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Cessation Clause Uganda Style

Keynote Speech Delivered at the Northwestern
University Conference on Human Rights, January
23, 2011

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Dr. Barbara Harrell-Bond is a leading figure in the field of refugee studies. She is a legal anthropologist who founded the Refugee Studies Center at Oxford University, the world's first institution for the study of refugees. She has also founded or helped to found refugee legal aid organizations in several locations, including the Refugee Law Project in Uganda and AMERA (Africa and Middle East Refugee Assistance) in Egypt. In 2000 she was invited to the American University in Cairo to establish another refugee studies program. In 2005, Harrell-Bond was made an Officer of the Order of the British Empire for her contributions to refugee studies. In September 2008, she returned to Oxford where she is establishing an 'information platform', a web site for legal aid practitioners in the global south as director of the Refugee Programme of the Fahamu Trust, an international NGO working on social justice issues. Among her more important publications are *Rights in Exile: Janus-Faced Humanitarianism* (2005), and *Imposing Aid* (1986), groundbreaking social anthropological critiques of the international refugee assistance regime.

CESSATION CLAUSE UGANDAN STYLE
Presented at the Northwestern University Conference on Human Rights
January 23, 2011-02-16
Barbara Harrell-Bond

I want to thank the organizers for inviting me to this conference. And, before beginning, I would also like to thank Yasmeeen Siddiqui for allowing me to use her master's thesis, which nicely synthesises the work of the few scholars who have written on the cessation clauses in a study of its application in the Sudan.

Being responsible for concluding a conference is a heavy responsibility. Probably at this point we all would prefer to congratulate ourselves for having spent time 'wringing our hands', rather than being exposed to yet another horrific refugee situation.

Nevertheless, I would like to describe in detail the ramifications of the Cessation Clause as it pertains to Rwandan refugees in Uganda. The Cessation Clause, Article 35 of the 1951 Refugee Convention (over which the UN High Commissioner for Refugees has supervisory authority), and that declares an end to refugee status is an anomaly given the exilic bias of the 1951 Convention. This exilic bias accords with apparent inclination of humans to return home and patterns of normative societal change. But despite the rhetoric of *home* being the best place, *few refugees voluntarily repatriate and when they do, it is very much the exception that they are welcomed home*. For the sake of time, bear with these generalizations; they are amply supported by research.

Rwandans in Uganda

Before the borders of Rwanda and Uganda were demarcated, the populations of southwest Uganda and Rwanda shared languages, cultures, and as a result of migration and intermarriage, physical appearance. After the colonial period, by the 1920s, large numbers of

Hutus had migrated to Uganda to work in mines and on sugar, coffee, and tea plantations. Prior to and after the 1962 independence of both Rwanda and Uganda, riots in Rwanda caused thousands of Tutsi to seek refuge in Uganda - especially as the Hutu took power in Rwanda. Tutsi Rwandans in Uganda were *de jure* refugees, required by law to reside in camps, but gradually the majority became *de facto* citizens, using tax receipts as identification, moving freely in rural and urban areas, gaining education, including university, acquiring land and property and entering all sectors of the society and economy.

Despite this relatively successful integration in Uganda, they were never totally secure. Anti-Rwandan sentiment was first expressed at the government level by former Ugandan President Milton Obote, who ordered for their registration - a first step towards expulsion. This sentiment grew during Idi Amin's rule of Uganda, as some Rwandans served in his military, police, and his much-feared state research bureau, which did not endear these refugees to the average Ugandan. The return of Obote to power (1980-85) with his even harsher rule than Amin saw the resumption of the threat of the expulsion of the Tutsi from Uganda. In late September 1982, officials of the government, joined by parliamentarians from the southwest, orchestrated the violent displacement of the Rwandan refugees. Most fled back into the relative safety of the refugee camps but some were even forced to return to Rwanda.

