where they were taking him. “We are taking him to give a statement,” was the reply. The couple has not been seen since.

When relatives went to a nearby police station they were told that the arrest had been carried out by “the Anti-Terror Branch”. Subsequent petitions to courts, prosecutors and police stations either received no response or blank denial that Fahriye Mordeniz and her husband had been detained. Although both were taken into custody in front of many witnesses, all of them are too frightened to give statements. One local man who had pursued the case of a “disappeared” relative was himself “disappeared”, and there were at least 11 “disappearances” in the province of Diyarbakir at the end of November 1996.

The couple has 10 children. Several months before her “disappearance”, Fahriye Mordeniz had been detained in Istanbul, where she had gone to meet a son who lives abroad. Both mother and son were interrogated by the police in Istanbul, but released shortly afterwards. Mahmut Mordeniz had never been previously detained.

+Please write, asking that the whereabouts of Fahriye and Mahmut Mordeniz be clarified and asking what steps have been taken to investigate their “disappearances”, to: the Prime Minister, Mr Necmettin Erbakan/ Office of the Prime Minister/ Basbakanlik/ 06573 Ankara/ Turkey. Faxes: +90 312 417 0476

UK: Free at last: asylum-seekers released

Karamjit Singh Chahal, who had spent six and a half years in detention in the United Kingdom (UK), was released in November 1996. The following month, Raghbir Singh was released after 20 months in detention. The men, who had been held on “national security grounds” pending deportation to India, were freed following a judgement by the European Court of Human Rights. In a written submission to the Court, AI had argued that Chahal would have risked facing torture or other human rights violations had he been returned to India, and that his detention was unlawful.

The UK Government had argued that it believed both men posed a serious threat to national security, and that it would deport them on these grounds even if it had been satisfied that they qualified as refugees under the terms of the 1951 UN Convention on Refugees. In the Chahal case, the European Court held that the prohibition of torture is one of the fundamental values in democratic societies, the principle of non-refoulement is of paramount importance and that “the activities of the individual in question, however undesirable or dangerous, cannot be a material consideration”.

In the aftermath of Chahal’s release, AI wrote to the UK Government welcoming the decision of the Court and asking the government to review all such cases, including that of Raghbir Singh. He was freed about two weeks later, and AI received the following message from Singh’s solicitor:

“Raghbir has asked me to personally thank you for the support that he has been given throughout and asked me to tell you that there were times when — as you can imagine — he was very depressed because of his situation and that because of the continued support that AI and others gave him he never lost hope. And he knew throughout, because there were people out there campaigning for him, that one day he would be proved right and released.”

LIBYA: 8 prisoners executed after secret trials

Six army officers and two civilians were executed in Libya on 2 January after the Supreme Military Court upheld death sentences handed down in late 1995. The eight had been among the dozens of people arrested in the aftermath of a reported rebellion by army units around the city of Misrata in October 1993. They had been detained incommunicado in unknown locations since that time, completely cut off from their families and the outside world.

Colonel Miftah Qarrum al-Wirfalli, Colonel Mostafa Abu al-Qassim Mas‘ud al-Kikli, Lieutenant-Colonel Sa‘ad Saleh Farag, Major Khalil Salam Mohammad al-Jidiq, Major Mostafa

Ihbayal al-Firjani, Major Ramadhan al-'Ayhuri, Dr Sa'ad Misbah al-'Amin al-Zubaydi and Sulayman Ghayth Miftah were charged with "passing defence secrets to foreign states" and membership of "a banned organization linked to agents of foreign governments". The organization was the National Front for the Salvation of Libya (NFSL), the main Libyan opposition group operating in exile. In early March 1994, three of them had "confessed" on television to being US spies, and said they had been recruited as US intelligence agents by members of the NFSL. They reportedly made these confessions after being tortured. Espionage is punishable by death in Libya, as is membership of an opposition group.

The defendants had reportedly been tried twice at the end of 1995. A lower military court initially handed down prison terms, but the authorities reportedly ordered a retrial on the grounds that the sentences were too lenient. At the end of December 1995 a second trial took place and a military court reportedly sentenced 11 people to death. Both trials were held in camera.

