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콩고민주공화국 북키부, 남키부 및 이투리로의 송환에 대한 UNHCR 입장문 – UPDATE IV (개정 1)

2025년 4월

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지도



콩고민주공화국
북키부, 남키부 및 이투리
(2025년 2월 27일 기준)



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북키부(North Kivu), 남키부(South Kivu) 및 이투리(Ituri)의 상황

1. 입장문은 2022년 11월 「진행 중인 분쟁과 폭력의 영향을 받는 콩고민주공화국(이하 'DR콩고') 북키부, 남키부, 이투리 및 인접 지역으로의 송환에 대한 유엔난민기구(UNHCR) 입장문 – 업데이트본 III」을 대체한다.¹
2. 2022년 11월 이후 북키부, 남키부 및 이투리의 안보, 인권 및 인도주의적 상황이 지속적으로 악화되어 온 가운데,² 2025년 1월 DR콩고 동부 지역의 무력 충돌이 급격히 격화됐다.³

¹ UNHCR, *UNHCR Position on Returns to North Kivu, South Kivu, Ituri and Adjacent Areas in the Democratic Republic of Congo Affected by Ongoing Conflict and Violence – Update III*, November 2022, www.refworld.org/policy/countryspos/unhcr/2022/en/124181.

² Persistent violence in eastern Democratic Republic of the Congo affected the security and humanitarian situation." UN Security Council, *Midterm Report of the Group of Experts on the Democratic Republic of the Congo*, 27 December 2024, S/2024/969, www.ecoi.net/en/file/local/2120496/n2437337.pdf, p. 2. "Between 1 June 2023 and 31 May 2024, the human rights situation in the Democratic Republic of the Congo deteriorated owing to the persistence of armed conflict in the eastern provinces. Armed groups [...] continued to carry out deadly attacks directed against civilians, causing displacements and increasing the vulnerability of displaced persons to further violence, including conflict-related sexual violence, exploitation and abuse. Congolese defence and security forces also committed human rights violations". UN General Assembly, *Report of the United Nations High Commissioner for Human Rights on the Human Rights Situation and the Activities of the United Nations Joint Human Rights Office in the Democratic Republic of the Congo*, 30 September 2024, <https://docs.un.org/en/a/hrc/57/76>, para. 1. See also, UN Security Council, *United Nations Organization Stabilization Mission in the Democratic Republic of the Congo*, 29 November 2024, S/2024/863, www.ecoi.net/en/file/local/2120500/n2435283.pdf, paras 13-14, 23, 30-34.

³ Council on Foreign Relations (CFR), *Conflict in the Democratic Republic of Congo*, 4 February 2025, www.cfr.org/global-conflict-tracker/conflict/violence-democratic-republic-congo; UNHCR, *Eastern DRC Situation: Regional External Update #1*, 31 January 2025, <https://data.unhcr.org/en/documents/details/114140>, pp. 1-2; Critical Threats, *Africa File*, 30 January 2025, www.criticalthreats.org/analysis/africa-file-january-30-2025-rwandan-backed-m23-captures-goma-saf-breakthroughs-in-khartoum-is-sahel-linked-to-angola-plot-targeting-biden-visit-is-calls-for-jihad-in-sudan-somalia-agrees-with-e; Africa Center for Strategic Studies, *Risk of Regional Conflict Following Fall of Goma and M23 Offensive in the DRC*, 29 January 2025, <https://africacenter.org/spotlight/risk-of-regional-conflict-following-fall-of-goma-and-m23-offensive-in-the-drc/>; International Crisis Group (ICG), *Fall of DRC's Goma: Urgent Action Needed to Avert a Regional War*, 28 January 2025, www.crisisgroup.org/africa/great-lakes/democratic-republic-congo/fall-drcs-goma-urgent-action-needed-avert-regional-war; Human Rights Watch (HRW), *DR Congo: Civilians at Risk as M23 Approaches Goma*, 25 January 2025, www.ecoi.net/en/document/2120629.html. See also, HRW et al., *Re: Urgent Need for the UN Human Rights Council to Create an Independent Mandate to Investigate Rights Violations and Abuses by All Parties in Eastern Democratic Republic of Congo*, 4 February 2025, www.ecoi.net/en/file/local/2121129/AFR6290042025ENGLISH.pdf, pp. 1-2.



