



ASYLUM BETRAYED:

RECRUITMENT OF BURUNDIAN REFUGEES IN RWANDA

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INTRODUCTION

Refugees International is deeply concerned that the civilian and humanitarian character of asylum in Rwanda is being undermined. Specifically, refugees from Burundi claim they are being recruited into non-state armed groups as part of a systematic campaign involving both Burundian and Rwandan nationals. The activities they describe potentially amount to grave violations of international law, and could destabilize the region. Therefore as a matter of urgency, the parties to the conflict in Burundi, the Rwandan government, and the international community must all strongly reject and comprehensively prevent the recruitment of Burundian refugees.

RECOMMENDATIONS

- ❑ All parties to the conflict in Burundi must respect, and neighboring states must ensure, the civilian and humanitarian character of asylum and protect refugees from recruitment by non-state armed actors.
- ❑ The Rwandan government must ensure that the civilian and humanitarian character of asylum in the country is maintained. To that end, it must:
 - Ensure that all efforts to recruit Burundian refugees into armed groups – whether on or emanating from Rwandan territory, and whether committed by Burundian or Rwandan nationals – cease immediately;
 - Affirm publicly that the recruitment of refugees into non-state armed groups on its territory is a violation of Rwandan and international law;
 - Affirm publicly that refugees on its territory, in accordance with the Organization of African Union Convention Governing the Specific Aspects of Refugee Problems in Africa, are prohibited from attacking any state member of the African Union, or engage in any activity that is likely to cause tension between Burundi and Rwanda; and
 - Cooperate with the UN Refugee Agency (UNHCR) and its humanitarian partners by providing these agencies with unencumbered access to refugees in all sites, and by respecting the confidentiality of communications between humanitarians and refugees.
- ❑ UNHCR and humanitarian partners must:
 - Deploy additional field-based senior protection staff to Rwanda immediately, and on a permanent basis;
 - Initiate a continuous sensitization campaign that stresses the civilian and humanitarian character of refugee sites;
 - Draft and enact a multi-sectoral strategy to ensure the civilian and humanitarian character of refugee sites which addresses, inter alia: refugee site security, protection monitoring in refugee sites during evenings, and the prevention of child recruitment;
 - Establish a confidential complaints mechanism and referral system to address the protection needs of both individuals targeted for recruitment and family members of the recruited.
- ❑ The UN Children’s Fund and the Special Representative of the UN Secretary General for Children Affected by Armed Conflict should work with UNHCR to provide protection for Burundian refugee children who have been recruited or otherwise affected by armed groups, in accordance with their respective mandates.
- ❑ The UN Security Council, the African Union, and international donors must press Burundi and neighboring states to respect the civilian and humanitarian character of asylum, and must impose sanctions against individuals or entities which violate the civilian and humanitarian character of asylum.

BACKGROUND

In April 2015, Burundi's ruling party, the National Council for the Defense of Democracy - Forces for the Defense of Democracy (CNDD-FDD) nominated the country's incumbent president, Pierre Nkurunziza, as its candidate for the 2015 presidential race. Large-scale protests soon paralyzed the capital, Bujumbura, with opposition members and party defectors flooding the streets to protest his candidacy. Many opposition politicians and international observers deemed Nkurunziza's candidacy unconstitutional and/or a violation of the 2000 Arusha Peace and Reconciliation Agreement for Burundi, which had brought the country's bloodiest chapter in history to a close.¹ Elections nonetheless proceeded in July 2015, with Nkurunziza securing a third term.

Political instability persists in Burundi, with some opposition members refusing to accept the status quo, and a widespread government crackdown on the opposition and anyone perceived not to be sympathetic to the ruling party. Amid a failed coup attempt and extra-judicial killings, and with the previous civil war fresh in their memories, over 220,000 Burundians have fled into neighboring countries. Untold thousands are also displaced internally, too scared to seek assistance or approach Burundi's borders.² Refugees International (RI) traveled to Burundi, Tanzania, and Rwanda in September and October 2015 to assess the protection needs of displaced Burundians in each country. In Rwanda, RI visited Kigali and Mahama refugee camp in Rwanda's Eastern Province (hereinafter referred to as Mahama). Mahama was established in April 2015 and currently hosts more than 46,000 Burundian refugees.

While in Rwanda, RI received numerous allegations that the civilian and humanitarian character of asylum in the country was being violated, and that refugees were being targeted for recruitment into non-state armed groups. Many of the refugees who brought forward these allegations are Burundians who fled their country seeking protection, only to find that protection compromised in Rwanda.

