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1. General Overview

Information on the treatment of the Banyamulenge, or Congolese Tutsis, living in the provinces of North Kivu and South Kivu and in Kinshasa was scarce among the sources consulted by the Research Directorate.

The Banyamulenge are a Tutsi ethnic minority in the Democratic Republic of the Congo (DRC) who originally come from Rwanda (Professor Emeritus, University of Florida 4 Mar. 2013; BurundiVision 14 Dec. 2012; L'aménagement linguistique dans le monde 13 Oct. 2012). The Banyamulenge live in South Kivu (ibid.; Professor Emeritus, UCL 4 Mar. 2013; The Observer 16 Oct. 2011).

People of Rwandan origin from North Kivu are identified as Banyarwanda (Professor Emeritus, UCL 4 Mar. 2013; L'aménagement linguistique dans le monde 13 Oct. 2012). Human Rights Watch also notes that the term "Banyarwanda" is used to describe people of Rwandan origin (4 Oct. 2012). The Banyarwanda are made up of Hutus, Tutsis (L'aménagement linguistique dans le monde 13 Oct. 2012) and Batwas (MRG n.d.). Congolese Tutsis from North Kivu have very close ties with Rwanda, particularly because of the proximity of the country (Professor Emeritus, UCL 4

Mar. 2013; BurundiVision 14 Dec. 2012). In an interview published by BurundiVision, a news site that accepts articles from its readers (BurundiVision n.d.), the interim President of SHIKAMA, an organization that represents the Banyamulenge community, stated that the Banyamulenge have almost no ties left with Rwanda (ibid. 14 Dec. 2012).

2. Treatment of the Banyamulenge

According to sources, some members of the general population in the DRC do not consider the Banyamulenge to be true Congolese (Human Rights Watch 4 Oct. 2012; Sebarenzi 1 Jan. 2012; L'aménagement linguistique dans le monde 13 Oct. 2012). In correspondence sent to the Research Directorate, a professor emeritus of political science at the University of Florida, who has researched ethnic conflicts in Central Africa, including in the DRC, pointed out that [translation] "today there is a deep hatred among the Congolese for 'Rwandophones,' especially those of Tutsi origin" (4 Mar. 2013). During his interview, the President of SHIKAMA stated the following:

[translation]

First, we suffered war and violence like members of the other communities—killings and other violations, forced displacement, exile, poverty, etc. Then we were classified by the rest of the 60 million Congolese who collectively identify us as the source of all their problems: accusations of all kinds, distrust, contempt, hatred, and sometimes even violence are all directed at the Tutsis. The war only worsens our situation and our condition. The war maintains this marginalization that people claim to be fighting against. Unfortunately, the allegiance of some of our brothers (including Congolese Hutus among others) in Rwanda reinforces the feeling among other communities that we are not sufficiently Congolese, that we are conspiring against the Congo, and so on. Moreover, it is still impossible for ordinary people to differentiate between the instigators of these issues and the majority of ordinary Tutsis who often have nothing to do with political and military activities (BurundiVision 14 Dec. 2012).

According to Minority Rights Group International (MRG), the population throughout much of the territory of both Kivus lives "in a state of permanent insecurity" (MRG June 2012, 213). The Banyamulenge and other ethnic groups in the DRC are identified on the MRG's list of the people most under threat (ibid., 213). The DRC is ranked as the country with the seventh highest level of risk (ibid.). This list, the objective of which is to "identify the risks of genocide...or other systemic violent repression" is based on ten indicators, which include democracy, good governance and conflict indicators (ibid., 216,217).

2.1 Treatment of the Banyamulenge in South Kivu

According to Freedom House, ethnic discrimination, especially toward the Banyamulenge in South Kivu, is still "a major problem" in the DRC (Freedom House 2012). According to Human Rights Watch, tensions have been [Human Rights Watch English version] "longstanding" between the Banyamulenge and the Babembe in the territory of Fizi in South Kivu (Human Rights Watch 4 Oct. 2012). In particular, Human Rights Watch points out that the grazing rights of Banyamulenge herders have been contested by the Babembe and other ethnic groups (ibid.).

In October 2011, seven Banyamulenge, including humanitarian workers, were killed in an ambush by armed men in Fizi (ibid.; The Observer 16 Oct. 2011; Freedom House 2012). Sources state that the murders were because of the ethnicity of the victims, explaining that the Banyamulenge in particular were targeted and that other individuals in the group were not killed (ibid.; Human Rights Watch 4 Oct. 2012; The Observer 16 Oct. 2011).