- 유엔인권위원회(Human Rights Council) 특별절차 조정위원회 의장에 따르면, 특히 북키부에서의 적대행위 심화는 광범위한 폭력, 강제 이주 및 국제 인권법과 인도법의 심각한 위반으로 이어졌으며 폭력이 전례 없는 수준에 달했다.⁴
3. 무력분쟁 위치 및 사건 데이터 프로젝트(Armed Conflict Location & Event Data Project, ACLED)의 기록에 의하면, 2024년 7월 1일부터 12월 31일까지 DR콩고에서 전투, 폭발 및 원거리 공격, 그리고 민간인 대상 폭력 사건이 월평균 109건 발생했으며, 이로 인해 민간인과 비민간인 사망자가 평균 267명에 이르렀다.⁵ 반면, 무력분쟁 위치 및 사건 데이터 프로젝트(ACLED) 기록상 2025년 1월에 발생한 사건 수는 254건이었으며, 이 중 200건이 M23과의 분쟁으로 인해 북키부에서 발생했다.⁶ 2025년 1월 27일, M23⁷이 주도인 고마(Goma)를 점령했다.⁸ 2025년 1월 말까지 M23은 사실상 북키부주 전역을 장악하기에 이르렀다.⁹ 2025년 2월 16일, M23은 남키부의 주도인 부카부(Bukavu)를 장악했으며, 북쪽과 남쪽 방향으로 진격을 계속했다.¹⁰ 2025년 1월 1일부터 2월 20일 사이 북키부와 남키부에서 분쟁과 폭력으로 인해 최소 50만 명이 국내 실향민(IDP)이 됐으며, 7만 3천 명 이상이 인접 국가로 피난해야 했다.¹¹
4. 모든 분쟁 당사자가 인권 침해를 저지른 것으로 보고됐으며,¹² 이러한 침해 사례에는 아동 즉결처형, 광범위한 성폭력, 병원 및 인도적 구호물품창고에 대한 M23의 공격 등이 포함된다.¹³

⁴ UN Office at Geneva, *High Commissioner for Human Rights: Civilians in the East Democratic Republic of the Congo Are Trapped in a Spiral of Violence in this Crushing Conflict*, 7 February 2025, www.ungeneva.org/en/news-media/meeting-summary/2025/02/high-commissioner-human-rights-civilians-east-democratic.

⁵ ACLED, *Data Export Tool*, accessed 13 February 2025, <https://acleddata.com/data-export-tool/>.

⁶ Ibid. "Since 1 December 2024, ACLED records an uptick in violence [...] across North Kivu and into northern areas of South Kivu. [...] civilian targeting by the M23 spiked in January 2025 as the rebels battled to control Goma. ACLED records more than 25 civilian targeting events in January 2025, the most since the previous takeover of Goma in November 2012." ACLED, *Q&A: What Is Happening in and Around Goma?*, 29 January 2025, <https://acleddata.com/2025/01/29/qa-what-is-happening-in-and-around-goma/>.

