

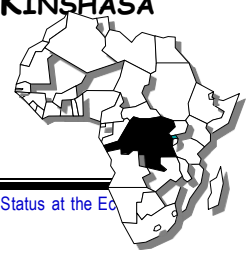


COLLECTIF DES ORGANISATIONS DES JEUNES SOLIDAIRES DU CONGO KINSHASA

« **COJESKI/RDC** »

COORDINATION PROVINCIALE DU NORD-KIVU

Projet : Global Refugee Leaders Forum



Personnalité Juridique : N°385/CAB/MIN/J & GS/2003 du 30 avril 2003, NGO with a Special Econsultative Status at the Economic and Social Council of the United Nations (ECOSOC) & Jouissant d u Statut d'Observateur auprès de la Commission Africaine des Droits de l'Homme et des Peuples / UA.

NREF: 01/COJESKI/NK/01/2024

Le 23 Janvier 2024

Copy for information to:

His Excellency the Governor of North Kivu, in Goma,

The Mayor of Goma, North Kivu,

The Commandant of 34th Military Region in Goma North Kivu,

The Provincial Commissioner of Police, Goma North Kivu,

The Provincial Director of the National Agency of Intelligence in Goma , North Kivu,

The Provincial Director of the General Direction of Migration, in Goma, North Kivu,

Joint Bureau of the United Nations for Human Rights in Goma, North Kivu,

The Delegation of the European Union in Kinshasa, DRC,

His Excellency the Ambassador of the USA in Kinshasa, DRC

To the Secretary of ICGLR in Goma , North Kivu,

To the Civil Protection of MONUSCO in Goma, North Kivu,

The Human Rights Commission CNDH in Goma, North Kivu,

The Special Rapporteur of the United Nations on the Situation of Forced Migrants, Geneva,

The Special Rapporteur of the United Nations on the Situation of Human Rights Defenders in the world,

To Human Rights Defenders Organizations and Protect-Defenders,

Adresse de contact : No 172, Rue Nzangi Butondo, Av Kituku1, Kyeshero, Goma, Nord-Kivu/RDC à 200 m de l'Université La Sapientia sur la Route CCLK à côté de Station Essence Kash : Tel : +243973704159,

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The Civil Society Organizations in North Kivu and in DRC,

Re: Seeking for information on why the Congolese National Commission for Refugees (CNR) is failure to ensure the effective protection of Rwandan refugees in North Kivu, DR Congo.

The Democratic Republic of Congo is a signatory member to the Universal Declaration of Human Rights of 1948, the United Nations 1951 Geneva Convention, the African Union 1969 Convention and other international instruments. DRC has also put in place the 2002 refugee law which officiated the existence of National Commission for refugees known as CNR as the state body in-charge of refugees.

In February 2019 President Felix Tshisekedi Tchilombo made a strong commitment in Addis-Ababa to ensure the protection of refugee rights, and over the years he has made various public statements for the protection of Rwandan refugees in DRC. During the swearing ceremony for his second term in the office on January 20th 2024, President Antoine Felix Tshisekedi Tchilombo emphasized on the security of Congolese and of all those who chose DRC as their country in which they will live.

Despite all these good intentions, the National Commission for Refugees known as CNR together with UNHCR have continued acting differently from what the President of DRC desire and have continued repatriating refugees to Rwanda by force and without being sure that rights of these returnees are fully guaranteed in Rwanda in line with UNHCR obligations on voluntary repatriation of refugees in the UNHCR Voluntary Repatriation Handbook. The very last press Conference of UNHCR in December 2022 in Goma, UNHCR recognized that many Rwandan refugees do not want to go back to Rwanda, but still UNHCR continued to fund all these forms of forced repatriations of refugees to Rwanda.

Information which came to us indicated that some among those who were repatriated to Rwanda, were then mobilized by Rwanda in order to join M23 rebels and are part of the fighters deployed in various places in North Kivu according to their relatives, at the same time some Rwandan refugees around Goma have alleged that they were repatriated back to Rwanda by CNR/UNHCR against their will and later on decided to come back to Goma where they are living without any form of protection despite their efforts to seek protection services from UNHCR/CNR.

In 2022 and 2023, we also collected statements from witnesses among refugees and asylum seekers in Goma and its surrounding indicating that a section of Rwandan refugees and asylum seekers in North Kivu was secretly mobilized to join M23, and others moved to Bunagana in order to be excluded from possible killings in case the M23 managed to capture Goma, men generally are believed to have joined the M23 in order to protect their family members in Goma,

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however their relatives claim they do not know what happened to them as some are no longer in contact with those who were taken to Bunagana for military training.

