



Refugee Documentation Centre (Ireland)
LEGAL AID BOARD

DRC - Researched and compiled by the Refugee Documentation Centre of Ireland on Friday 25 & Monday 28 August 2017

Information on Laruent Nkunda forces in Minova in June 2004;

A report released in June 2004 by the *United Nations Organization Mission in the Democratic Republic of Congo* states that:

“Laurent Nkunda's troops are currently in Minova, fifty kilometres from Bukavu...” (United Nations Organization Mission in the Democratic Republic of Congo (10 June 2004) *DRC: MONUC largely contributed to the withdrawal of the insurgent forces from Bukavu*).

A document released in June 2004 by the *Agence France Presse* includes commentary on Nkunda who:

“...said he was in Minova...” (Agence France Presse (14 June 2017) *DR Congo: Dissident general awaits response to war ultimatum*).

Radio Candip in June 2004 notes that:

“The Congolese judiciary has just issued an arrest warrant for [Gen] Laurent Nkunda...Laurent Nkunda is at Minova...” (Radio Candip (10 June 2004) *DR Congo: Judiciary issues arrest warrant for dissident general*).

A report released in June 2004 by the *Agence France Presse* notes that:

“Hundreds of civilians have fled a town near the Rwandan border in eastern Democratic Republic of Congo after dissident soldiers set up camp there, the United Nations mission in DRC, MONUC, said Friday. MONUC on Wednesday sent soldiers to Minova, which lies around 50 kilometers (30 miles) north of the capital of Sud-Kivu province, Bukavu, which was overrun early this month by so-called dissident soldiers. The dissident troops -- who have refused to be incorporated into a new DRC army which would bring them under Kinshasa's command -- pulled out of Bukavu a week after seizing the town, and one of their leaders, General Laurent Nkunda, reportedly holed up in Minova, in neighbouring Nord-Kivu province” (Agence France Presse (25 June 2004) *Hundreds of civilians flee dissident soldiers in east DR Congo: UN*).

A report issued in February 2005 by the *United States Department of State* commenting on events of 2004 states that:

“In June, ex-RCD/G elements led by former commanders such as General Nkunda and Colonel Mutebusi recruited children in North and South Kivu, notably in Minova, Kalehe, and Masisi, to serve as soldiers” (United States Department of State (28 February 2005) *U.S. Department of State Country Report on Human Rights Practices 2004 - Congo, Democratic Republic of the*).

Information on the reasons for Laruent Nkunda's forces invading Bukavu and when it occurred

BBC News in June 2004 notes that:

“Government troops in the Democratic Republic of Congo have recaptured the eastern town of Bukavu from dissident soldiers without a fight...A rebel commander, Colonel Jules Mutebusi, fled with his men overnight...Another dissident army officer, General Laurent Nkunda, had marched several thousand troops south from neighbouring Nord-Kivu province to help him capture Bukavu. They are both members of the Congolese Rally for Democracy (RCD), a former rebel group backed by neighbouring Rwanda” (*BBC News* (9 June 2004) *DR Congo army recaptures Bukavu*).

In June 2004 the *United Nations News Service* points out that:

“The town of Bukavu in the eastern region of the Democratic Republic of the Congo (DRC) fell to dissident forces today, while troops from the national army either fled or sought sanctuary among troops serving with the United Nations peacekeeping force (MONUC) and looters ransacked UN premises. The town was effectively being controlled by General Laurent Nkunda of the Rassemblement Congolais pour la Democratie-Goma (RCD-Goma) and the former deputy regional military commander Colonel Jules Mutebutsi, UN spokesman Fred Eckhard told reporters in New York” (*United Nations News Service* (3 June 2004) *Rebels take Bukavu in Eastern DR Congo, protesters target UN*).

A report released in June 2004 by *IRIN News* points out that:

“The dissidents seized Bukavu on Wednesday in what their leaders termed an attempt to protect the minority Congolese Tutsi, known as Banyamulenge, from persecution by a military commander assigned to the region by the transitional government” (*IRIN News* (8 June 2004) *DRC: Dissident forces withdraw from Bukavu*).

In June 2004 the *United Nations Security Council* states:

“The Security Council this evening condemned the seizure of the town of Bukavu, Democratic Republic of the Congo, on 2 June, by dissident forces led by former Congolese Rally for Democracy (RCD-Goma) commanders Major-General Laurent Nkunda, Colonel Jules Mutebusi, and others, as well as the atrocities and human rights violations which had occurred in that context” (*United Nations Security Council* (7 June 2004) *UN SC condemns dissident forces' 2 June seizure of Bukavu, DR of Congo*).

IRIN News in June 2004 notes:

“Nkunda and Mutebutsi's troops seized Bukavu on 2 May following days of fighting loyalist troops. Nkunda had said he invaded the town to protect Congolese Tutsis, known as Banyamulenge, after he received reports that they were being persecuted by Gen Mbuza Mabe, the commander of the 10th Military Region, who was assigned to the area by the transitional government in Kinshasa. Nkunda said on Tuesday when his troops withdrew from Bukavu that the reports of the persecution of the Banyamulenge had been exaggerated” (*IRIN News* (10 June 2004) *DRC: MONUC facilitated dissidents' withdrawal from Bukavu, official says*).