⁷ The M23 is currently closely allied with a military/political entity called the Alliance Fleuve Congo (AFC), formed in December 2023. The UN Group of Experts, as of December 2024, refers in its reports to "the AFC/M23 coalition". UN Security Council, *Midterm Report of the Group of Experts on the Democratic Republic of the Congo*, 27 December 2024, S/2024/969, www.ecoi.net/en/file/local/2120496/n2437337.pdf, paras 39-40; UN Security Council, *Final report of the Group of Experts on the Democratic Republic of the Congo*, 4 June 2024, S/2024/432, www.ecoi.net/en/file/local/2112471/n2411880.pdf, paras 23-29. See also, Modern Diplomacy, *From Goma to Bujumbura: The M23 and the Fragmentation of the Great Lakes*, 10 February 2025, <https://moderndiplomacy.eu/2025/02/10/from-goma-to-bujumbura-the-m23-and-the-fragmentation-of-the-great-lakes/>. The International Crisis Group characterizes the AFC as "a coalition of rebels seeking regime change in Kinshasa" that "remains largely a political umbrella for the M23". ICG, *Fall of DRC's Goma: Urgent Action Needed to Avert a Regional War*, 28 January 2025, www.crisisgroup.org/africa/great-lakes/democratic-republic-congo/fall-drcs-goma-urgent-action-needed-avert-regional-war.

⁸ "From April to early November 2024, the area controlled by M23 and RDF increased by 30 per cent". UN Security Council, *Midterm Report of the Group of Experts on the Democratic Republic of the Congo*, 27 December 2024, S/2024/969, www.ecoi.net/en/file/local/2120496/n2437337.pdf, para. 47. "As of 5 February, at least 2,900 people have reportedly been killed in the hostilities and more than 3,000 injured." Protection Cluster, *Democratic Republic of Congo: Key Advocacy Messages*, 9 February 2025, https://globalprotectioncluster.org/sites/default/files/2025-02/gpc_key_messages_drc_final_09feb2025.pdf, p. 1.

⁹ ICG, *Fall of DRC's Goma: Urgent Action Needed to Avert a Regional War*, 28 January 2025, www.crisisgroup.org/africa/great-lakes/democratic-republic-congo/fall-drcs-goma-urgent-action-needed-avert-regional-war.

¹⁰ La Croix International, *Bukavu in Ruins as M23 Rebels Seize Control of DR Congo's South Kivu*, 21 February 2025, <https://international.la-croix.com/world/bukavu-in-ruins-as-m23-rebels-seize-control-of-dr-congos-south-kivu>; Institute for the Study of War, *M23 Advance Continues Unchallenged*, 20 February 2025, <https://understandingwar.org/backgrounders/africa-file-february-20-2025-m23-advance-continues-unchallenged-saf-grows-partnerships>.

¹¹ UNHCR, *Eastern DRC Displacement Overview*, 24 February 2025, <https://data.unhcr.org/en/documents/details/114595>; OHCHR, *DRC: Deepening Human Rights Crisis amid Reports of Further M23 Advances*, 31 January 2025, www.ohchr.org/en/press-briefing-notes/2025/01/drc-deepening-human-rights-crisis-amid-reports-further-m23-advances.

¹² UN Office at Geneva, *High Commissioner for Human Rights: Civilians in the East Democratic Republic of the Congo are Trapped in a Spiral of Violence in this Crushing Conflict*, 7 February 2025, www.ungeneva.org/en/news-media/meeting-summary/2025/02/high-commissioner-human-rights-civilians-east-democratic.

¹³ OHCHR, *Serious Human Rights Concerns as Situation in Eastern DRC Deteriorates Further*, 18 February 2025, www.ohchr.org/en/press-briefing-notes/2025/02/serious-human-rights-concerns-situation-eastern-drc-deteriorates; UN Office at Geneva, *DR Congo: Children Reportedly Killed in Summary Executions by M23 Fighters*, 18 February 2025, www.ungeneva.org/en/news-media/news/2025/02/103445/dr-congo-children-reportedly-killed-summary-executions-m23-fighters.