RI constantly strives to interview displaced people during its assessments. However, in this case RI decided against speaking to refugees directly out of concern for their protection. The report that follows is based on interviews, both during RI's visit and subsequently, with multiple representatives of the international community in Rwanda and the Democratic Republic of Congo (DRC) – including those who debriefed the refugees who claimed to have been targeted for recruitment. It also draws on confidential documents containing those refugees' statements, and on open-source information where cited.

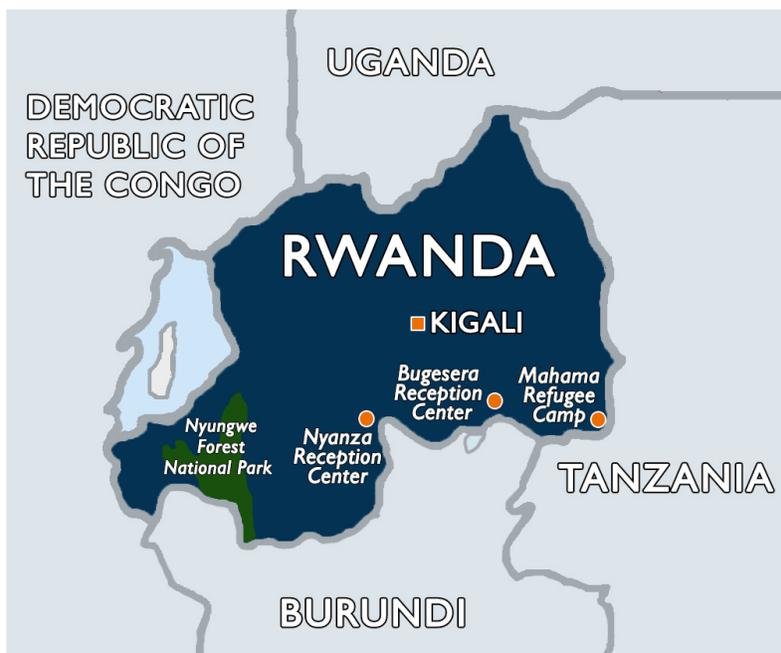
RECRUITMENT

The recruitment of Burundian refugees into non-state armed groups was first noted by members of the international community in Rwanda in late May 2015, when refugees began to complain of recruitment in Mahama. International officials told RI that these refugees continued to allege ongoing recruitment through October,

with one knowledgeable official telling RI that recruitment continued at an "aggressive" level through November as well. While this report only describes recruitment in and around official refugee sites, some refugees in Mahama claimed that their fellow Burundians living in urban areas were also being recruited.

Between May 2015 and early December 2015, at least 14 groups of refugees resident in Mahama – comprising at least 50 individuals – separately and independently raised concerns about recruitment to international and Rwandan officials. At least 30 additional Burundians who had been refugees in Mahama were also apprehended in the DRC and provided information about recruitment to international officials.

In addition to those refugees who experienced recruitment or actively resisted it, international officials told RI that other refugees had volunteered information about recruitment in unrelated contexts. Some of these refugees were using registration cards in Mahama that did not belong to them, and when the officials asked where the cards' owners were, some of these refugees spontaneously responded that the owners had left for military training.



International officials told RI that three senior recruiters, all registered refugees, had been named by multiple refugee sources. During interviews, some refugees claimed that at least one of these recruiters had been seen operating in one of the official refugee reception centers near the border with Burundi. Some refugees said recruiters told them in August 2015 that they wanted to recruit 5,000 individuals, and that all Burundians of military age were potential targets. Some of the refugees interviewed who had prior military experience or possessed special skills (including health workers and drivers) said that they experienced especially intense pressure from recruiters.

Through the time of RI's visit, all known cases of recruitment concerned adult males. However, in late October and November, international officials told RI that they had identified at least six Burundian refugee children who had been recruited into an armed group. The children in question were between the ages of 15 and 17, and lived in Mahama before being transported to a training site.

Some of the refugees interviewed in Rwanda said that once they had been identified as potential recruits, they were asked to attend meetings. Those refugees who attended the meetings said that they occurred in the camp after 5pm, after staff who were not Burundian or Rwandan had departed Mahama.

