**COLLECTIF DES ORGANISATIONS DES JEUNES SOLIDAIRES DU CONGO KINSHASA**

 **« COJESKI/RDC »**



 **COORDINATION PROVINCIALE DU NORD-KIVU**

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**Report on the physical security of refugees in North Kivu Province, the Democratic Republic of Congo from January 2021 to August 2022: The physical security of refugees in North Kivu has improved during this period.**

**Back ground information**

This report focuses only on physical security and physical protection of refugees in North Kivu DRCongo from **January 2021 to August 2022**. **Why January 2021**? It is because that is when we started our advocacy on various refugee issues in North Kivu Province in general and in Goma in particular.

**Main location of refugees in North Kivu**: Generally the majority of refugees are staying in Goma, Nyiragongo, Masisi, Rutshuru, Walikale and in Lubero. More than 85% of the entire refugee population came from Rwanda since 1994 up to now, according to UNHCR around 200,000 this represent 25% refugees are registered in North Kivu, but this number is extremely low, we estimate that North Kivu Province could host more than 800,000 refugees, in that way Nord Kivu province is the highly refugee population province in the Democratic Republic of Congo. Unfortunately up to now UNHCR/ CNR continue to talk only about the 200,000 and completely do ignore the existence of others who are not yet registered. Kulihoshi Musikami Pecos the Refugee Programme Officer at COJESKI/DRC said “*The fact of not mentioning all these 75% of refugees who are not registered in various public statements, UNHCR /CNR Goma mindset is to decline protection obligations to those refugees, expose them to all kinds of risks and deceive the world that those refugees are not there. Politically this approach serves more the interests of Rwanda which does not want Rwandans in DRCongo to be recognized as refugees, this places UNHCR/CNR as a mere executioners of Rwanda Foreign Policy in eastern DRCongo”*.

In order to compile this report we held four (4) refugee discussion focus groups, and held 10 individual meetings with refugee leaders among them 6men and 4women in Goma and Nyiragongo.

**How do refugees react to this improvement?**

One among the refugee leaders said *“the situation has greatly changed, I think it is because of your work but also when the relationship between DRCongo and Rwanda deteriorates, and it has advantages on the protection of refugees. Because when the two countries are in good relations, various Rwandan security come in and put refugees at risks”.*

While looking at the strategies used in order to deport, assassinate or arrest refugees, this Rwandan refugees said in the meeting “*We as Rwandan refugees are also the problem, currently Kagame uses our fellow refugees who know us very well, Kagame uses people we grew up together, and those we are familiar with. They may be here, they may be in other country, or they may be in Rwanda”.*

And lastly on the issue of UNHCR and CNR who might have played a different roles to aid abuses against refugees, this one said in the meeting “*What has now changed is that at least UNHCR and CNR do not do it publically anymore, before they could come, pick a refugee and take him to Rwanda, and no one would say a single word. May be they fear you now because they know if they do so, the world will be informed, UNHCR/CNR are not here to protect refugees, NON but to help Kagame to persecute refugees*”.

**Issues faced by refugees before January 2021**

As we started our activities on refugee issues in January 2021, refugees narrated to us various challenges among them, we all together with them agreed that the physical security is the first priority. The following problems were then considered as priorities:

**Assassination of refugees:**

We received testimonies of family members whose relatives were assassinated just because they were refugees, mostly those from Rwanda, and generally men. Allegations indicated that they were assassinated by Rwanda Security Services who could have operated in collaboration with Congolese authorities at all levels and UNHCR Goma. Generally those who were targeted were perceived either as community leaders, those who are critical to the current Rwandan regime, refugee intellectuals and refugees who are developed economically.

So far the last assassination of a refugee was in April 2021 in CCLK –Lac-Vert around Goma, who was short during night in what was described as robbery. However questions remained, could the attackers camouflage in thieves? This one was among refugees who are not yet registered by UNHCR/CNR.

**Extradition of refugees to Rwanda**

As we came in January 2021 we also interacted with the families of those whose relatives were picked from Goma and taken secretly to Rwanda, most of the victims are generally men who are either perceived as intellectuals or economically developed. Generally only these men are taken to Rwanda and leave their families behind here in DRCongo. Some of the relatives just do not have information about those taken to Rwanda while others may in one way or the other communicate. In the year 2021 information on our possession indicates than two Rwandan refugees were secretly taken to Rwanda, the first by the names of Habomuremye Angelo deported in May 2021 and according to information he is now in Ngando Military Center in Ruhengeri, Rwanda and the second by the names of Pastor David Habimana deported in December 2021. Since then we do not have more cases. Angelo was recognized refugee by UNHCR/CNR and since 2018 informed UNHCR about all the security risks he was facing but the institution decided not to support his efforts to remain safe. And Pastor David was among those who were not yet registered, David went to CNR several times asking to be registered as refugee but he was always told to wait until he was picked and taken to Rwanda.