정부는 M23에 맞서기 위해 '와잘렌도(Wazalendo)'로 불리는 지역 민병대 및 무장단체들에 의존해 왔으나, 이들 중 상당수는 인권 침해 혐의를 받고 있다.¹⁴ 북키부, 남키부 및 이투리 주의 여러 무장단체들은 공개적으로 또는 비밀리에 M23과 결탁했다.¹⁵ 한편, 북키부와 이투리에서는 이슬람국가(Islamic State) 산하 조직인 민주동맹군(Allied Democratic Forces, ADF)이 국가의 통제력이 미치지 않는 지역을 중심으로 민간인 공격을 지속하고 있으며, 2024년 6월부터 12월 사이에만 650명 이상의 민간인을 살해했다.¹⁶

5. 2025년 1월 무력 충돌이 본격적으로 격화되기 전부터 북키부, 남키부 및 이투리 지역 전역은 국가의 통제력이 미미하거나 사실상 공백 상태였으며, 이로 인해 국가 및 비국가 행위자 모두에 의한 인권 침해와 민간인에 대한 가혹행위가 지속적으로 자행되어 왔다.¹⁷ 남키부의 안보 상황은 2024년 6월 유엔안정화임무단(UN Stabilization Mission, MONUSCO)이 철수한 이후부터 악화됐다.¹⁸
6. 2023년 6월 1일부터 2024년 5월 31일 사이, 무장단체들은 국내 실항민 거주지를 의도적으로 표적 삼아 21차례에 걸쳐 공격했다.¹⁹ 고마를 점령한 M23은 실항민 정착촌을 해체하라고 명령했으며, 안전하고 존엄한 귀환을 위한 조건이 충족되지 않은 상태였음에도 불구하고 실항민들의 강제 귀환을 밀어붙였다.²⁰

¹⁴ "The M23 is opposed by Congolese military forces and a coalition of abusive militias known as 'Wazalendo' ('patriots' in Swahili)," HRW, *DR Congo: Civilians at Risk as M23 Approaches Goma*, 25 January 2025, www.ecoi.net/en/document/2120629.html. See also, UN Security Council, *Midterm Report of the Group of Experts on the Democratic Republic of the Congo*, 27 December 2024, S/2024/969, www.ecoi.net/en/file/local/2120496/n2437337.pdf, paras 30-32; The New Humanitarian, 'Ticking Time Bomb': DR Congo Turns to Abusive Militias to Fight M23 Rebels, 13 August 2024, www.thenewhumanitarian.org/news-feature/2024/08/13/ticking-time-bomb-dr-congo-turns-abusive-militias-fight-m23-rebels.

¹⁵ As of December 2024, the M23 was reportedly negotiating with the *Force de résistance patriotique de l'Ituri* (FRPI) and the *Coopérative pour le développement du Congo/Union des révolutionnaires pour la défense du peuple congolais* (CODECO/URDPC), the latter of which has traditionally been fighting the Zaïre militia across ethnic lines. During the year, Zaïre launched "a massive recruitment drive" and drew recruits from former officers and fighters for the *Union des patriotes congolais* (UPC). UN Security Council, *Midterm Report of the Group of Experts on the Democratic Republic of the Congo*, 27 December 2024, S/2024/969, www.ecoi.net/en/file/local/2120496/n2437337.pdf, paras 81-90. M23 has reportedly also reached out to the Allied Democratic Forces (ADF) to negotiate a non-aggression pact or safe passage, so far unsuccessfully. UN Security Council, *Midterm Report of the Group of Experts on the Democratic Republic of the Congo*, 27 December 2024, S/2024/969, www.ecoi.net/en/file/local/2120496/n2437337.pdf, para. 29. See also, The Conversation, *DRC: Rising Twirwaneho Rebel Group Highlights the Unending Volatility of the Country's East*, 28 August 2023, <https://theconversation.com/drc-rising-twirwaneho-rebel-group-highlights-the-unending-volatility-of-the-countrys-east-211539>.