The hostility towards the Rwandan refugees was further inflamed when the now Ugandan President, Museveni, launched a military campaign with his National Resistance Movement Army (NRA) to oust Milton Obote from power. Not surprisingly, Museveni's guerrilla war had found ready recruits amongst the Tutsi refugees. They saw participation in this war as an opportunity to prepare themselves to invade and eventually to return to Rwanda by force.

After his victory in 1986, Museveni retained Rwandans in key positions in his military and government. For example, the current President of Rwanda, Paul Kagame, was made the Director of **Uganda's military intelligence**.¹ With him as their patron, intolerance among Ugandans towards Rwandans only increased.

¹Already in 1986, Tutsis had formed a military training camp near Mbarara.

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, fearing retribution, escaped mainly to Tanzania, Congo, Kenya, and Uganda but they also sought asylum throughout west and southern Africa and abroad.

Once in power, Kagame was obsessed with the return of all Hutu to Rwanda. As one Tutsi minister I had known as a former refugee in Canada remarked to me at the time, ‘You can never trust refugees outside the country’. I asked him if he was basing this on their own experience of Tutsi refugees having mounted the invasion of Rwanda from Uganda?

Kagame was first assisted in seeing the Hutu forcibly returned home in Tanzania. UNHCR actually employed the Tanzanian army to drive the Hutu back from the camps in Ngara District of Tanzania. When no help was forthcoming to return them from eastern Congo, Kagame mounted an invasion of these camps.² To suppress the threat from farther afield, Kagame has deployed his intelligence agents to abduct or kill perceived enemies.³

From the moment the RPF (Rwandan Patriotic Front) seized power in Rwanda, they along with their intelligence arms had free reign back in Uganda, often working in collaboration with the Ugandan military and police to track down and abduct any Rwandan suspected of collaborating with the Hutu militia, the *Interhamwe*. They could operate freely in Uganda because most of them had grown up there and continued to have close connections throughout the country and with every institution of governance. Moreover, many of these abductions of Rwandan Hutus in Uganda took place with the complicity of Museveni’s regime as reported

² See Ometesi, Maria Beatrice, 2004, *Surviving the Slaughter*, University of Wisconsin. Her book is perhaps the sole record of what happened in Rwanda after the 1991 Tutsi invasion and the 1994 genocide. She escaped into the DRC and describes UNHCR’s technique of finding Hutu to forcibly repatriate where they paid Congolese \$10 for every Hutu they found as ‘bounty hunting’.

³ The International Criminal Tribunal for Rwanda at Arusha tried alleged *genocidaires*, but frustrated with its slow progress and faced with thousands of incarcerated suspects at home, Kagame set up the *Gacaca* courts in 2000; initially to deal with the prisoners, but he has allowed these courts to continue to try anyone the community decides it wants to accuse of having participated in the genocide, as a way to settle old grudges or, more often, this was a means to justify laying claims to their land and property.

by the media as early as August 1996.⁴ There were cases of Rwandan Hutus being abducted from their homes and places of business, and subjected to threats, beatings and interrogations, and deportations. Evidence exists that some were initially arrested by Ugandan police on minor charges such as theft, and then turned over to Rwandan authorities. Reported abductees included a schoolteacher, a former Rwandan judge, a human rights lawyer, a university lecturer, a driver, a trader. In 1998, other organizations began to speak out against these abductions. For example, the Ugandan Human Rights Commission publically condemned the Ugandan External Security (ESO) and the Internal Security Organizations (ISO) for collaborating with the Rwandan intelligence to abduct Rwandan Hutu refugees from Uganda. Amnesty International called ‘attention to these same cases of abduction and deportation, arbitrary arrest and extra-judicial execution of Rwandan nationals within Uganda.’⁵

There was a period, 1999-2006, when Museveni and Kigame fell out. However, as Macchiavello⁶ reports in her research from Kampala during 2000-2001, this did not seem to interrupt efforts by the Rwandan intelligence to harass refugees who had fled to Uganda.⁷ In her advice to researchers she points out:

