

Democratic Republic of Congo: Researched and compiled by the Refugee Documentation Centre of Ireland on 20 March 2009.

Recent information on treatment afforded to Banyamulenge Tutsis by State agents and non-State agents in the DRC, particularly eastern DRC.

The *UK Home Office* states:

" If the applicants' fear is of ill-treatment/persecution by the state authorities, they cannot apply to those authorities for protection. If the ill- treatment/persecution is at the hands of non-state agents, the hostile and suspicious view of Banyamulenge by the state authorities means that such individuals are unlikely to be able to receive adequate protection from the authorities." (UK Home Office (23 December 2008) *Operational Guidance Note: Democratic Republic of the Congo*)

Freedom House states:

" Societal discrimination based on ethnicity is practiced widely among the country's 200 ethnic groups, particularly against the various indigenous Pygmy tribes and the Congolese Banyamulenge Tutsis. The ongoing fighting in the eastern Kivu region is driven in part by ethnic rivalries. The ubiquity of firearms and deep mutual resentment over land security has helped to harden ethnic identities." (Freedom House (2 July 2008) *Freedom in the World 2008 - Congo, Democratic Republic of (Kinshasa)*)

The *Immigration and Refugee Board of Canada* state:

" Libération, however, reported recent clashes between the regular Congolese army and dissident soldiers in the town of Bukavu, South Kivu, and that relations are very tense between the Banyamulenge [Congolese Tutsis of Rwandan origin] and other Congolese (Libération 2 June 2004). According to the same article, several Congolese leaders see the Banyamulenge as Kigali [translation] "henchmen," who spread [translation] "racist propaganda" to influence the population (ibid.). Le Monde indicated in its 3 June 2004 edition that the Banyamulenge were subjected to violence in Bukavu only after the clashes began.

Libération reported the same conflicts and indicated that the Banyamulenge are regularly targeted by [translation] "xenophobic campaigns" even though they have lived in the RDC for several decades (Libération 4 June 2004). After the clashes, several thousand Banyamulenge fled to neighbouring Rwanda out of fear that members of other ethnic groups would commit violent acts against them (BBC 2 June 2004)." (Immigration and Refugee Board of Canada (9 June 2004) *RDC42672.FE Democratic Republic of Congo (RDC): Treatment of the Banyarwanda in the RDC by the Congolese authorities and population; whether the 1981 law on the revocation of Zairian citizenship for the Banyarwanda has been changed or revoked (June 2004)*)

IRIN reports:

" Muhamiriza decried the fact that there was no Banyamulenge MP in Congo's parliament." To date, we continue to plead with the government for a territory to be carved out of the four in which Minembwe is found. Minembwe is administered from Fizi town, which is 117km away, or from Uvira town, which is 126km away.

"If a Banyamulenge wants to register a birth or marriage, they have to trek long distances to these towns to get these services," he added. "Every community should respect the other and desist from committing atrocities against those who they perceive to be their enemies." (IRIN (3 August 2007) *DRC: Banyamulenge seeking political solution to tensions*)

Africa News reports:

" UNHRO continued to document cases of human rights violations against members of the Banyamulenge community in South Kivu. On 8 September 2007, at Kanguli (30 km southeast of Minembwe), a young Munyamulenge man was allegedly shot in the chest and left leg by an armed man in uniform, speaking Kibembe and believed to be an element of a dissident group.

On 9 September 2007, in Rusabika (27 km northwest of Uvira), two men from the Banyamulenge community were allegedly beaten up and extorted by a soldier of the 8th Integrated Brigade (IB). In an unrelated case, on 12 September 2007, in Ngendo (37 km north of Uvira) a civilian was allegedly seriously injured with a machete by a soldier of the same 8th IB. The victim had resisted extortion." (Africa News (9 November 2007) *Congo-Kinshasa; Monthly Human Rights Assessment - September 2007*)

Also in the same report:

" On 17 September 2007 in Kabimba, 60 km north of Kalemie, in northern Katanga Province, nine Banyamulenge civilians, including four men, three women and two minors, were arbitrarily arrested and detained by the ANR, DGM and PNC, on the grounds that they were Rwandan Tutsis loyal to Laurent Nkunda who had infiltrated the area. The victims were released upon intervention of the local authorities." (Ibid)

The Immigration and Refugee Board of Canada report:

" Congolese citizens of Rwandan origin, particularly Tutsis, are perceived by other Congolese citizens as being responsible for the last two wars (1996-1997 and 1998-2002) in the Democratic Republic of Congo (DRC). The members of other ethnic groups have always associated them with [translation] "aggressor nations," more specifically, with Rwanda.

During recent years, Congolese citizens of Rwandan origin, particularly Tutsis, have been subject to exclusion, shunning, resentment and hostility by members of other ethnic groups, who were often encouraged by certain media and politicians that touted hatred against those considered to be Rwandans. For that

reason, most Congolese citizens of Rwandan origin who lived in various regions of the country, Kinshasa in particular, feared violence and fled to the East or to neighbouring countries, or were evacuated to other countries, mainly those of Europe and of the Americas.

Even today, members of other ethnic groups are distrustful of Congolese citizens of Rwandan origin, particularly Tutsis. With the exception of those involved in the various transition institutions, few Congolese citizens of Rwandan origin would dare return to live in Kinshasa or in other western regions of the country. According to the researcher, this attitude is more a reflection of the fear of possible renewed hostilities than of known abuse. He added that, to his knowledge, the few Tutsis who have returned to cities like Kinshasa or Lubumbashi are not treated differently than other citizens. Since Congolese government authorities are careful about portraying the right image to the international community, they are trying to fight the exclusion (8 Dec. 2005).” (Immigration and Refugee Board of Canada (12 December 2005) *COD100781.FE Democratic Republic of Congo: Treatment of Congolese Tutsis (Banyamulenge) from the East in the western and southern parts of the country.....*)

The *US Department of State* states under section National/Racial/Ethnic Minorities:

” The security forces in Kinshasa sometimes harassed, arbitrarily arrested, or threatened members of ethnic groups from Equateur Province, according to the UNJHRO. Security forces in North and South Kivu provinces sometimes harassed, arbitrarily arrested, or threatened members of many different ethnic groups resident there.” (US Department of State (25 February 2009) *2008 Human Rights Report: Democratic Republic of the Congo*)

Minority Rights Group International state:

”The key factor remains the ongoing crises in the Kivu provinces, Katanga and Ituri. The upswing in violence seen in North Kivu in mid-2007 was the most recent episode in the continuing struggle for resources and local control between Congolese Tutsi (known as Banyamulenge) militias and the Hutu interahamwe of the Democratic Forces for the Liberation of Rwanda (FDLR), as well as independent raiding groups of often indeterminate allegiance who are looking for material resources rather than any strategic or political advantage.....” (Minority Rights Group International (11 March 2008) *State of the World's Minorities 2008 - Democratic Republic of Congo*)

References

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This response was prepared after researching publicly accessible information currently available to the Refugee Documentation Centre within time constraints. This response is not and does not purport to be, conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

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