¹⁶ Reportedly, joint operations have driven the ADF into areas of weaker or absent State control, while the group has appeared to strengthen ties with the international arm of Islamic State (Da'esh) and increased its attacks targeting civilians. During 2024, despite a decreased operational capacity, there was a "significant expansion" of the ADF's "territorial footprint". UN Security Council, *Midterm Report of the Group of Experts on the Democratic Republic of the Congo*, 27 December 2024, S/2024/969, www.ecoi.net/en/file/local/2120496/n2437337.pdf, paras 8-11, 19-20, 26, 29. Between 1 June 2023 and 31 May 2024, OHCHR documented 487 abuses by the ADF, killing 826 persons. UN General Assembly, *Report of the United Nations High Commissioner for Human Rights on the Human Rights Situation and the Activities of the United Nations Joint Human Rights Office in the Democratic Republic of the Congo*, 30 September 2024, <https://docs.un.org/en/a/hrc/57/76>, para. 16. The ADF reportedly killed 52 civilians in Ituri between 11 December 2024 and 30 January 2025. OCHA, *RD CONGO : Situation humanitaire dans la province de l'Ituri Rapport de Situation No.01/2025*, 18 February 2025, <https://reliefweb.int/report/democratic-republic-congo/rd-congo-situation-humanitaire-dans-la-province-de-lituri-rapport-de-situation-no012025-le-18-fevrier-2025>.

¹⁷ Armed groups levy illegal taxes, control checkpoints and exploit natural resources; in some areas that they control, they set up administrative and governmental structures. UN Security Council, *Midterm Report of the Group of Experts on the Democratic Republic of the Congo*, 27 December 2024, S/2024/969, www.ecoi.net/en/file/local/2120496/n2437337.pdf, pp. 2-3, paras 41, 59-61, 98, 102, 112-113. Between 1 June 2023 and 31 May 2024, the Office of the High Commissioner for Human Rights (OHCHR) documented 5,047 human rights violations in the DRC, 85 per cent of which occurred in the conflict-affected provinces; 50 per cent in North Kivu and 14 percent in Ituri. UN General Assembly, *Report of the United Nations High Commissioner for Human Rights on the Human Rights Situation and the Activities of the United Nations Joint Human Rights Office in the Democratic Republic of the Congo*, 30 September 2024, <https://docs.un.org/en/a/hrc/57/76>, paras 5, 9-18. See also, MONUSCO, *Analyse de la situation des droits de l'homme en RDC en septembre 2024 Infographies*, 24 October 2024, https://monusco.unmissions.org/sites/default/files/bcnuhd_infographie_septembre_2024.pdf, pp. 1-2; US Department of State, *2023 Country Report on Human Rights Practices: Democratic Republic of the Congo*, 23 April 2024, www.ecoi.net/en/document/2107668.html.

¹⁸ UN Security Council, *Midterm Report of the Group of Experts on the Democratic Republic of the Congo*, 27 December 2024, S/2024/969, www.ecoi.net/en/file/local/2120496/n2437337.pdf, para. 111.

¹⁹ UN General Assembly, *Report of the United Nations High Commissioner for Human Rights on the Human Rights Situation and the Activities of the United Nations Joint Human Rights Office in the Democratic Republic of the Congo*, 30 September 2024, <https://docs.un.org/en/a/hrc/57/76>, para. 10.

²⁰ HRW, *DR Congo: M23 Drives Displaced People From Goma Camps*, 13 February 2025, www.hrw.org/news/2025/02/13/dr-congo-m23-drives-displaced-people-goma-camps; Global Protection Cluster, *Protection Alert: Intensifying Crisis in North Kivu, Democratic Republic of Congo*, 27 January 2025, https://globalprotectioncluster.org/sites/default/files/2025-01/gpc_protection_alert_dr_congo_27_jan_2025_final.pdf; The East African, *90 IDP Sites Destroyed Amid Rebel Hostilities in DR Congo: WHO*, 20 February 2025, www.theeastafrican.co.ke/tea/news/east-africa/90-idp-sites-destroyed-amid-rebel-hostilities-congo-4934448; OCHA, *Today's Top News: Democratic Republic of the Congo*, 18 February 2025, www.unocha.org/news/todays-top-news-democratic-republic-congo-sudan-occupied-palestinian-territory#democratic-republic-of-congo; UNHCR, *UNHCR Seeks Urgent Support as Violence in Eastern DR Congo Leaves Hundreds of Thousands Without Shelter*, 14 February 2025, www.unhcr.org/news/briefing-notes/unhcr-seeks-urgent-support-violence-eastern-dr-congo-leaves-hundreds-thousands; UNHCR, *Protection Brief- DRC - February 2025*, 13 February 2025, <https://data.unhcr.org/en/documents/details/114408>.