... while researching in urban areas, researchers need to be aware of the fact that, as it is the case in Kampala, thugs from various countries in search of co [-] nationals ... are a reality⁴. The Rwandan Tutsis included in my sample lived in a state of continuous panic of being abducted and killed, a condition which seriously affected their mental and physical health. Some ... were scared to the point that they preferred not to send their children to school, even when they could afford it, to avoid exposure. For the same reason, some professionals in the sample refused good job offers, which they felt would endanger their safety in Kampala, and had no other choice but to live the life of destitute[ion]. Many ... I met in Kampala used local transport in town to avoid walking and exposure when they would rather go on foot and save money, and many of them changed area of residence in Kampala regularly to avoid being easily traceable.⁸

⁴ For example, in 1996, it was reported that a Hutu accountant who worked with UNIMIR was kidnapped at Entebbe airport.

⁵ Amnesty International, 2004, Rwanda: The Enduring Legacy of Genocide and War, 5th April.

⁶ See Macchiavello, M. (2003) ‘Urban Forced Migrants in Kampala: Methodologies and Ethical and Psychological issues’, <http://www.forcedmigration.org/guides/fmo024/fmo024-4.htm>, accessed 17 October, 2010.

⁷ In December, 1999 a group of more than sixty Tutsi students fled to Uganda. Although UNHCR was denying they were refugees, from his State House, Museveni took steps to ensure their protection and eventually they were resettled.

⁸ *ibid*:24

It is important to note that these attempts to assassinate and abduct dissidents have not been confined to Uganda; evidence points to the same tactics being used by Rwanda in other countries as well. Recall the shooting of exiled Rwandan General Faustin Kayumba Nyamwasa, in Johannesburg at the time of the World Cup in South Africa. On 11 January 2011, information from a reliable source reported that Kagame's government was organizing a series of 'eliminations' and acts of division within the Rwandan exiled community [in UK] by means of assassinations, poison and division'.

And in Rwanda itself, 'In the past three years [2007-2010], Rwandan officials have prosecuted more than 2,000 people, including political rivals, teachers and students, for espousing "genocide ideology" or "divisionism"'.⁹ In October 2010, the Rwandan government demanded that the American attorney Peter Erlinder, Director of the International Humanitarian Law Institute, William Mitchell College of Law and the UN Rwanda Tribunal lead defence counsel, be extradited to Rwanda to face charges of 'denial of genocide'. Earlier he had been arrested in Kigali where he had gone to defend opposition leader Ms. Victoire Ingabire, chair of the opposition party FDU-Inkingi. He was released bail in June on humanitarian grounds and, understandably, left the country. Victoire Ingabire remains in prison.

Announcing the Cessation Clause in Face of a Revolving Door?

From December 1999 until today, Tutsi Rwandan refugees, not just Hutu, have been seeking asylum in Uganda, many of them actually survivors of the genocide who have fallen out with Kagame. Notwithstanding, in 2003, the Ugandan country office of the UN High Commissioner for Refugees (UNHCR) and the governments of Rwanda and Uganda signed a tripartite agreement to repatriate back into Rwandan society the some 25,000 Hutu refugees living in Uganda. They only managed to repatriate 850, but many of these managed to return to Uganda almost immediately, with graphic accounts of their experiences - these ranged from being unable to reclaim land and property, being faced with accusations by *Gacaca* courts,

⁹ Gettleman, Jeffrey, 2010, 'Rwanda Pursues Dissenters and the Homeless' *New York Times*, 30 April.

and torture . Similar, but even less successful attempts were made by UNHCR and the Ugandan government to repatriate the Rwandans from the camps in 2004, 2005, and 2006.¹⁰

In 2009, UNHCR and the government again renewed the arrangements for the repatriation of Rwandan refugees and set the deadline for closing the Rwandan refugee camps for July 2009. During the 6th Meeting of the Tripartite Commission on Repatriation of Rwandan refugees on 22 April 2009, the Government of Uganda, the Government of Rwanda and UNHCR agreed to a number of resolutions, stating that ‘the retention of refugee status by present Rwandan refugees is no longer justifiable or necessary’. UNHCR and Uganda deemed that political conditions in Rwanda were safe for their return, despite the evidence to the contrary. The deadline for their repatriation, July 2009, was announced and then extended to 31 August.¹¹ In this Communiqué, the date for invocation of the Cessation Clause was set at the end of 2010.¹²