**Forced repatriation of refugees**

Both UNHCR Goma and the Congolese National Commission for Refugees commonly known as (**CNR**) have continued to repatriate refugees back to Rwanda regardless of the available information how Rwanda is not secure, regardless of the fact that more Rwandan people are running away and regardless the fact than some of these refugees repatriated by force end up coming back to DRCongo. This exercise is still going on because it is highly lucrative and highly political in order to respond to the desire of Rwanda but it one among highly funded UNHCR programme. CNR estimates that more than 100,000 refugees have been repatriated to Rwanda in that way which is generally forced. During this process, refugees are presented wrong information about Rwanda, some are presented the benefit they will get if they accept to go back to Rwanda, and others are fed up by the lack of humanitarian assistance which makes life more difficult. Those are some of the grounds on which decisions are taken from, on top of those, there are issues of wars in many parts which expose these refugees.

**Arbitrary arrests of refugees**

Generally refugees were arbitrary arrested for various reasons, sometimes it was because they do not have any refugee documents, sometimes it was because their refugee attestation expired, sometimes it was suspicion that they may be working with armed groups, sometimes it was a way for the security services to get money from refugees. While in Goma the last arbitrary arrest of refugees was in October 2021 in other territories like Masisi the last arrest was in April 2022 and since then the situation has improved.

**Illegal detention of refugees**

When refugees are caught in conflict with the law, they have been detain in Munzenze main Prison in Goma, while some claim being innocent others may have played roles in various crimes such as association with armed groups, cutting threes in Virunga National Parc, conflict with the host communities over land, and mistrust are the main causes of the detention of many refugees. However this also has reduced as since this year started only one refugee has been put in Prison on the issue of land, last year only 3 were detained, however those who were detained before are still in prison. Due to stigma and security reasons many who are arrested are not registered by the Courts as refugees but sometimes as “***Rwandans or as Congolese***”, and at least 90% of refugees in prisons in North Kivu are not yet registered refugees by UNHCR/CNR.

**Freedom of movement**

In January 2021 and the whole entire year 2021 it was difficult for a refugee to move freely from one territory to another in North Kivu, and from a Province to another province in DRCongo. In most cases refugees were arrested at various road-blocks mainly Mubambiro/Sake North Kivu, in Nyiragongo and the Port leading to South Kivu Province. However as this year 2022 started up to now, we have witnessed the reduction of cases and have recorded the movement of refugees in various places without being arrested. “*It is much easier now for those who have “the refugee identification card to more, while those who have refugee attestation still face challenges and the main problem is still on those who do not any document at all”.*

**Alleged perpetrators**

Generally according to refugee testimonies and basing on cases we have handled, the perpetrators are the following:

**T2 and SOKOLA2**: These are both Congolese Military Intelligence Security Services, T2 is in charge of Military Intelligence and SOKOLA2 is in-charge of Military Operations, they are responsible for more than 70% of the abuses of refugees in North Kivu, the Democratic Republic of Congo,

**The National Intelligence Agency**: Commonly known as “ANR”, they are responsible of various abuses of refugees at more than 20% and then the National Congolese Police commonly known as “PNC” is responsible of the abuses of refugees at 10%.

**The General Directorate of Migration**: Commonly known as “DGM” is in most cases the instigator of the abuses of refugees especially those arrested by the Police and by the ANR, DGM plays also roles to deport and participates in forced repatriation of refugees.

In Goma, refugees believe and argued that both UNHCR and CNR are closely working with the Government of Rwanda in order to identify those who should be targeted, this argument is based on some cases of those who were deported to Rwanda with direct involvement of UNHCR and CNR officers, but also the silence of UNHCR and CNR in the situation of those at risk of deportation both before their arrest, during their detention in Goma, when they are being deported and when they are already in Rwanda. In order to make suspicion more difficult some UNHCR and CNR staffs are perceived as residing in Rwanda, and have connection with Rwanda security services, some Rwandan are perceived as working with UNHCR and CNR Goma, especially those perceived as Rwandan working with UNHCR in Goma are Tutsi while the refugees they serve are Hutu, that makes the situation more complicated.