The Supreme Military Court's decision upholding the death sentences was said to have been given and video-taped about one month before it was announced on Libyan television on 1 January 1997. AI had repeatedly requested information about the legal status and whereabouts of those being held, and sent urgent appeals after reports were received that they had been tortured, and then sentenced to death. No response had been received from the Libyan authorities by the end of January.

## FOCUS

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 a 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 deliberately and arbitrarily targeted by parties to the conflict. While states debated and delayed, and discussed plans for a Canadian-led intervention force, thousands died.

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 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. In the wake of the events in Zaire, Tanzania — itself home to close to one million refugees — took action to force hundreds of thousands of Rwandans home. Again, the international community — including the UN High Commissioner for Refugees (UNHCR) — supported this development.

The events of these months were marked by a shocking disregard for the rights, dignity and safety of refugees. A disturbing trend in refugee protection has arisen in the region, and the refugee crisis in central Africa is far from over. Huge numbers of refugees and internally displaced persons remain, and continue to face either forced return or the false choice of returning because they are in grave danger in their host countries. Armed conflict and human rights abuses, particularly in Burundi and eastern Zaire, appear likely to give rise to further refugee flows and displacement.

## 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.

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, as well as reports that Rwandese soldiers were present in and around the camps at the time.

Some of the refugees who refused to go back were apparently arrested and held in a detention camp. 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.

Were conditions in Rwanda truly safe? Did the refugees return voluntarily? These fundamental concerns should have governed any decision taken to repatriate refugees, but 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 raises serious concern about the integrity of the refugee protection system. Does the world remain committed to protecting refugees, or will political and financial considerations now take precedence over safety and human rights?

#### Zaire and Burundi: Expulsion and Return Amid Violence

Tanzania is not the whole story. In the second half of 1996, huge numbers of Rwandese refugees were returned or forced back from Burundi and Zaire. These included at least 75,000 from Burundi in July and August, after refugees became targets of threats and violence at the hands of Burundi security forces, and some 700,000 from Zaire in November and December. A total of about 1.3 million people returned to Rwanda in 1996, a population increase of approximately 20 per cent. In parts of Rwanda, returnees outnumber the rest of the population. The implications could be extremely grave for a country still struggling to heal from genocide and to rebuild a society shattered by civil war.

Thousands of Burundian refugees were also forced out of eastern Zaire when the fighting erupted. Zaïrian military and armed opposition groups reportedly 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 were reportedly killed by Burundian soldiers, and others have “disappeared”.

#### International Standards

The international community quickly characterized the return of Rwandese refugees as voluntary. This is not a mere technicality. Voluntariness matters because voluntary repatriation 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.

International law highlights the central role of voluntary repatriation in refugee protection. 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.

The repatriation of Rwandese refugees, from Burundi, Zaire and Tanzania, fails on both counts. It is clear that many of the refugees were being coerced and terrorized into staying by extremists allied to the former government and army of Rwanda. However, asylum states and the international community did little to remove that intimidation. If they had, it might have been possible to ascertain whether or not the refugees had the opportunity to make an informed decision.

When the moment of return did arrive for the Rwandese refugees, the only choice available was to go back — there was nothing free about it. In Burundi they left to escape persecution at the hands of the Burundian military, in Zaire it was the only hope of surviving the harrowing attacks on refugee camps

and the threat of starvation, 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? This is the most vital issue in ensuring 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 of the human rights situation. When that occurs, refugee status comes to an end.

AI has followed 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 some encouraging promises, but serious violations continue, including "disappearances" and deliberate and arbitrary killings. Moreover, the prison population is now around 92,000, and significant numbers of returnees from Burundi, Tanzania and Zaire have been arrested. Prison conditions remain appalling, with some detention centres so overcrowded that there is no room for the prisoners to lie down.