Although the government promised that repatriation would be voluntary, pressure on refugees to leave was considerable. Rwandans in camps had their land re-allocated to Congolese, their rations were reduced, and they were no longer able to access some social services.¹³ Less than one-third opted to return to Rwanda and many of these have since returned to Uganda with horrific accounts of the conditions that they met.¹⁴ These included the experience of the *Gacaca* courts (the courts that are part of a system of community justice developed post genocide in Rwanda) or government bodies linked to it, reportedly being used by those seeking to settle personal grudges or as an instrument of government repression. They related

¹⁰ Reports of these events can be found on www.refugeelawproject.org.

¹¹ RWANDA-UGANDA: Repatriation deadline extended.

<http://www.irinnews.org/Report.aspx?ReportId=85645>, accessed on 15 August 2010.

¹² Refugee Law Project Press Release on Rwandan Repatriation 15 May 2009, www.refugeelawproject.org/press_releases/rwandan_repatriation.pdf, accessed on 15 August 2010.

¹³ The International Refugee Rights Initiative, The Refugee Law Project, and Social Sciences Research Council, 2010, Dangerous Impasse: Rwandan Refugees in Uganda, Working Paper No. 4, www.refugeelawproject.org

¹⁴ Refugee Law Project Press statement, Rwandan Refugees to lose their status by December 2011: Is Rwanda safe for all its citizens to return?

http://www.refugeelawproject.org/press_releases/Rwandan_Refugees_to_lose_their_status_by_December_2011_Is_Rwanda_safe_for_all_its_citizens_to_retur.pdf, accessed 15 August 2010.

incidents of ‘being tortured, imprisoned, being released due to lack of evidence and then rearrested, and of having family members killed’.¹⁵

And, during this same year, 2009, the High Commissioner for Refugees, António Guterres visited Kagame in Rwanda and then announced that ‘the government is set to join the United Nations High Commission for Refugees (UNHCR) to establish a roadmap that will see year 2010 end with the cessation clause in place’.¹⁶ ‘The roadmap . . . will also involve several meetings between the UNHCR, the government and refugee host countries, to discuss progress before the cessation is declared and to explore ways of encouraging refugees to repatriate within the next two years’.¹⁷

The Rwandan Community in Uganda wrote a petition, addressed to the GoU and the UNHCR concerning their fears of what would happen to those who could not go back to Rwanda in the light of the threatened declaration of cessation. It was signed by 694 refugees. UNHCR responded on 20 August 2009, stating that all repatriation to Rwanda is voluntary and they advised the Rwandese refugee community in Uganda that *it was premature to raise issues as to why they could not return to Rwanda now* and should await the invocation of the cessation clause, whereupon they could on an individual basis present reasons as to why they could not return to Rwanda.¹⁸

The Cessation Clause

The Cessation Clauses deal with two kinds of situations - one where an individual has demonstrated he is no longer in need of refugee protection – usually because s/he has ‘re-availed themselves of their country of origins protection’;¹⁹ the second, where a particular refugee *nationality* is no longer in need of international protection because of the ‘ceased

¹⁵ *ibid.*

¹⁶ *The New Times*, 3 November 2009

¹⁷ *Ibid.*

¹⁸ Temporal, N, Letter, 2009, 20 August (emphasis added).

¹⁹ art. 1(C).

circumstances’ in their country of origin.²⁰ States in the ‘north’ have only applied this latter form of the Cessation Clause to parts of the Former Soviet Union that became independent, but in the ‘south’ between 1973-2008 it has been applied 21 times, either for reasons of regime change or independence; in only 5 cases were the reasons described as the settlement of civil conflict.