Some refugees interviewed said that meetings also took place in the nearby village of Munini. In addition to the Burundian recruiters mentioned previously, multiple refugees interviewed said that Rwandan police officers were present during some recruitment meetings. Some of the refugees said they were told that they would fight on behalf of the Movement for Solidarity and Democracy (MSD), a leading Burundian opposition party. Other refugees told interviewers that another Burundian opposition party, the National Forces of Liberation (FNL), began recruiting in the camp in August. It was not possible for RI to confirm these alleged connections with the MSD or the FNL. Some of the refugees interviewed said the nascent armed group was also, at times, referred to as the Imbogoraburundi, which translates to "those who will bring Burundi upright" or "those who will bring Burundi back." The refugees said that they were not promised financial incentives for signing up – either for themselves or their families.

International officials told RI that refugees had shown them pieces of paper used as proofs of enlistment. These papers had a date written on them: reportedly the date when the refugee would be moved from Mahama to a training site. Some of the refugees interviewed said recruiters instructed them to leave behind their official refugee registration cards and mobile phones. These refugees were told that their registration cards would not be needed during training, since the UN Refugee Agency (UNHCR) was aware of the recruitment process and

had agreed to provide rations at the training site – an assertion which is false.

Some of the refugees interviewed said that after they agreed to enlist, they boarded vehicles they were told were bound for a training site. Several of the refugees interviewed separately stated that they saw refugees boarding transport in the presence of Rwandan police officers. Some of the refugees told interviewers that they were transported in Rwandan military vehicles to and from a training site.

Nearly all of the refugees interviewed in Rwanda who chose not to enlist said that they were being intimidated by recruiters. In addition to repeated in-person or phone messages from recruiters, some of the refugees said they were followed around the camp by groups of young men. Others said they were subjected to verbal and written threats, with one told his "medicine is on the stove" – meaning he would be dealt with imminently – and another that he "will disappear into the Akagera river." Some of the refugees told interviewers that recruiters frightened them by pointing out that humanitarians were not present in the camps at night and thus could not protect them. Multiple refugees said they were so afraid that they slept in shelters that were not their own, or slept upright in camp showers or latrines, in order to avoid recruiters. Some younger refugees

One refugee who chose not to enlist was told by recruiters that he "will disappear into the Akagera river."

who were interviewed in Rwanda said they were too scared to attend school because adult classmates pressured them to enlist, and because senior recruiters sometimes idled outside the classrooms.

One refugee said he was so afraid that he did not attend school for about a month. In interviews, two of the refugees said that they were physically assaulted after refusing recruitment. Indeed, for a certain number of refugees, these threats by recruiters became so severe and imminent that the refugees had to be moved from Mahama to other locations.

The refugees concerned have asked international and/or local authorities for protection. However, some of them told interviewers that the Rwandan officials they approached were not cooperative and even threatened them. One refugee who sought protection alleged that a Rwandan police officer said, "If you love your country, you will do what they say. If you come back and talk about this issue again, you will be put in jail." Other refugees told interviewers that officials from the Rwandan Ministry of Disaster Management and Refugee Affairs (MIDIMAR) and the police asked them to avoid speaking with humanitarian staff and journalists, and to report back on any conversations they had.

Some refugees shared with members of the international community that they had struggled mightily to reach Rwanda, and that they did not expect to be recruited after arriving. Various reports have said that the Burundian side of the border is

heavily patrolled by both security forces and pro-government militia, who reportedly turn around, detain, or physically harm civilians trying to flee. The Burundian government has justified these abuses on the basis of national security, saying they are intercepting would-be rebels who could attack Burundi from abroad. Restrictive border measures in Burundi on the one hand, and alleged recruitment in Rwanda on the other, create an impossible situation for Burundians in search of peace and safety.

In addition to the allegations of recruitment activities inside Mahama, international officials told RI they had received first-hand reports regarding the training of Burundian recruits in Rwanda and the movement of those recruits to the DRC. These officials told RI that a training site existed inside Nyungwe Forest National Park in southwest Rwanda, where hundreds of Burundian adult and child recruits (including girls) were reportedly housed. These officials said they had received reports that the recruits – including the children – completed training in the use of weaponry. They also told RI that both Kirundi- and Kinyarwanda-speaking individuals reportedly conducted this training, and that some of the trainers wore military uniforms bearing Rwandan flag patches. The officials told RI of further reports that the Burundians were transported from the training site aboard military vehicles with Rwandan license plates, and that they subsequently entered the DRC using falsified Congolese electoral cards as identification. The officials said that the Burundians told them their objective was to travel from the DRC to Burundi, and to proceed to Bujumbura’s Gare du Nord bus station, where they would

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-Rwandan Minister for Disaster Management and Refugee Affairs Seraphine Muktantabana

receive further instructions. The Burundians were, however, apprehended in the DRC before they could cross the border.