Many of those detained may be guilty of involvement in the genocide, but it is also believed that many may be innocent, as now acknowledged by the government. Rwanda's devastated judicial system has simply been unable to cope with the caseload. It has taken two and a half years for genocide trials to begin, and while this is clearly a welcome development, there are serious concerns about the fairness of these trials. Fair trial safeguards are vital, as those convicted of planning and supervising genocide face mandatory execution. But in one of the first cases to be heard, two death sentences were imposed after four-hour trials in which the defendants had no legal representation.

In a wider sense, Rwanda will be hard pressed to meet the basic needs of the returning population. The World Food Program (WFP) refers to a "fragile and unstable food supply". 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." Tensions are reported to be running high in a number of communes, and the potential for further violence is high.

#### 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 knows exactly 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, and they remain at great risk.

#### Tanzania

In late January, there were about 230,000 Burundian Hutu refugees in Tanzania, with more arriving every day. Many had been refugees for several years, and between 60,000 and 70,000 had fled Burundi in November and December 1996, when fighting erupted in eastern Burundi. Others fled from the conflict in eastern Zaire in November 1996. About 43,000 Zairians also fled to Tanzania. Thousands more Burundians and Zairians have fled to Tanzania throughout January and February. At the end of January, the Tanzanian Government was allowing most of these refugees to remain, but there were distressing reports of groups of Burundians forcibly returned to Burundi and of arrests of Zairian and Burundian refugees who had fled camps in Kigoma, raising fears that the Tanzanians would eventually impose a deadline for return on Burundians and Zairians as well. Given the explosive situations in Burundi and eastern Zaire, the consequences of enforced return would be disastrous. The expulsion of two groups of Burundian refugees, about 174 people, from Tanzania's Kitale camp in early January has already led to tragedy. With the exception of four people who may have escaped, all of them were killed by Burundian security forces, in circumstances suggesting summary and deliberate executions. The first group of 48 refugees were expelled from Tanzania on or about 5 January, and were taken to Muyinga military camp in Burundi, where they were tortured and then killed. The second group of 126 refugees were expelled on 10 January; 122 of them were killed by

Burundian security forces at the border post of Kobero. A UNHCR official present in Kobero was apparently ushered away from the scene before the shootings began. The Burundian authorities have said that six or seven soldiers were arrested in connection with the killings. There are further reports now emerging that more Burundians may have been expelled from Tanzania in early January.

Although Tanzania has given assurances that Burundian and Zaïrian refugees will be allowed to remain, the Minister of Home Affairs stated on 12 January that all Burundian refugees must register in camps by 18 January, and urged Burundians to seriously consider returning on the grounds that the danger may not be as great as they had been led to believe. AI was concerned that such statements foreshadowed plans to repatriate larger numbers of Burundian refugees or even to require all Burundians to return. Zaïrian refugees were also required 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 were virtually completed by the end of 1996. But thousands of refugees were thought to still be hiding in Tanzania, and were being sought by the authorities. The UNHCR reported that as of 1 January, 50,000 Rwandese remained in Tanzania.

### Zaire

At the beginning of 1997, well over a quarter of a million Rwandese and Burundian refugees — the International Committee of the Red Cross (ICRC) estimates 270,000, the UNHCR 330,000 — remained in eastern Zaire, where they were receiving very little humanitarian assistance. Many were sick and wounded, and in one camp up to 15 people were reported to be dying every day. The whereabouts of many of the refugees remained unclear.

Meanwhile, fighting has intensified in eastern Zaire. UNHCR noted that the conflict made it difficult to assist many of the refugees, as opening land corridors to reach them would necessitate crossing a war zone. The refugee camps in Shabunda, Tingi-Tingi and Amisi lay between two opposing forces, raising the prospect that refugees would again be caught and perhaps targeted in the cross-fire. Currently, in the face of renewed fighting, tens of thousands of refugees have fled the camps at Shabunda and Amisi, and security concerns are mounting at Tingi-Tingi.

