

**Preliminary Observations from the Field:
Rwandese Refugees' Perceptions of 'Voluntary' Repatriation from Uganda**

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Introduction

Since October 2002, the Government of Rwanda (GoR), the Government of Uganda (GoU) and United Nations High Commissioner for Refugees (UNHCR) have been playing an active role in promoting the voluntary repatriation of Rwandan refugees from Uganda (Human Rights First 2004; UNHCR 2011:2; MIDIMAR 2011:5). To this end, several steps have been taken, such as: the signing of ten tripartite agreements,¹ issuing several joint communiqués, and sensitisation campaigns whereby Rwandan refugees are encouraged to go back to Rwanda and see for themselves what conditions are like within the country and then return to tell fellow refugees. Refugees have, however, felt that coercive measures have been used to encourage their return, including the reduction in food rations and the forced repatriations of October 2007 and July 2010 (Interviews 2011). These efforts, despite their limited success, formed part of the Comprehensive Strategy which culminated in the UNHCR's recommendation for the invocation of the Cessation Clause (UNHCR 2011:1), which was finally due to be invoked on 30 June 2013. Nonetheless, despite the attempts to return Rwandan refugees to Rwanda, considerable numbers are still reluctant to return. The Rwandan refugees interviewed noted that although some of the repatriations (citing in particular those in 2004 and 2009) have been claimed to be voluntary by the GoU and UNHCR, they have not been carried out in safety and dignity as stipulated under international standards. This piece documents Rwandan refugees' perceptions of repatriation from the early 2000s up to now, both generally and regarding specific incidences of return, as understood from my research in the field. It constitutes a description of preliminary research findings, drawing upon the voices and experiences of refugees, which I will later analyse for my Doctorate.

Methodology

This research seeks to identify and analyse the repatriation processes for the post-genocide Rwandan refugees in Uganda since 2003, as understood through their eyes and available documentation on these events. It draws upon my Ph.D. research which was conducted between 2009 and 2012 in Nakivale and Oruchinga refugee settlements in South-western Uganda, though this account is purely a description of my observations from the field. Over 100 respondents were purposively selected for expert interviews and focus group discussions: Rwandan refugees, asylum seekers, recyclers (former repatriates) and returnees, as well as government and UNHCR representatives. Clearance by the Uganda National Council of Science and Technology and the Office of the Prime Minister was obtained to carry out this research. Voluntariness, confidentiality and informed consent of the respondents were observed during interviews.

Post-Genocide Rwandan Refugees in Uganda

¹ So far ten tripartite agreements have been signed between the GoU, GoR and UNHCR since 2003. Minutes of the 1st to 10th Tripartite Agreements are on file with the author.

In 1994, the Rwandan genocide started following the death of the then President Juvenal Habyarimana in a plane crash on 6 April 1994, leading to a new influx of Hutu refugees into Uganda (Newbury 2005: 283; Van der Meeren 1996; Mamdani 2002; Mushemeza 1998, 2007). The period of the 1994 Rwandan Genocide and its aftermath saw many, but by no means all Tutsi refugees in Uganda and throughout East Africa, returning to Rwanda while large segments of the Hutu population, fearing retribution, escaped and sought asylum throughout Africa. After the genocide, the new Rwandan Patriotic Front (RPF) government has been conducting campaigns to encourage Rwandan citizens to return, but many remain in exile (Refugee Law Project 2010).

Over 50,000 Rwandan refugees are understood to be living in exile within the broad Great Lakes Region (Iyodu 2011). As of 1 July 2012, approximately 20,565 of these were in Uganda (Uganda UNHCR Statistics 2012). The majority are hosted in Nakivale and Oruchinga refugee settlements - 9,574 and 1,413 respectively – whilst the rest are in urban centres or other camps within Uganda (Uganda UNHCR Statistics 2012). The GoR is said to have exerted pressure on most of the region's governments hosting its nationals to sign tripartite agreements to implement return, and has been accused of pushing for the implementation of articles 1C(5) and (6), subsections of the cessation clause, in the 1951 Convention Relating to the Status of Refugees (hereafter the 1951 Convention) (Refugee Law Project 2010:1).

Repatriation of Rwandan Refugees in Uganda: How Voluntary?

They force us to return with guns, threatening words, and deny us humanitarian assistance with the aim of pushing us out of Uganda (Statement of a Rwandan refugee in Nakivale, January 2011).