A report issued in October 2007 by the *International Crisis Group* states that:

“The appointment of a FAC commander in Bukavu and the replacement of ex-ANC commanders all over the province inevitably exacerbated inter-communal tensions. RCD hardliners, eager to resume the war and end the transition prematurely, contributed to this through a systematic policy of provocations and threats. RCD officers wanted for their alleged involvement in the 2001 assassination of former President Laurent Kabila refused to go to Kinshasa and join the national army, citing the lack of security guarantees for themselves and their communities... This group was led by Brigadier Laurent Nkunda, a Tutsi and former 2nd Military Region Commander of the RCD. As early as December 2003, he became head of an organisation, National Synergy for Peace and Harmony, including Hutu and Tutsi RCD leaders from Goma, as well as a small group of officers and politicians from South Kivu who had been convicted in absentia for killing Laurent Kabila... Goma rapidly became the base for all RCD dissidents. The shuffling of commands and destruction of ANC units in the name of army integration without addressing core issues could only lead to a crisis. RCD officers (mostly of Tutsi origin) who joined Nkunda’s movement refused to recognise the authority of General Nabyolwa, the pro- Kabila military region commander sent by Kinshasa. In May 2004, the dispute between commanders erupted into a full-blown battle for Bukavu, which hardened resentment and sparked revenge killings against the Tutsi community, which was often perceived as a Rwandan fifth column. The national army rounded up and killed fifteen Tutsi, including women and children... Some 3,000 Tutsi civilians were forced to flee from towns. Claiming that genocide was taking place, Nkunda led a force of approximately 1,000 from Goma, which entered Bukavu on 2 June 2004, raping and killing indiscriminately... International pressure on Rwanda and the RCD forced Nkunda to leave Bukavu on 10 June but the situation was left to fester. Nkunda withdrew to North Kivu...” (International Crisis Group (31 October 2007) *Congo: Bringing Peace to North Kivu*, p.3).

A report issued in August 2004 by the *United Nations Security Council* states that:

“...The Bukavu crisis in May-June is symptomatic of the lack of progress in the transitional process and, in particular, the delays in military reform and integration. The roots of the crisis can be traced to February-March 2004, when tensions rose between the Deputy Military Regional Commander, Colonel Jules Mutebutsi (formerly of the Rassemblement congolais pour la democratie-Goma (RCD-Goma)) and the Military Regional Commander for South Kivu, Brigadier-General Prosper Nabyolwa (of the former government component) over the latter's decision to seize weapons "illegally" held by military personnel under his command. Those tensions resulted in an exchange of fire between troops loyal to them, following which both officers were suspended by the Transitional Government and recalled to Kinshasa. Brigadier-General Nabyolwa travelled to Kinshasa and was temporarily replaced by General Mbuza Mabe. Colonel Mutebutsi was allowed to remain in Bukavu and, despite concerns that the lack of resolution of his status might trigger future crises, the issue of his replacement was left pending and Colonel Mutebutsi retained control over several hundred troops... Festering tensions over the unresolved problem erupted on 26 May, when clashes took place between troops loyal to the new acting Military Regional Commander, General Mabe, and those of Colonel Mutebutsi. From the outset, MONUC used all political means at its disposal to press the dissident forces to cease hostilities and to canton themselves under MONUC observation. In response to claims of harassment and genocide of the Banyamulenge population, MONUC, which had some 450 troops in the area at the time the crisis erupted, conducted patrols throughout the town to help reduce the heightened tensions, in particular in areas inhabited by the Banyamulenge... The tensions in Bukavu took on a new dimension when, over the weekend of 29 and 30 May, "General" Laurent

Nkunda, another renegade dissident ex-RCD-Goma officer, who had refused to go to Kinshasa to be sworn into the FARDC pending his appointment as Military Regional Commander in the third quarter of 2003, began moving towards Bukavu from North Kivu under the pretext of preventing a genocide against the Banyamulenge population. MONUC tried to halt his advance, including by creating a buffer zone north of Bukavu, including around the airport in Kavumu, whose outer perimeter was to be defended by FARDC forces. Through an emergency redeployment, MONUC military strength was augmented by 350 troops, bringing its strength in Bukavu to 800 on 29 May. In view of the extremely volatile situation, a further reinforcement was made through the redeployment of 204 troops on 1 June, at which time the MONUC military presence on the ground numbered 1,004 all ranks" United Nations Security Council (16 August 2004) *Third special report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo*).

In March 2005 a document released by the *International Crisis Group* points out that:

"When Laurent Nkunda marched on Bukavu in June 2004, he justified this by claiming that Mbuza Mabe was perpetrating genocide against the Banyamulenge in Bukavu, an allegation that...was contradicted by subsequent Human Rights Watch and MONUC investigations..." (International Crisis Group (30 March 2005) *The Congo's Transition is Failing: Crisis in the Kivus*, p.11).

A report published by *Human Rights Watch* in June 2004 states:

"Brigadier General Laurent Nkunda, another RCD-G commander based in North Kivu, moved some one thousand of his forces south to support Mutebutsi in taking control of Bukavu on June 2. Nkunda claimed he "wanted to protect his people." There had been some killings of Banyamulenge people, as well as of other civilians, but the claim that the military operation was motivated solely by this concern seems unlikely. In the ongoing struggle for power in eastern DRC, ethnicity frequently serves to cover other motives for action" (Human Rights Watch (11 June 2004) *D.R. Congo: War Crimes in Bukavu*).

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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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