2024년 11월 기준 고마 시내외 실향민 정착촌에 거주하던 약 70만 명 중, 2025년 2월 말 현재 잔류 인원은 2,000명 미만으로 불과한 것으로 나타났다.²¹ 분쟁 관련 성폭력은 여전히 기승을 부리고 있으며, 2025년 초 분쟁이 격화됨에 따라 광범위한 성폭력 피해 사례가 보고되고 있다.²²

7. 이러한 배경 하에 북키부, 남키부 및 이투리 주의 인도주의적 상황은 더욱 악화되었다.²³ 2024년 상반기 DR콩고 내 신규 실향민 수는 270만 명을 넘어섰는데, 대부분이 이 3개 주에서 발생했으며 이 중 73%는 M23과의 분쟁에 기인한 것이었다.²⁴ 분쟁으로 인해 인도주의적 접근이 제한되면서 수많은 취약계층이 생존에 필수적인 구호 지원을 받지 못하고 있다.²⁵ 교전이 격화됨에 따라 병원들은 수용 능력을 초과하여 마비 상태에 이르렀으며 의료 물자 또한 고갈되었다.²⁶ 고마와 부카부 공항은 M23의 통제 하에 2025년 2월 말 현재까지 폐쇄 상태가 지속되고 있다.²⁷ 유엔 인도주의 업무 담당 사무차장보 겸 긴급구호 부조정관에 따르면, 2025년 1월의 동부 지역 사태 격화는 이미 위태로운 인도주의적 상황을 더욱 악화시킬 위험이 되고 있다.²⁸

국제적 보호 수요

8. 유엔난민기구(UNHCR)는 모든 국가가 DR콩고의 분쟁과 폭력 사태를 피해 피난하는 민간인에게 자국 영토 진입을 허용하고, 망명을 추구할 권리를 보장하며, 강제송환 금지 원칙을 철저히 준수할 것을 지속적으로 촉구한다. 또한 각국이 국제적 보호를 요청하는 모든 입국자를 등록하고, 이들에게 관련 등록 서류를 발급해 줄 것을 권고한다. 국제적 보호를 구하는 DR콩고 국민의 모든 신청은 국제 및 지역 난민법과 관련 법적 기준에 따라 공정하고 투명하며 효율적인 절차를 거쳐 처리되어야 하며, 필요한 경우 '프리마 파키에(Prima Facie, 일응 추정)' 접근법을 적용하여 신속하게 보호를 제공해야 한다.
9. 상기 기술된 정황을 고려할 때, 북키부, 남키부 및 이투리 지역의 분쟁과 폭력을 피해 피난하는 이들은 1951년 난민협약상의 난민 지위 요건을 충족할 가능성이 있다.²⁹

²¹ Information available to UNHCR.

²² UNHCR, *Protection Brief - DRC - 1 February 2025*, 13 February 2025, <https://data.unhcr.org/en/documents/details/114408>; VOA, *UN Decries Sexual Violence as Weapon of War in DRC*, 1 February 2025, www.voanews.com/a/un-decries-sexual-violence-as-weapon-of-war-in-drc/7959490.html. "Health care workers have reported a 'massive influx of cases' of conflict-related sexual violence among adults and children". Physicians for Human Rights (PHR), *"Massive Influx of Cases": Health Worker Perspectives on Conflict-Related Sexual Violence in Eastern Democratic Republic of the Congo*, 22 October 2024, <https://phr.org/wp-content/uploads/2024/10/PHR-REPORT-DRC-MASSIVE-INFLUX-OF-CASES-2024.pdf>, pp. 4, 14. See also, UN General Assembly, *Report of the United Nations High Commissioner for Human Rights on the Human Rights Situation and the Activities of the United Nations Joint Human Rights Office in the Democratic Republic of the Congo*, 30 September 2024, <https://docs.un.org/en/a/hrc/57/76>, paras 34-35.