The refugees pointed out that while the current conditions in Rwanda are not yet conducive for a safe return, they felt nonetheless that the GoU, GoR and UNHCR had resorted to pressures and restrictions to push them out of Uganda. Refugees expressed that policy makers had resorted to *refoulement*, ultimatums, verbal abuses, deadlines, anti-Rwanda refugee rhetoric, destruction of crops and huts, restriction of access to humanitarian assistance, bars on granting of refugee status, starvation, abductions, money extortions, arbitrary arrests and internments, restrictions on humanitarian assistance, and UNHCR was considered to have failed to listen to objections to repatriation (Interviews: Rwandan Refugees in Nakivale and Oruchinga 2011). Furthermore, the refugees said their failure to succumb to these pressures has culminated in their forced deportations as well as the threat of invoking Articles 1C (5) and (6) of the 1951 Convention (Interviews: Rwandan refugees 2011).

Some of the returns conducted so far under the agreements were thus characterised by use of force, threats, deceit and coercion (Interview: Rwandan refugees 2011; see also Human Rights Watch 2004; Refugee Law Project et al 2010; Harrell-Bond 2011; Minter 2013). For instance, an interviewee said: 'Can the whole process of repatriation be characterised by all we have mentioned and you call it voluntary? How voluntary is it? If it was voluntary, nobody would be surrounded and forced on trucks to return or...[the] cessation clause would not have been invoked' (Interview: 2011).

A group of asylum seekers interviewed said that the GoU has rejected their applications for refugee status (Interviews: April 2010). Amnesty International (2010) has reported that the Uganda Refugee Eligibility Committee (REC) rejection rate for Rwandan refugees' application is at 98%. Another group of recyclers/former repatriates noted that the GoU and UNHCR are refusing to lodge their cases in order to show the international community that return is successful (Interviews 2011). My interviews found out that failure by the GoU and UNHCR to recognise the new asylum seekers and recyclers has induced Rwandan refugees to disguise themselves as Congolese refugees or as Ugandans in order to acquire a refugee status or at least avoid being returned to Rwanda.

According to the Ministry of Disaster Management and Refugee Affairs (MIDIMAR) in Kigali, 14,705² Rwandan refugees have returned to Rwanda from Uganda since 2003 (MIDIMAR Statistics Report 2012). While Rwandan and Ugandan officials assert that repatriation is a positive step, reports of coercion and forced removals have raised questions concerning the voluntariness of the operation (IRRI 2008). Four repatriations will be analysed in this next section, as understood from my experience in the field.

Repatriation of 2004

The first repatriation followed the signing of the first Tripartite Agreement—in Kigali on 24 July 2003—between the GoU, GoR and UNHCR which was designed to 'voluntarily repatriate' 25,000 Rwandan refugees (Minutes of the first Tripartite Agreement 2003). However, only 2400 refugees returned to Rwanda in early 2004. This was reportedly due to the fact that most refugees viewed the programme with suspicion or even fear since they believed that the conditions back home were not conducive to return (Refugee Law Project 2003). Moreover, many of those who had repatriated quickly returned to Uganda;³ their renewed flight was explained, amongst other things, by arbitrary arrests and detentions over alleged genocide charges,⁴ issues with the *gacaca* justice system, ethnic divisions, fear and mistrust, persecution and the inability to acquire their properties (Human Rights First 2004).

As one interviewed recycler noted:

Having gone through the Tanzanian experience⁵ in December 1996, I did not want to follow suit of [another] forced repatriation. This forced me to register for repatriation to go back to Rwanda. However, on return to Rwanda in January 2004, the conditions were still not favourable for me to stay following genocide allegations by the *gacaca* court, hence ...[I fled] Rwanda for the third time. I will never return to Rwanda because the conditions that led to our flight have not abated (Interview: 2011).

Despite the official emphasis on the voluntariness of repatriation of 2004, interviewees who were involved reported considerable pressure from the GoU and UNHCR to repatriate them,

² While the number of those who have repatriated has been documented, no clear statistics have been obtained for those who have repatriated and returned to Uganda, and/or the new asylum seekers.

³ William (2004) reported about 700 hundred people having returned to Uganda by August 2004.

⁴ This violates Article IV of OAU Convention, 'Refugees who voluntarily return to their country shall in no way be penalized for having left it for any of the reasons giving rise to refugee situations'.