Just to remind ourselves, there is a difference between the formulation of the Cessation Clause in the 1951 Convention and that in the 1969 Organization of African Unity (OAU)

Convention.²¹ The former states that a refugee

...can no longer, because the circumstances in connexion with which he has been recognized as a refugee have ceased to exist, continue to refuse to avail himself of the protection of the country of his nationality; provided that this paragraph shall not apply to a refugee failing under section A (1) of this Article – [is one] who is able to invoke compelling reasons arising out of previous prosecution for refugees to avail himself of the protection of the country of nationality (Art.1C(5)).

The further restrictions for a refugee refusing his state’s protection include grounds ‘other than personal convenience’, or ‘reasons of a purely economic character’. While the OAU Convention states: He [a refugee] can no longer, because of the circumstances in connection with which he was recognized as a refugee have ceased to exist, continue to refuse to avail himself of the protection of the country of his nationality. . . . In short, there is no provision for ‘compelling reasons’ to remain in exile. On the other hand, the OAU Convention introduced Art 1(2) to the definition of who is a refugee, ‘. . .every person, owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part of the whole of his country or origin or nationality . . .’. Appropriate conditions for evoking of the Cessation Clause are further complicated by the standards for voluntary repatriation, ‘return [should be] in safety and dignity’ and the higher standards of ‘fundamental change’ in the country of origin that are required for cessation and mandatory repatriation.

²⁰ art.35, 1951 Convention

²¹ The OAU has been renamed the African Union.

Since 1991, with the renewed emphasis on repatriating unwanted populations of refugees, there have been attempts to clarify the law on ‘ceased circumstances,’ but Guy Goodwin Gill has referred to the textual inadequacies of the ‘ceased circumstances’ Cessation Clause as ‘glaring and perverse’.²²

Many aspects pertaining to invoking the Cessation Clause are under debate. Hathaway described the change needed to justify a declaration of cessation as ‘change [that] must be of substantial political significance in the sense that the power structure under which persecution was deemed a real possibility no longer exists’ . . . [According to] Fitzpatrick . . . ‘such developments must be comprehensive in nature and scope’ . . . The Executive Committee stated . . . changes in the country must be ‘profound and enduring’ . . . Several factors were identified as markers of change... democratic elections, declaration of amnesties, repeal of oppressive laws and dismantling of former security services . . . evidence of respect for fundamental freedoms, access to courts, fair and open trials, and the rule of law generally Besides political change, the economic sustainability of return for refugees including the ‘restoration of land and property rights’ and sufficient means of livelihood became issues to be addressed before cessation declarations *were considered*.²³

An individual’s right to be exempted from the Cessation Clause are equally difficult to define. Recall that the Convention only allowed one ‘who is able to invoke compelling reasons arising out of previous persecution. . .

It was only in 1992 that a second possible exception arose under the rubric of acquired rights. It was recommended that those ‘with strong economic ties and/or family and social links in the country of asylum, particularly when all or most ties in the country of origin have been lost’ be [exempted]....[this] acknowledges the ‘significant difficulties inherent in having to break once again the social, cultural and professional ties, that by forced of circumstances the person has had to develop abroad’the Executive Committee made a similar recommendation, ‘so as to avoid hardship cases ... states [should] seriously consider an appropriate status, preserving previously

²² From Fitzpatrick, n.11, Fitzpatrick, ‘The End of protection: Legal standards for cessation of refugee status and withdrawal of temporary protection’, *Georgetown Immigration Law Journal*, Vol. 13, 1998-1999, as quoted by Siddique, Yasmeen, *Reviewing the Application of the Cessation Clause of the 1951 Convention Relating to the Status of Refugees in Africa*, Masters in International Human Rights Law, University of Oxford, 2009.