²³ OCHA, *RD CONGO : Situation humanitaire dans la province de l'Ituri Rapport de Situation No.01/2025*, 18 February 2025, <https://reliefweb.int/report/democratic-republic-congo/rd-congo-situation-humanitaire-dans-la-province-de-lituri-rapport-de-situation-no012025-le-18-fevrier-2025>; UNHCR, *UNHCR Seeks Urgent Support as Violence in Eastern DR Congo Leaves Hundreds of Thousands Without Shelter*, 14 February 2025, www.unhcr.org/news/briefing-notes/unhcr-seeks-urgent-support-violence-eastern-dr-congo-leaves-hundreds-thousands; UN, *UN Agencies Warn of Worsening Humanitarian and Human Rights Crisis in Eastern DR Congo*, 31 January 2025, <https://news.un.org/en/story/2025/01/1159651>; UNHCR, *UNHCR Gravely Concerned by Worsening Violence and Humanitarian Crisis in Eastern DR Congo*, 24 January 2025, www.unhcr.org/news/briefing-notes/unhcr-gravely-concerned-worsening-violence-and-humanitarian-crisis-eastern-dr.

²⁴ Internal Displacement Monitoring Centre (IDMC), *M23 Conflict Caused Nearly 3 Out of Every 4 Displacements in the DRC this Year*, 23 September 2024, www.internal-displacement.org/expert-analysis/m23-conflict-caused-nearly-3-out-of-every-4-displacements-in-the-drc-this-year/.

²⁵ Mercy Corps, *"A Race Against Time:" Fear Mounts as Violence Spreads and Humanitarian Aid Falls Critically Short in Eastern DRC*, 2 February 2025, www.mercycorps.org/press-room/releases/fear-mounts-as-violence-spreads-in-eastern-drc; MSF, *MSF Appeals for Humanitarian Access in Eastern DR Congo*, 29 January 2025, www.doctorswithoutborders.org/latest/msf-appeals-humanitarian-access-eastern-dr-congo.

²⁶ OCHA, *Today's Top News: Democratic Republic of the Congo*, 18 February 2025, www.unocha.org/news/todays-top-news-democratic-republic-congo-sudan-occupied-palestinian-territory#democratic-republic-of-congo; VOA, *Hospitals in Eastern Congo Are Crowded with Wounded and Exhausting their Supplies*, 3 February 2025, www.voanews.com/a/hospitals-in-eastern-congo-are-crowded-with-wounded-and-exhausting-their-supplies-7960758.html; UN, *Hospitals Overwhelmed in DR Congo, Food Running Out: Goma Faces 'Devastation'*, <https://news.un.org/en/story/2025/01/1159631>. "According to a rapid assessment conducted by health partners and the Provincial Health Division of North Kivu, around 2,880 injured people have been admitted to various health facilities in Goma between 26 and 30 January. Many facilities are overwhelmed, with urgent needs for medicines, fuel, and surgical supplies." OCHA, *DR Congo: Intensification of Violence in the North Kivu and South Kivu Provinces*, 3 February 2025, www.unocha.org/publications/report/democratic-republic-congo/dr-congo-intensification-violence-north-kivu-and-south-kivu-provinces-situation-report-1-3-february-2025, p. 1.

²⁷ OCHA, *The Humanitarian Coordinator Alerts on the Humanitarian Consequences of the Crisis in South Kivu and Calls for an End to the Fighting*, 18 February 2025, www.unocha.org/publications/report/democratic-republic-congo/humanitarian-coordinator-alerts-humanitarian-consequences-crisis-south-kivu-and-calls-end-fighting; Aljazeera, *DR Congo's M23 Fighters Seize Bukavu Airport Before African Union Summit*, 14 February 2025, www.aljazeera.com/news/2025/2/14/dr-congos-m23-fighters-seize-bukavu-airport-before-african-union-summit; IGIHE, *M23 Rebels Vow Not to Reopen Goma Airport*, 11 February 2025, <https://en.igihe.com/news/article/m23-vows-not-to-reopen-goma-airport>; UN News, *DR Congo: UN Call to Reopen Goma Airport 'Lifeline', as Crisis Deepens*, 4 February 2025, <https://news.un.org/en/story/2025/02/1159756>.