⁵ The majority of Rwandan refugees now in Nakivale and Oruchinga are those who were forcibly repatriated to Rwanda from Tanzania and Democratic Republic of Congo in 1996 and then either escaped to Uganda and those that learned from their peers experiences and directly left Uganda for Rwanda.

in particular regarding the threats of camp closure and intimidating language used during sensitisation. Misleading information about Rwanda was also said to have been portrayed during the repatriation campaigns (Williams 2004, Human Rights First 2004). The refugees said that the majority who repatriated during 2004 were imprisoned, killed or disappeared, while others immediately returned to Uganda. In the midst of such reports, government officials and UNHCR continue to insist that the repatriation was voluntary. As Zieck (2004:37-40) points out:

UNHCR is getting actively engaged in the repatriation of refugee groups even in cases when it was questionable whether the refugees were given the opportunity for truly free choice to return under the ‘conditions of security and dignity’.

Refoulement of ‘Kibati’ Group October 2007

On 4 October 2007, a group of 3000 Rwandan refugees referred to as ‘Kibati’⁶ was *refouled* in the early hours of the morning (Interviews with Rwandan refugees Nakivale 2011; *The Daily Monitor* October 5, 2007). This followed the consensus reached by the GoU, GoR and UNHCR in the fifth meeting of the Tripartite Commission,⁷ that the ‘Kibati’ group were to be taken back home (International Refugee Rights Initiative 2008).

A returnee in Rwanda and former ‘Kibati’ refugee stated that ‘the policemen were deployed and we were forcibly loaded on lorries at about 2 a.m. and driven across the border’. He reported having been separated from his family - wife and two children - in the process and has not heard from them since 2007. He added that most refugees escaped and some died on the way having committed suicide by taking poison to avoid return. He affirmed that the majority who were repatriated escaped back to Uganda. He too wishes to return to Uganda citing re-integration problems and persecution of returnees (Interview: Rwanda, August 2012).

Minister Kabwegyere’s⁸ Deadline of 31 July 2009

If Rwandan refugees insist, we shall chase them or they can contact UNHCR so that they are relocated elsewhere. This is the government position, UNHCR knows about it and they should arrange with Rwandan refugees and take them to another country (A statement by Minister Tarsis Kabwegyere, as quoted in IRIN 2010).

During the 6th Tripartite Commission meeting on 22 April 2009, the repatriation deadline of 31 July 2009 was set to repatriate all the Rwandan refugees from Uganda. In this meeting, all the assistance for Rwandan refugees was said to cease by that deadline (Minutes of the 6th Joint Communique 2009). Parties involved recommended a ban on cultivation, a ban on humanitarian assistance, a ban on their children going to school and a reduction on food

⁶ *Kibati* comes from the words *Ibaati* or *Amabaati*, meaning ‘corrugated iron sheets’ in the local language Runyankole. Few of the rough shelters had such coverings. These were composed of over 7000 Rwandan refugees who were repatriated from Tanzania in late 1990s and came to Uganda instead of heading to Rwanda. They were forcibly repatriated to Rwanda in October 2007.

⁷ See Minutes of the fifth Tripartite Commission Meeting 2007 held in Kigali on 26 July 2007.

⁸ Minister Tarsis Kabwegyere is the former Minister of Disaster Preparedness, Relief and Refugees in Uganda. The Rwandan refugees named the repatriation day of July 31, 2009 after him because of the strong and intimidating language he was using during the repatriation process.

rations. As an interviewee said, although they called the repatriation voluntary, it has been characterised by push factors. They mentioned that the NGOs and UNHCR stopped supporting them and they were further deprived of land, food and social services (Interview: Male, Oruchinga, 2011). In the context of the ban on agriculture, a Ugandan official explained that refugees usually delay repatriation with reasons and excuses of their unharvested crops, that's why we put a ban on cultivation.

Furthermore, threatening, abusive and intimidating language allegedly used by the official authorities to persuade refugees to leave also compromised the veneer of voluntariness. Moreover, refugees noted that their letters of appeal to UNHCR protection officers had remained unanswered, leaving refugees frustrated at the lack of communication.

One refugee said:

If UNHCR and GoU that are responsible for our protection ...can intimidate us to this extent; what about Rwanda where we have not lived for more than seventeen years? (Interview: Nakivale March 2011).

However, the majority of those who were repatriated came back to Uganda by October 2009. Those I interviewed in October 2009 said that they chose to be repatriated for fear of forced repatriation following the threats during the repatriation campaigns. They said they came back to Uganda due to uncondusive conditions in Rwanda. For example, a man reported having been imprisoned and released with no case, a woman reported disappearance of her two sons, while another reported the murder of her husband on return (Interviews with recyclers: October 2009).