²³ As quoted by Siddique 2009:15-6.

acquired rights...for those persons who cannot be expected to leave the country of asylum due to long stay.²⁴

There is much more one could say about ascertaining that a fundamental change or ceased circumstances had been accomplished or that provisions for individual exemptions had been made, but I think that everyone will now understand the serious consequences of a premature declaration of the Cessation Clause and some, like me, will be left wondering how UNHCR could have allowed itself to have become involved with the Cessation Clause at all vis-à-vis Rwanda at the present time.

Uganda Implements the Cessation Clause before Declaring It

On April 23rd 2010 I visited Uganda to give a public lecture on the occasion of the celebration of the 10th Anniversary of my founding of the Refugee Law Project.²⁵ At the celebration, I sat next to his Honour, the Minister for Relief and Disaster Preparedness and Refugees, Professor Tarsis Bagama Kabwegyere.²⁶ In our conversation, he told me to the effect that ‘they were going to rid Uganda of all refugees beginning with the Rwandans’. In return, I promised that I would be working seriously against Uganda’s invocation of the Cessation Clause. I also asked him - rhetorically - why Uganda was allowing Rwandan security agents to run rampant throughout the country threatening and abducting refugees. In my speech, I reminded the audience that Professor Kabwegyere and his family had been refugees, and I emphasized the obligations of not only the Government of Uganda, but of all Ugandan citizens to protect the refugees who were in their country.

²⁴ As quoted by Siddique 2009:17-8

²⁵ I was delayed from returning home for two weeks as a result of the Volcanic Ash, spending my time interviewing Rwandan refugees, including I. C.’s wife. C. was, at the time, an asylum seeker in California. All through the previous regime, although of mixed Hutu/Tutsi descent, because of his physical appearance, he had been treated (and oppressed) as a Tutsi. He and his family had even been protected by the RPA during the genocide. After Kagame took power, he suddenly became a ‘Hutu’ because of his paternity and suffered dearly for this identification in Rwanda. Having been forced to flee to Uganda, he was pursued there by Kagame’s intelligence operatives and had fled to the US, leaving his wife and child in Kampala.

²⁶ I know Professor Kabwegyere personally, having stayed with their family in 1986 when he was a lecturer in adult education at Makerere University. I was there on a mission for the EU. Over the years, I kept up with their family events which included his wife pursuing a Ph.D. in the UK and becoming the head of the Gender and Women’s Studies Dept. at Makerere. When I returned to Uganda in 1997, we resumed our friendship. He had become the head of an NGO that at the time did capacity building training for civil society in Uganda. He was later appointed the Minister of Relief, Disasters Preparedness and Refugees and thus responsible for refugees.

On 29 April, the press announced that another 1,300 Rwandans had arrived in Uganda seeking asylum.²⁷ But on 12-14 May 2010, there was another meeting of the GoU, GoR, and UNHCR who issued a Joint Communique. Views expressed in the Communique included UNHCR's frustration at the slow progress of repatriation, Rwanda's willingness to receive all of its nationals back home, and Uganda's concern over the large number of refugees it was receiving from neighbouring countries, and announcing that the status of Rwandan refugees in Uganda would cease when the Cessation Clause is invoked by December 2011. It did note that a mechanism will be put in place by the GoU, with the support of UNHCR, to address the cases of person with compelling reasons as to why they cannot return to Rwanda.

Not waiting until December 2011, in the middle of the night of 14 July 2010, the Ugandan and Rwanda government police and military entered Nakivale and Kyaka II refugee camps in Uganda. As reported by Reuters (16 July 2010), some 1,700 Rwandans were gathered together in Nakivale on the pretext that they were to be informed of the results of their refugee status claims, but then found themselves being herded into lorries at gunpoint and to be returned in Rwandan military lorries.

