



## RESPONSES TO INFORMATION REQUESTS (RIRs)

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The Board		9 June 2004
About the Board	<b>RDC42672.FE</b>	
Biographies		
Organization Chart	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)	
Employment	Research Directorate, Immigration and Refugee Board, Ottawa	
Legal and Policy		
References		
Publications	No information on the treatment of the Banyarwanda by the Congolese authorities and population could be found among the sources consulted by the Research Directorate. (Please consult RDC38781.E of 10 April 2002 for information on the various origins of the Banyarwanda in the RDC and their geographical location.)	
Tribunal		
Refugee Protection Division		
Immigration Division	<i>Libération</i> , 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 ( <i>Libération</i> 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 ( <i>ibid.</i> ). <i>Le Monde</i> indicated in its 3 June 2004 edition that the Banyamulenge were subjected to violence in Bukavu only after the clashes began.	
Immigration Appeal Division		
Decisions		
Forms		
Statistics		
Research		
Research Program	<i>Libération</i> 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 ( <i>Libération</i> 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).	
National Documentation Packages		
Issue Papers and Country Fact Sheets		
Responses to Information Requests	In a recent report describing the prevailing political situation in the Kivu provinces to the east, the Swiss Refugee Council (Organisation suisse d'aide aux réfugiés, OSAR) indicated that [translation] "there is a tendency to treat individuals identified as Rwandan, RDC-Goma supporters, Tutsis, and Banyamulenge as enemies," and that [translation] "the resentment toward the Banyamulenge in South Kivu has deepened" (28 May 2004, 15). However, according to the same report, the situation has improved for Tutsis who live in western RDC (OSAR 28 May 2004, 15).	
Recent Research		
Media Centre		
News		
Information Sheets		
Media Relations		
Proactive Disclosure	For Oswald Ndeshyo Rurihose, Dean of the faculty of law at Kinshasa University, Law 81-002 of 29 June 1981, which took away Zairian citizenship from a portion of the Zairians who speak Kinyarwanda, is [translation] "unjust, arbitrary and unfair" ( <i>Dialogue</i> Aug.-Sept. 1996, 3). The Zairians affected live in North Kivu	

(in the Masisi, Goma and Rutshuru area), South Kivu (in the Kalehe, Baraka and Uvira area) and Shaba (in the Moba area) (ibid.).

The Research Directorate contacted a Congolese lawyer in Washington, DC. This lawyer, a member of the Kinshasa bar association currently working for Human Rights Watch (HRW), is the former vice-president of the African Association for the Defence of Human Rights (Association africaine de défense des droits de l'homme, ASADHO). He provided the following information in a 2 June 2004 telephone interview.

Law 81-002 of 29 June 1981, regarding the termination of Zairian citizenship for the Banyarwanda in the RDC, is still in effect. However, all Congolese politicians agree on the need to modify it. This is why the signatories to the inclusive peace accord, adopted in April 2003 in Sun City, Africa, entrusted the national assembly with conducting an in-depth study on Congolese citizenship and with drafting a new law on this issue. As yet, no one has voted on this law.

Section 2.e of the Global and All-Inclusive Agreement on the Transition in the Democratic Republic of Congo, which addresses legislative power, and article 104 of the RDC Constitution stipulate that the senate has [translation] "a legislative function and works in conjunction with the national assembly on matters of citizenship," and other matters (RDC 1 Apr. 2003; see also ibid. 4 Apr. 2003). Article 14 of the Transition Constitution refers to an organic law that [translation] "shall set the conditions of recognition, acquisition, loss and recovery of Congolese nationality," but it does not specify when this law will be passed (RDC 4 Apr. 2003).

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 additional sources consulted in researching this Information Request.

#### References

BBC. 2 June 2004. "Rebels Seize DR Congo Town."

<<http://news.bbc.co.uk/1/hi/world/africa/3768531.stm>>>

Democratic Republic of Congo (RDC). 4 April 2003. "Constitution de la RDC."

<<http://www.rdc.cd/constitutionrdc.htm>> [Accessed 2 June 2004]

\_\_\_\_\_. 1 April 2003. "Accord global et inclusif sur la transition en RDC."

<<http://www.rdc.cd/accordglobaletinclusif.htm>> [Accessed 2 June 2004]

*Dialogue* [Brussels]. August-September 1996. No. 192. Oswald Ndeshyo Rurihose. "La nationalité de la population zairoise d'expression kinyarwanda au regard de la loi du 26 June 1991".

Human Rights Watch (HRW). 2 June 2004. Telephone interview with a Congolese lawyer, member of the Kinshasa bar.

*Libération* [Paris]. 4 June 2004. Christophe Ayad. "Chute de Bukavu : l'ONU accusée." <<http://www.liberation.fr/page.php?Article=212006>> [Accessed 4 June 2004]

\_\_\_\_\_. 2 June 2004. Francesco Fontemaggi. "À Bukavu, les ratés de la transition congolaise." <<http://www.liberation.fr/page.php?Article=211319>> [Accessed 2 June 2004]

*Le Monde* [Paris]. 3 June 2004. Jean-Philippe Rémy. "La nouvelle 'rébellion' dans l'est du Congo sabote le processus de paix dans ce pays martyr."

<<http://www.lemonde.fr/web/article/0,1-0@2-3212,36-367323,0.html>> [Accessed 3 June 2004]

Organisation suisse d'aide aux réfugiés (OSAR) [Bern]. 28 May 2004. Reto Kuster. *Demokratische Republik Kongo (DTC)*.

<[http://www.osar.ch/imgupload/gutachten\\_laenderberichte/Kongo0405lag\\_d.pdf](http://www.osar.ch/imgupload/gutachten_laenderberichte/Kongo0405lag_d.pdf)> [Accessed 2 June 2004]

#### Additional Sources Consulted

**Publications** : *Africa Confidential*, *Africa Research Bulletin*, *Jeune Afrique/L'Intelligent*, Resource Centre country file.

**Internet sites, including** : AllAfrica, Amnesty International, FIDH, HRW, Minorities at Risk, MISNA, ReliefWeb.

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