FORMAL ALLEGATIONS OF RECRUITMENT AND OFFICIAL RESPONSES

The Burundian government has publicly accused Rwanda of helping to plan attacks against Burundi, with Foreign Minister Alain Nyamwite saying in October, “We also have extensive information about recruitments in refugee camps, especially in Mahama refugee camp, where refugees are taken for military training, and some of the trainers are Rwandans.”³ In a press conference on October 22, Rwandan Foreign Minister Louise Mushikiwabo responded by stating, “We are not in the habit of exchanging accusations and denials.”⁴

On October 23, the Rwandan Minister for Disaster Management and Refugee Affairs, Seraphine Mukantabana, visited Mahama in the company of members of the diplomatic community and the press, and directly addressed allegations of recruitment. RI obtained and translated a recording of the minister’s speech, which was delivered in Kinyarwanda.

Before a crowd of some 4,000 refugees, Mukantabana spoke about Rwanda’s obligations as a host country to the refugees, and about the refugees’ obligations toward Rwanda with respect to peace and security in the camp. She invoked the numerous “international agreements” Rwanda has signed, and reminded refugees that they must “comply with all laws.”



Burundian refugees line up for a distribution in Mahama camp.

Mukantabana explicitly stated that refugees are “civilians” and ordered them not to engage in political or military activities; doing so would have implications for their own security, as well as for the state. She stated that refugees must “avoid contact with people who promise you to help you regain your country by force of arms.” She also accused refugees of fabricating stories of recruitment and intimidation in order to secure resettlement to a third country, and reminded the population that continuing to do so would put them at risk of expulsion:

“There are those who tell lies. They say that their safety is not assured here at the camp because they refused to be recruited to go fight in Burundi. Therefore they ask the international organizations to save their lives. We want you to tell us if there are any secret agents who come here to recruit soldiers. You must say if there are people who have been threatened because all these journalists that you see here have come for that. They even believed that the Mahama camp would be empty because in Rwanda there are agents responsible for recruiting people to go into combat in Burundi. Even the Burundian government accuses our government to be at the origins of the problems in your country. I wanted to tell those liars that they put our country and other refugees in danger. If this continues and you do not denounce those who lie, this will create problems for you. Rwanda has signed international agreements on the protection of refugees, but we have the right to evict you if you continue your war and keep your conflicts in your country. Furthermore, we may ask to those countries that accuse Rwanda of recruiting soldiers to find you other host countries. We have welcomed you here because we have signed international agreements and because you needed help; but we cannot accept that your presence creates problems to our country. We will never accept that you lie that the government gives military training in the camp. In Rwanda we do nothing in secret.”

Mukantabana also reminded the refugee population that they are closely monitored:

“We know that there are people who tell those lies in order to obtain special protection. I wanted to tell you that although these international NGOs operate in confidentiality we have the means to know everything you tell them. For public interest reasons we will convoke those people and ask them about their false statements. That’s why I ask all those who have lied to go back to those NGOs and change their statements.”

The minister continued:

“In the coming days we will post in the camp the rules governing the employees of these international organizations working here, to explain what they can do and what they cannot do. For example, they are not allowed to wander in to see your families after office hours. If we visit the camp during the evening and we find you in a tent with these officials, we will treat you and them as traitors.”

PROTECTING PEOPLE; AVERTING A DISASTER

Many Burundian citizens who have fled to Rwanda, and to other countries in the region, are refugees trying to escape

life-threatening persecution. UNHCR, whose mandate is founded on refugee protection, insists that because the granting of refugee status is, by the terms of the 1951 Refugee Convention, “a peaceful, non-political and humanitarian act...it is of the utmost importance that only civilian populations benefit from the grant of asylum.”⁵ Otherwise, refugees and combatants could become intermingled, thereby putting the entire population at risk of attack.

However, the information given to RI by multiple sources indicates that the civilian and humanitarian character of asylum has been and continues to be undermined in Rwanda, in violation of international law. These actions threaten international peace and security. All parties to the conflict in Burundi must therefore respect, and neighboring states must ensure, the civilian and humanitarian character of asylum and protect refugees from recruitment by non-state armed actors.