Refoulement of 14 July 2010

In Nakivale, a large number of Rwandan refugees had arrived in early 2010 citing persecution and violation of human rights in Rwanda. I interviewed some of them in April 2010. By the time of the interview, the majority had applied for refugee status and were waiting for the decision. On 14 July 2010, about 1700 Rwandans were gathered together in Nakivale on the pretext that they were to be informed of the results of their refugee status claims. However, they were herded onto lorries at gunpoint and forcibly repatriated to Rwanda in broad daylight (Field Interviews 2011; Harrell-Bond 2011). Two people were reported to have jumped off the lorries for fear of returning to Rwanda, and subsequently died (IRIN 2010).

Ugandan officials insisted that those who had been deported had exhausted all the refugee status appeals and had been unsuccessful. They were said to have become a security threat in Uganda following the twin bombings on 11 July 2010 that killed 76 people during the World Cup final. 'Lack of land, famine, poverty have never been grounds for asylum as advanced by asylum seekers from Rwanda' said an official (Interview: May 2011; See also Human Rights Watch 2010; *The New Vision, Tuesday 20, July 2010*). However, Leslie (2011) states that refugees say Rwanda's problems do not stem from economics or access to land – rather, they are a result of a lack of peace. Contrary to the assertions of Ugandan authorities that people who were forcibly deported on 14 July 2010 were only asylum seekers whose procedures for

refugee status application were exhausted, it is obvious that the subsection (2) of section 23 of the 2006 Uganda Refugee Act was not respected.⁹

Cessation Clause

In 2009, UNHCR announced a comprehensive strategy¹⁰ to bring to a proper closure the Rwandan situation. The cessation clause, contained in Article 1C of the 1951 Convention Relating to the Status of Refugees, defines the situations in which refugee status ends (UNHCR 2011:1). According to UNHCR Executive Committee Conclusions on the Cessation of Status (1992), the cessation clause should not be implemented until the recipient country has undergone ‘fundamental, stable and durable changes’ needed to remove all well-founded fear of refugee persecution. However, as judged by recent reports of different human rights bodies e.g. Amnesty International, Human Rights Watch, Human Rights First, Fahamu, as well as from personal statements by Rwandan refugees, refugees do not feel that such structural changes have yet taken place (See also Minter 2012; McMillan 2012).

The Rwandan refugees I had interviewed were afraid of the cessation clause deadline. The refugees had a variety of concerns. To begin with, the authorities told them that they would lose their refugee status after implementation of the cessation clause. In addition, those who remain in Uganda would be considered illegal immigrants (Interviews: 2011). However, refugees were also afraid of likely persecution in Rwanda. As one refugee said, ‘How can one return to Rwanda, when those who have repatriated have come back having faced persecution and even new asylum seekers come here on a daily basis fleeing human rights violations in Rwanda?’ (Interview: Refugee, female, 42 years, 2011).

However, the Government of Uganda has not declared the Cessation Clause as of 30 June 2013 due to a number of challenges, especially the gaps and contradictions within the Ugandan laws. According to a Ugandan official, ‘the Refugee Act and the Immigration Acts reveal gaps that create challenges in applying some of the proposals especially on local integration and citizenship. For example, while the Refugee Act provides for eligibility for Citizenship for refugees who have stayed in the country for 10 years, for the Immigration Act, a refugee is permanently a refugee including his/her offspring. Therefore, the existing legal gaps have to be addressed before the GoU announces the Cessation Clause for Rwandan Refugees in future’ (MIDIMAR 16 July 2013).

Conclusion

In conclusion, a number of factors were raised during my fieldwork which suggest that Rwandan refugees have not seen attempts to repatriate them as voluntary. The examples above evidence the generalised perception of the forced nature of these return processes. Rwandan refugees nonetheless said that they shall not succumb to the pressures of returning to Rwanda because they believe that Rwanda has not met the fundamental changes for return

⁹ 2006 Uganda Refugee Act Section 23 (2): Where a person has exhausted the right of appeal in relation to an application and refugee status has not been granted, that applicant shall be allowed to stay in Uganda for a period not exceeding ninety days to enable her/him to seek asylum or admission to a country of her/his choice.

¹⁰ Four components of the strategy are: enhancing promotion of voluntary repatriation and reintegration of Rwandan refugees in Rwanda; pursuing opportunities for local integration or alternative legal status in countries of asylum; continuing to meet the needs of those individuals unable to return to their country of origin for protection-related reasons; and elaborating a common schedule leading to the cessation of refugees status.

due to persecution and violation of human rights. This was exemplified by the presence of a considerable number of Rwandan refugees, recyclers and new asylum seekers within the settlements in Uganda, and through the narrative accounts of refugees' experiences that I encountered during my research.

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