**What may have justified such progress?**

It may be difficult to know exactly what may have influenced the positive change, however what we know is that we have been engaged in advocacy at various levels, with all local authorities at all levels right from the village to the Governor of North Kivu Province. And when a refugee faced problems we involved various actors, we have shared information about refugees in various social media especially Facebook, Whatsup, emails which attracted the reactions of various actors, we have engaged actors of the Civil Society and Religious Leaders on refugee issues and lastly we put in place a strong Media Advocacy Strategy which has gone beyond DRCongo.

In our various evaluation meetings held in some parts of Goma and in Nyiragongo refugees we talked to argued that the change may be caused by our strong advocacy, others believe that may be the currently conflict between Rwanda and DRCongo might have favored the security of refugees. More research work may be needed in order to understand better why that progress.

**UNHCR and CNR reactions to our advocacy**

As we started our advocacy on refugee issues here in North Kivu both UNHCR and CNR warned us against involvement in advocating for refugee rights which they described as “***putting refugees at risk***”, on top of that they even engaged in various threats and intimidations against us including the arrest of some among us. Up to now, we have not yet received support from UNHCR/CNR in our ideas to work for the security and the protection of refugees, on contrary the refugee regime here in Goma seems to look at us as a threat to the refugee business.

Since January 2021 up to now, we have not yet hard any public statement from CNR Goma on the situation of refugees, not even a single meeting with key stakeholders, no media campaign and no announcement about the situation of refugees. What we have seen is a total culture of silence. On contrary CNR is alleged to have organized various meetings with refugees in order to harm us and affect negatively our activities, and at the same time CNR has reported us to various authorities in Goma,

UNHCR Goma has deployed all various threats against us, and up to now UNHCR has not made a single public statement focusing on refugees in North Kivu, most of times UNHCR talks more about Internally Displaced Persons and slightly puts some few words about refugees, sometimes it ambiguous statement of people of concern. In response to our various media campaigns UNHCR has provided journalists with wrong information about available services to refugees, and sometimes has threatened journalist while others have been told that they will never get deals from UNHCR if they publish various information on refugees.

**Recommendations**

**UNHCR DRCongo**

As UNHCR should play the very first frontline role and create more opportunities that favor physical protection of refugees in the Democratic Republic of Congo we call upon the following:

To change the current staff which is highly perceived as working closely with Rwanda, to refrain from residing in Rwanda while working on refugees in DRCongo and to ensure that no person who is perceived Rwandan is incorporated in UNHCR in DRCongo in general and in Goma in particular,

To put in place a clear work plan that focuses on the protection of refugees in their current diversity. Those who are registered and those who are not registered, and those who are coming or who came to seek asylum and do not know the process,

To shift her priority from Internally Displaced Persons (IDPs) to refugees, to be clear “ work and talk about refugees first, then IDPs” what is there is that UNHCR in DRCongo works and talks more about IDPs and then refugees,

To work closely and partner with local organizations, refugee initiatives and local leaders at all levels in order to extend services to all refugees where they are living,

**The Government of DRCongo**

To ensure that relationship with Rwanda does not affect the priority to ensure the protection of refugees and do what is possible to ensure that the protection of refugees is part of foreign affairs of DRCongo,

To continue making all necessary reforms in the security services mainly T2, SOKALA2, ANR, DGM, and the Police to ensure that work towards the protection of refugees, first of all making sure that those who are viewed as “Rwandaphones” are no longer powerful and influential to decide on the fate of a refugees,

To make the necessary changes in the Congolese National Commission for Refugees by putting in place right people at all levels, mobilize financial resource for CNR, and put in place a National Policy framework to deal with refugees in DRCongo,

The leaders at National levels mainly the President, the Prime Minister, the Minister of Internal Affairs, the Minister of Defense, the Minister of Foreign Affairs should talk more and in favor of the protection of refugees in DRCongo because that could have impact on ground,

The Congolese National Commission for Refugees should be more active and engage various actors on the protection of refugees, the national team of CNR in Kinshasa should regularly visit refugees and the host communities in order to solve the existing challenges,

**Development Partners**

The Development Partners should put a particular priority on the protection of refugees, and that should include the a policy that promotes the protection of refugees,

To put in flexible funding opportunities for small initiatives that focuses on the protection of refugees,

To include refugees on the agenda in their public statements, during the visits in the country and during other events they fund or organize in DRCongo,

To emphasize that refugees are incorporated as beneficiaries in various projects they fund,

Done in Goma,

Jean Pascal Mugaruka

Coordinator