‘Panic broke out when police intervened, shots were fired and people were forced on to trucks and driven across the border in the middle of the night, she said. In another location [Kyaka II camp] people were called to a World Food Programme centre on the pretext of a distribution, then surrounded by police and armed men. Those who did not escape were forced on to trucks and many could not take personal belongings. Two men who jumped off trucks en route to Rwanda died, many children were separated from their parents, and several people not deported were injured, including six pregnant women. ...’²⁸

Refugees themselves embarked on investigating this outrage and wrote a report on these events. They found that instead of only two having died, 14 had lost their lives and their burial places could be accounted for. The causes of death, as reported by the refugees, included: being *strangled* by Rwandan officials, shot dead by the police, jumping off the truck, flattened by the crowd, being ‘disenwoombed’, and ‘genitals amputated by barbed wire’. They were

²⁷ Later it emerged that 98% of them had been rejected, although, legally each should still have had the right of appeal.

²⁸ Anonymous, August, 2010, “Report on the Outcomes of the 14th July Refoulment of Rwandan Refugee Inakivale Refugee Camp” ‘

able to name 6 cases where the families had been separated and 4 where children had been *refouled* without their parents and 39 cases where the children had been left behind. And, contrary to official reports, 17 recognized refugees were *refouled*. Hundreds of wounded and frightened refugees escaped into the bush.

I learned of these 14 June events the same day (notified by a refugee by email), and alerted UNHCR, Geneva. UNHCR Geneva, who sent a representative to Uganda, issued a statement two days later, deploring the event, saying it was ‘broadly aware of an agreement between the two governments to return asylum seekers who had failed to be recognised as refugees,’ but were not informed of the timing and the specific brutal nature of this operation. In fact the UNHCR staff who were present in the settlements were asked to leave prior to the operation.’²⁹ To avoid being thrown out of Uganda, the UNHCR representative was forced to apologize for reporting in the press that trickery had been used to gather the Rwandans to enable them to be rounded up for *refoulement*. As Professor Kabwegyere told a press conference one week later, ‘This morning I had the UNHCR country representative [to Uganda] in my office and I can confidently say that [the allegations that refugees had been tricked into gathering] was regretted.’³⁰

What about the thousands of Rwandans living in urban areas? Less than a month later, 13 August 2010, I received an email written at 05:14 a.m. in Uganda, from a Rwandan refugee, reporting that ‘Today, the UNHCR Protection Office has called a meeting with urban community [Kampala] of Rwandan refugees. This meeting is to be held at Uganda National Museum, only 100 metres, i.e. 109.44 yards from the headquarters of Rwanda High Commission in Uganda. I am not sure, but I have the impression that it could be a trick to deport us forcefully as it happened in Nakivale and Kyaka Settlement Centres on 14th July.’³¹ I immediately called the Refugee Law Project office to see if they had information about this meeting; they had not been informed. The location of the meeting obviously compromised the safety of refugees. All efforts to get information about what occurred at this meeting have

²⁹ <http://www.worldbulletin.net/index.php?aType=haber&ArticleID=61400>, accessed 12 February, 2011.

³⁰ <http://www.rnanews.com/regional/3816-unhcr-apologises-to-uganda-over-comments-on-rwandan-refugees>, Accessed August 18 2010

³¹ E-mail from M. M. (anonymous Tutsi refugee) to Barbara Harrell-Bond, July 22nd 2010

failed, suggesting that few if any Rwandans dared to attend. When I questioned UNHCR in Uganda and Geneva about the purpose of the meeting, the head of the Africa Bureau answered as follows:

“The meeting in question is part of routine weekly meetings that the Kampala Office has with refugees to learn of their problems as a community. The meetings are held with all the refugee communities. The one the subject of your email took place as scheduled from 14h.30 to 17h.00. . . .Needless to say, UNHCR could not be part of a ploy to deport refugees or failed asylum seekers.”³²

I have not been able to discover any regular meetings of refugee nationalities that have taken place in Uganda.

An Example of ‘Compelling Reasons’

If time permitted, I would conclude with some testimonies of Rwandan refugees who are Tutsi and Hutu/Tutsi ancestry or mixed marriages who so certainly have *compelling reasons* for not being returned to Rwanda, but I will limit myself to just one.