The ICRC and Médecins sans Frontières recalled their foreign staff from the area in late December, due to the dangerous and violent conditions, and UNHCR temporarily suspended operations near Goma. On 15 January, the WFP suspended relief flights to eastern Zaire, after refugees and Zaïrian military forces surrounded a plane carrying food aid. WFP officials acknowledged that the suspension would be catastrophic for the refugees, as more than 50 per cent of relief supplies were reaching them by air. On that same date, the Zaïrian Government announced a three-day suspension of all flights to the area. All international aid workers left Amisi on 15 January and Tingi-Tingi in early February due to the deteriorating security situation in the region.

In January UNHCR publicized its concerns about the safety of the refugees remaining in Zaire. It noted that one camp appeared to be controlled by Hutu extremists, indicating that refugees would not be left to freely decide if they wish to return to Rwanda. The UNHCR called for steps to be taken to separate the refugees and the “intimidators”.

Also dramatically overlooked has been the plight of internally displaced persons in eastern Zaire. More than 300,000 Zaïrians 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.

### Other states in the region

On 30 September 1996, 392 Burundians were forcibly expelled from Rwanda to Burundi’s northwestern Cibitoke province — an area where killings by the security forces and armed opposition groups are common. Up to 4,000 Burundians had fled to Rwanda in mid-1996, after reports of

massacres in Cibitoke. In mid-January it was reported that Rwandese authorities wanted to close a Burundian refugee camp and repatriate 1,500 refugees to Burundi, many of them forcibly. They apparently agreed to reconsider the decision after UNHCR protested, but by the end of January there was no firm indication from the Rwandese Government that the refugees would be allowed to remain. In Uganda, 3,000 Rwandese refugees who escaped from Tanzania face an uncertain future. The Ugandan authorities have said that they would be returned to Rwanda or Tanzania. Up to 10,000 other Rwandese refugees already reside in Uganda, having fled there in 1994 and 1995. Since the outbreak of armed conflict in eastern Zaire, several thousand Zairian and Rwandese refugees have fled to western Uganda.

A number of Rwandans who attempted to flee Tanzania for Kenya were stopped at the border, others may have entered the country and moved into the Mombasa area. Many Rwandese refugees fled to Kenya in 1994, where they have frequently been harassed by Kenyan authorities, experiencing arrests, short-term detention and threats of expulsion. Kenya is also known to be harbouring a number of Rwandans 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.

#### An AGENDA for Protection

At least 500,000, and perhaps up to 750,000, Rwandese, Burundian and Zairian refugees remain in the region seeking protection. An equal number may be displaced within their own countries. The humanitarian and human rights 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?

No further forced repatriations to Burundi, Zaire or Rwanda.

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.

Refugees suspected of criminal activities and violence should be investigated and, if appropriate, removed from camps, charged with recognizably criminal offences and given fair trials, without recourse to the death penalty.

Host states and the UNHCR should make a commitment that until safe return is possible, refugees will only be repatriated when it is their personal, voluntary and informed choice.

If and when safe return is judged possible, host states, with assistance from the UNHCR and the international community, must establish fair procedures to assess the claims of individuals who are unwilling to return.

States with large populations of refugees and/or displaced persons must be able to meet the basic needs and protection requirements of the refugee communities. The international community must ensure that sufficient financial and logistical support is available.

All parties to the armed conflict in eastern Zaire must abide by the rules of international humanitarian law, and not target refugees, displaced persons or camps in any way.

#### AI's 1997 refugee campaign

At least 15 million people around the world are refugees, a further 20 million are internally displaced. Every single refugee is the consequence of a government's failure to protect human rights.

Refugees are entitled to international protection. Their fear of persecution, discrimination or human rights violations should guarantee them sanctuary. Yet governments are ignoring their obligations.

In response to the worldwide refugee crisis, AI is this month launching a campaign for refugees' human rights, which are being threatened, undermined or ignored by governments around the world. The campaign has three main aims:

- To prevent human rights violations, so that people do not have to leave their homes in search of safety
- To ensure that those who flee human rights violations are allowed to reach a place of safety, are given effective protection against forcible return, and are guaranteed minimum standards of humane treatment while they are displaced
- To press for human rights to be a priority when considering refugee issues, such as programs for refugees to return home, developments in international refugee law and practice, and the protection needs of people displaced within their own countries