According to sources, the attackers were members of the Mai Mai Yakutumba (ibid.; Human Rights Watch 4 Oct. 2012; Freedom House 2012). Freedom House states that some also belonged

to Burundi's National Liberation Front (Front de libération national du Burundi) (ibid.). The Mai Mai Yakutumba is an armed group (Human Rights Watch 4 Oct. 2012; The Observer 16 Oct. 2011). The Observer, a British weekly newspaper, states that the Mai Mai Yakutumba is a sub-group of Mai Mai (ibid.). According to Human Rights Watch, the Mai Mai Yakutumba, based in Fizi, is primarily composed of members from the Babembe ethnicity, and the group [Human Rights Watch English version] "claims to represent the interests of various local ethnic groups and to protect them against those they perceive as 'foreigners,' in particular members of the Banyamulenge and Tutsi ethnic groups" (4 Oct. 2012). Similarly, the Observer states that the Banyamulenge are considered by the Mai Mai to be "foreigners" in the region (The Observer 16 Oct. 2012).

According to Human Rights Watch, the authorities had opened an investigation but had neither arrested nor tried anyone one year later (4 Oct. 2012). According to the Observer, many saw the killings as further proof of "genocide" against the Banyamulenge (16 Oct. 2012). Corroborating information could not be found among the sources consulted by the Research Directorate.

According to Human Rights Watch, ethnic tensions have increased since the October 2011 murders and [Human Rights Watch English version] "several people" from the Babembe and Banyamulenge ethnicities have been killed (4 Oct. 2012). Human Rights Watch added that a [Human Rights Watch English version] "low-level inter-ethnic conflict has continued in 2012" (4 Oct. 2012). Similarly, the United Nations Organization Stabilization Mission in the DRC (Mission de l'Organisation des Nations Unies pour la stabilisation en République démocratique du Congo, MONUSCO) states that, following the murders in October 2011 and the theft of cattle from the Banyamulenge community, a wave of violence ensued leading to the loss of human lives in the fall of 2011 (UN 25 Jan. 2013).

2.2 Treatment of the Banyamulenge in North Kivu

The 23 March movement, an armed group called the M23, is in North Kivu (Human Rights Watch 4 Oct. 2012; The Jamestown Foundation 26 July 2012; BBC 23 Nov. 2012). The M23 is mainly made up of Tutsis (ibid.; The Jamestown Foundation 26 July 2012). This group claims to be the "'protector'" of the Banyamulenge in the Kivus region (ibid.). M23 also claims to fight for the Congolese Tutsis in general (BurundiVision 14 Dec. 2012). The M23 has ties with the Rwandan government (ibid.; The Jamestown Foundation 26 July 2012; UN 27 June 2012, para. 3, 7).

For further information on the M23, please consult Response to Information Request COD104292 of 30 January 2013.

According to MONUSCO, since the creation of the M23, there has been an increase in tension between the Banyamulenge, the Bembe and the Bafuliru in the Fizi territory in South Kivu (ibid. 25 Jan. 2013). The President of SHIKAMA stated in his interview that the M23 [translation] "increases the resentment and rejection of the Congolese Tutsi community among other populations" in the country (BurundiVision 14 Dec. 2012). However, according to the SHIKAMA President, there are no members of the Banyamulenge in the M23, and most of the Banyamulenge do not support the M23 (ibid.). Corroborating information could not be found among the sources consulted by the Research Directorate.

2.3 Treatment of the Banyamulenge in Kinshasa

According to MRG, "prejudice against Banyamulenge interests remains entrenched in Kinshasa, including within the administration" (n.d.). Corroborating information and information on the treatment of the Banyamulenge living in Kinshasa could not be found among the sources consulted by the Research Directorate.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

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Additional Sources Consulted

Oral sources: Attempts to contact representatives of La Voix des sans-voix pour les droits de l'homme, Association africaine de défense des droits de l'homme and a German researcher who wrote about the Banyamulenge were unsuccessful. A representative from the Centre des droits de l'homme et du droit humanitaire was unable to provide information for this Response.

Internet sites, including: AllAfrica; Amnesty International; ecoi.net; Factiva; France - Cour nationale du droit d'asile; International Crisis Group; Minorities at Risk; Le Phare; Le Potentiel; United Kingdom - Home Office; United Nations - Refworld, Integrated Regional Information Networks; United States - Department of State.

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