“I was a[n RPF] soldier and also a musician. I released a CD and after that the government wanted to kill me because of the ideas that were in the CD. It was popular in the country and my music was well-liked. [What was your music about?] I was unhappy and I was expressing how the principles that we had fought for had not been implemented. I was expressing how the current regime was mistreating the genocide survivors. For example, they did not pay the salaries of the soldiers. Those who were wounded were very badly neglected, put in the bush and very badly treated. That was what I was saying in my songs.

They arrested me. They wanted to kill me. . . . I was in jail for eight months. These officers helped me to escape in February 1999. After escaping they accused [the] one who helped me of selling my tapes and they wanted to kill him too. As recorded by Human Rights Watch, he was able to flee to the US.

I [had been] . . . in the army band, the major who was in that unit helped me. He was also killed – he had also let others know about my arrest outside the country. His name was Major Ruzindana Alex.³³

When I was in jail, they ordered a captain to kill me. Instead, he helped me escape. I escaped to Burundi, and then I went to Tanzania because I was pursued in Burundi. I

³² Email: from George Okoth-Obbo, head of African Bureau, UNHCR, to Barbara Harrell-Bond, 23 July 2010.

³³ See <http://africannewsanalysis.blogspot.com/2007/04/rwanda-assassinations-of-rpfrpa.html> for a record of the assassination of Major Ruzindana Alex.

also feared to be among the Tanzanians for the same reason. When I heard that Uganda and Rwanda clashed in Congo, I came here [to Uganda]. Then I went back to Tanzania for a short time and then came back here. I have shifted from one place to another, 30 different houses in Kampala.

In 2006 I got a wife from Switzerland; she knew me from my music, she is a Rwandan – she came here and married me and now we have two children. But insecurity continues. The Rwandan Embassy follows me too much. They have put money for my capture on my head. For example in 2007, the first secretary at the Rwandan Embassy found me sitting with friends at the hotel. He introduced himself to me. ‘I heard that you stayed in this town; I wanted to talk to you. Another day we shall meet.’ The day I made an appointment to meet, [but] I did not appear at the hotel. He talked with one of my Ugandan friends.

One day I met with one of my friends and his brother, who must have been paid by the Rwandan diplomat. I took them in my car and was driving and had an accident. The friend who was sitting behind me had hit me on the head. I have a scar to prove it. I was knocked unconscious. The car was ruined. I was in a coma. The friend had his brother take the tire so that it would look like that was the cause of the accident. I was in the hospital for five days. People of the [Rwandan] Embassy came to see me in the hospital so I left the hospital. . . . After the accident I have tried to keep safe. I sometimes leave the country, [sometimes] I move houses.

I made a record here in 2004 – and released it outside Uganda, in the USA, Europe, etc. The Diaspora bought it but the Rwanda regime stopped them [from] buying it by launching a campaign against the music. My name cannot even be mentioned in Rwanda. My wife is a Swiss citizen, but the wife’s family are very pro-Rwandan and did not want her to come to me. They help the government.

I have a boy in Rwanda who was born out of wedlock. No one knew before my escape that he was my son, so I realized that it would be very difficult for him in Rwanda, so I arranged to bring him here. ”

You have heard what is happening in Uganda, thousands of miles away. Now that you know, I hope that here and now, while there is still time, each of you will think about how you could act to stop it. There are many actions that can be taken, either as individuals or as a group that might influence UNHCR and/or the Ugandan government. At a minimum, many of you could write to the High Commissioner for Refugees, Antonio Guterres (Guterres@unhcr.org), expressing your alarm about UNHCR’s involvement in the Cessation Clause. You could also write your Representative or Senator and ask them to stop supporting Kigame’s government so long as abuses of rights are continuing inside and outside the country. You can contact

organizations focused on Uganda and Rwanda, or share what you know with your friends, family, and colleagues. If the Cessation Clause is enforced, another dangerous precedent will be set, opening the door for further abuses. We, as members of the international community, have the obligation to step in and advocate for the protection of Rwandan refugees' rights in Uganda and elsewhere, to be safe in exile, and to lobby for the appropriate application of international law.