Host Government Responsibilities

One Rwandan MIDIMAR official whom RI spoke to emphasized Rwanda’s strong capacity and desire to assist Burundian refugees. “We as Rwandans have a background of being refugees, so we know what they need and how they should be treated,” the official said, adding, “We want to ensure that the refugees who came here seeking security can have a safe area to live.” However, the information obtained through refugee interviews and presented to RI raises concerns that at least some Rwandan officials could be neglecting their obligations to prevent the recruitment of refugees in Mahama, and may even be facilitating this recruitment.

The Rwandan government has a clear responsibility under international and regional law to ensure the civilian and humanitarian character of asylum, and of any refugee sites on its territory. Specifically, international humanitarian law requires that any state maintaining neutrality with respect to a conflict must ensure that no warring party can use its territory to conduct hostilities.⁶ Any combatants located in the neutral state must also be separated from the civilian population and interred in a humane fashion. Similarly, regional refugee law requires African states to prohibit refugees in their territory from attacking any other state.⁷ Finally, a host of UN Security Council resolutions since 1998 require host governments and the international community to maintain the civilian character of refugee and displacement sites, since failing to do so can threaten international peace and security.⁸

The Rwandan government must therefore act at once to ensure the civilian and humanitarian character of asylum and protect refugees from recruitment by non-state armed actors. To that end, it must ensure that all efforts to recruit Burundian refugees into armed groups – whether on or emanating from Rwandan territory, and whether committed by Burundian or

Rwandan nationals – cease immediately. Rwanda must also affirm publicly that the recruitment of refugees into non-state armed groups on its territory is a violation of international and Rwandan law.

To ensure that recruitment can be identified and addressed, Rwandan officials should not discourage refugees from speaking to UNHCR or other protection actors. Nor should they threaten to breach the confidentiality of those discussions. Such actions would seriously undermine UNHCR’s internationally-mandated protection activities and could effectively silence those refugees who have legitimate, sensitive protection concerns. Instead, Rwandan authorities should cooperate with UNHCR and its humanitarian partners by granting these agencies unencumbered access to refugees in all sites, and by respecting the confidentiality of communications between humanitarians and refugees.⁹

International Response

In their roles as protection actors and service providers, UNHCR and its humanitarian partners must also respond. Established guidelines set out a range of activities that can prevent and curb militant activity in refugee settings.¹⁰ Of these, RI believes the following are most critical in this context:

- Additional field-based, senior protection staff should be deployed to Rwanda on a permanent basis, both by UNHCR and by other agencies or NGOs with protection expertise.
- Humanitarians should initiate an ongoing sensitization campaign that stresses the civilian and humanitarian character of refugee sites. As part of this campaign, humanitarians should explain the relevant rights and obligations of refugees, and also stress that refugees who willingly join armed groups – or recruit others to do so – may lose their refugee status.¹¹
- Humanitarians should draft and enact a multi-sectoral strategy to ensure the civilian and humanitarian character of refugee sites which addresses, inter alia: refugee site security, protection monitoring in refugee sites during evenings, and the prevention of child recruitment. It is critical that all humanitarian actors – from country directors to field assistants – act in accordance with this strategy whether they have a formal protection role or not.
- Humanitarians should establish a complaints mechanism and referral system to address the protection needs of both individuals targeted for recruitment and family members of the recruited. Refugees need to know that concerns about recruitment can be raised safely and confidentially; otherwise they may not come forward.

The possible recruitment of child refugees into armed groups demands a particularly sensitive investigation and response. In this regard, the UN Children’s Fund and the Special Representative of the UN Secretary General for Children

Affected by Armed Conflict should work with UNHCR to provide protection for Burundian refugee children who have been recruited or otherwise affected by armed groups, in accordance with their respective mandates.

A final, critical step toward stopping the recruitment of Burundian refugees is for the international community to apply pressure and demand accountability. The UN, the African Union, and international donors must press all parties in Burundi and neighboring states to respect the civilian and humanitarian character of asylum. Both the UN Security Council and the AU Peace and Security Council have expressed their intention to consider sanctions against all Burundians “whose actions and statements contribute to the perpetuation of violence and impede the search for a solution.”¹² But that is insufficient: instead, they should impose sanctions against any individuals or entities – Burundian or otherwise – found to be violating the civilian and humanitarian character of asylum.