In May 2021 Habomuryemwe Agelo was secretly deported to Rwanda and later on CNR together with UNHCR secretly also convinced his family members to join him to Rwanda where they are living now, information on our possession indicates that Angelo and his family are not safe in Rwanda. Later on in December 2021 Pastor David Habimana a Rwandan asylum seeker in Goma was also secretly handed over to Rwanda from Sokola 2 where he was detained, up to now his family does not know anything about him, and according to the family, CNR staffs convinced them to go back to Rwanda in case they should count on their assistance.

Despite all possible evidence of threats against him, Tom has never benefited from adequate measures of effective protection and he has no information about his father who was also secretly deported to Rwanda with implication of CNR staffs in collaboration with UNHCR in 2019 and where information allege that his father was assassinated. Tom's being also targeted by suspected Rwandan security services believed operating in Goma and in North Kivu.

On December 12th, 2023 Dusabe Esparence a Rwandan refugee leader and an active refugee human rights defender in Goma was brutally assassinated near her shop in Mugunga by armed people at around 6:30 pm. Dusabe pleaded for protection from UNHCR/CNR since 2021 as she believed she was targeted but not much was done. She tried to move away from Goma but when war reached many other places in North Kivu, she was obliged to come back to Goma. During the recent refugee verification in September 2023 CNR/UNHCR allegedly denied her the verification on reasons which we are do not yet know up to now, and since then we did not observe efforts put in place to protect her despite various security threats alerts about her.

On December 16th, 2023 a Rwandan asylum seeker was allegedly have been killed at Hewa Bora/ Mugunga by armed person who is believed to be FARDC soldier. The incident happened in the evening as the alleged soldier wanted to take his phone by force. This is not an isolated case of various abuses against Rwandan asylum seekers in North Kivu. Since October 2023 a Rwandan refugee residing in Kyeshero Goma has been attacked by unknown people at his home on ground that he is a Rwandan, and his efforts to seek help from CNR/UNHCR have not yield fruits, he was recently attacked again at home and the perpetrators took all what he had at in his home.

On top of these, for the last three years since 2021 up today thousands of Rwandan asylum seekers do not have refugee documents and are exposed to various forms of arbitrary arrests and detentions, restricted to free movement, limited to access services in different places where proper identification is required, and as you know they cannot access humanitarian relief aid in your different offices because they are not yet recognized. Basing on our observations the lack of refugee documents to refugees in North Kivu, is one among the causes of the tensions between the host communities and asylum seekers who are obliged to acquire the Voter's Card in order to survive and this is done at total indifference of CNR/UNHCR.

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Various media reports indicated recently the Government Directive warning the DRC Army and other security services not to collaborate with FDLR, at the same time on ground Rwandan refugees and asylum seekers have paid a heavy price of being connected to FDLR who remain the only credible option for their protection in North Kivu, and various crimes against Rwandan refugees are easily attributed to FDLR without serious investigations. We are preoccupied about that directive and the extreme silence of UNHCR/CNR who are supposed to clear out and share with government credible information about FDLR who we believe are generally refugees and asylum seekers in search of protection against Rwandan Army attacks in DRC which Rwandan refugees have been victims over the years since 1996 up to now with M23. The lack of a collective and harmonized comprehension about FDLR may highly affect efforts towards the protection of refugees especially that the key institutions mainly UNHCR/CNR have over the years decided to remain silent over this group which is largely composed of Rwandan refugees and asylum seekers.

Serious allegations from different source of information indicate that over the years both UNHCR and CNR have been influenced by Rwandan regime and the same allegations indicate that some UNHCR/CNR officers are either perceived as Rwandans, living in Rwanda or connected to Rwandan regime. Images we received from Geneva indicated that some delegates who represented DRC were perceived as Rwandan and this raised concerns among others Congolese who attended the Global Refugee Forum Summit in December 2023. This is exacerbated by the UNHCR/CNR pro-Rwanda policy in place towards Rwandan refugees which is focused on the denial of services to Rwandan refugees in order to force them to repatriate to Rwanda, and at the same time the lack of clear and concrete protection measures towards Rwanda refugees has been exploited by some actors in order to argue that these refugees are FDLR fighting against President Paul Kagame.

Basing on these cases above and the others which are not documented here, CNR/UNHCR being the direct implementers of the promises of the President in this field of refugees, we hold the convictions that you should account to us, to the refugees, to the nation and to the international community and at the same time be held accountable for abuses towards refugees.

The purpose of this letter is therefore to seek for clear information on what CNR/UNHCR is doing and why have you failed to ensure the protection of Rwandan refugees in North Kivu.

Kulihoshi Musikami Pecos



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Coordinator/ COJESKI North Kivu

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