CONCLUSION

The recruitment of Burundian refugees could have dire consequences for the affected individuals. But it could also have severe negative effects for all Burundians in need of protection. The alleged violation of the civilian and humanitarian character of asylum in Rwanda could have two potentially irreparable consequences for Burundian civilians. First, it could create severe problems for Burundians trying to flee their country because of persecution. Any links between refugees and armed actors lend legitimacy to those Burundian security forces and militia who are harming would-be refugees through refusal to permit exit, arbitrary arrest, and other forms of abuse. Second, if Mahama or other refugee sites are in fact used for military purposes, or used to source military activities, there is a risk that the Burundian government or its allies will view these sites as military targets and respond accordingly.

The information presented in this report is disturbing in its own right, but all the more so because of the history it invokes. Too often in recent decades, states and non-state armed groups in the Great Lakes region have subverted the civilian and humanitarian character of asylum, with terrible results. The recruitment of Burundian refugees must be strongly rejected and comprehensively prevented, for the sake of the region, the Burundian nation, and, most of all, the refugees themselves. There is no alternative but disaster.

Michael Boyce and Francisca Vigaud-Walsh visited Burundi, Tanzania, and Rwanda in September and October 2015 to assess the protection needs of displaced Burundians.

ENDNOTES

1. Nkurunziza had already served two full terms in office: the first after being appointed by the Burundian parliament, and the second after a popular election. The Arusha agreement stipulates that “no one may serve more than two presidential terms. “Arusha Peace and Reconciliation Agreement for Burundi. August 28, 2000. P. 33. Burundi’s constitution is more ambiguous, stating in Article 96 that “The President of the Republic is elected by universal direct suffrage for a mandate of five years renewable one time.”

2. For more on the Burundi crisis, see: Michael Boyce and Francisca Vigaud-Walsh, “ ‘You Are Either With Us or Against Us’ : Persecution and Displacement in Burundi.” Refugees International. November 18, 2015. <http://www.refugeesinternational.org/reports/2015/11/17/burundi>

3. “Burundi’s Nyamitwe accuses Rwanda of training rebels.” *BBC News*. October 1, 2015. <http://www.bbc.com/news/world-africa-34413855>

4. RwandaGov. “Rwanda Government Spokesperson briefs the media on current issues 22 October 2015.” YouTube. October 22, 2015. <https://www.youtube.com/watch?v=TWaPTfa6r4A>

5. “Operational Guidelines On Maintaining the Civilian and Humanitarian Character of Asylum.” United Nations High Commissioner for Refugees. September 2006. <http://www.refworld.org/docid/452b9bca2.html>

6. See: Convention Regarding the Rights and Duties of Neutral Powers and Persons in Case of War on Land. October 18, 1907. http://avalon.law.yale.edu/20th_century/hague05.asp. As interpreted by the International Committee of the Red Cross (ICRC), this convention has been established as customary law, meaning that all states (including those, such as Rwanda, who have not acceded to it) are bound by it. Though the Convention was

originally intended to address international armed conflicts, the ICRC maintains that it “can also be applied by analogy in situations of non-international conflicts, in which combatants either from the government side or from armed opposition groups have fled into a neutral state.” See: International Committee of the Red Cross. “ICRC statement to the UNHCR Global Consultations on International Protection, first meeting, 8-9 March 2001.” March 8, 2001. <https://www.icrc.org/eng/resources/documents/misc/57jqwh.htm>

7. Organization of African Union Convention Governing the Specific Aspects of Refugee Problems in Africa. Article III. September 10, 1969.

8. See United Nations Security Council. S/RES/1208. November 19, 1998; S/RES/1265. September 17, 1999; S/RES/1296. April 19, 2000; S/RES/1674. April 28, 2006.

9. Article 35 of the 1951 Refugee Convention requires that host states “cooperate with the UNHCR in the exercise of its functions, and shall in particular facilitate its duty of supervising the application of the provisions of this Convention.” Convention Relating to the Status of Refugees. Article 35. 1951.

10. “Operational Guidelines On Maintaining the Civilian and Humanitarian Character of Asylum.” United Nations High Commissioner for Refugees. September 2006. <http://www.refworld.org/docid/452b9bca2.html>

11. It is generally recognized that combatants are ineligible for refugee protection due to the essentially civilian and humanitarian character of asylum.

12. Peace and Security Council of the African Union. PSC/PR/COMM. (DLI): Communiqué. October 17, 2015. <http://www.peaceau.org/en/article/communiqué-of-the-551st-meeting-of-the-peace-and-security-council>; United Nations Security Council. S/RES/2248. November 12, 2015.

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