²⁸ OCHA, *"Scale of Suffering in DR Congo Demands Urgent Attention," UN Deputy Relief Chief tells Security Council*, 26 January 2025, www.unocha.org/news/scale-suffering-dr-congo-demands-urgent-attention-un-deputy-relief-chief-tells-security.

²⁹ UN General Assembly, *Convention Relating to the Status of Refugees*, 28 July 1951, United Nations Treaty Series, Vol. 189, p. 137, www.refworld.org/legal/agreements/unga/1951/en/39821; UN General Assembly, *Protocol Relating to the Status of Refugees*, 31 January 1967, United



또한 유엔난민기구(UNHCR)는 북키부, 남키부, 이투리 및 인접 지역의 심각한 폭력 사태를 고려할 때, 해당 지역의 무력 분쟁을 피해 피난하는 사람들이 유엔난민기구(UNHCR)의 포괄적 기준,³⁰ 1969년 아프리카단결기구(OAU) 협약 제1조제2항,³¹ 카르타헤나 선언(Cartagena Declaration),³² 등에 따른 국제 난민 기준을 충족하거나 유럽연합 난민자격요건 지침(EU Qualification Directive) 제15조제c항에 따른 보충적 보호를 포함한 보완적 형태의 보호³³를 받을 필요성이 있다고 판단한다.³³

10. DR공고 내 대안적 국내 피신이 가능하다는 이유로 국제적 보호를 불허하려면, 대안적 국내 피신 후보 지역이 관련성 및 합리성 요건을 충족하는지에 대해 신청자의 개별적 상황을 고려한 평가가 반드시 선행되어야 한다. DR공고의 상황을 고려할 때, 신청자가 자의적 구금의 위험에 노출되지 않고 제안된 지역에 정착할 수 있는지, 그리고 자유로운 이동에 필요한 서류를 실질적으로 취득할 수 있는지 여부를 평가하는 것이 특히 중요하다. 또한 해당 지역 내 언어 소통 가능성, 가족 및 기타 연고 유무에 대한 고려 역시 필수적이다. 대안적 국내 피신 가능성 평가에 관한 상세 지침은 유엔난민기구(UNHCR)의 「국제적 보호에 관한 지침 제4호: 1951년 협약 및 난민의 지위에 관한 1967년 의정서 제1A조 제2항에 따른 '내부 이동 또는 대안적 이주'」를 참조한다.³⁴

강제송환 유예

11. 북키부, 남키부 및 이투리 주의 안보, 법치 및 인권 상황은 현재 해당 지역 및 인근 출신자의 안전하고 존엄한 귀환을 보장할 수 없는 상태이다. 이에 유엔난민기구(UNHCR)는 국제적 보호 필요성 불인정 결정을 받은 이들의 안전하고 존엄한 귀환을 허용할 만큼 이들 지역의 상황이 충분히 개선될 때까지, 해당 지역 출신자를 DR공고로 강제송환하지 말 것을 촉구한다. 이러한 강제송환 중단 조치는 최소한의 기준으로, 북키부, 남키부 및 이투리 지역의 안보 및 법치 상황이 현저히 개선되어 실질적인 귀환 여건이 조성될 때까지 유지되어야 한다.
12. 해외 체류 중인 DR공고 국적자 중 북키부, 남키부 또는 이투리 주로의 자발적 귀환을 고려하는 이들에게는 출신지 상황에 관한 정보를 최대한 상세히 제공해야 한다. 이를 통해 귀환 희망자들이 현지의 안보, 거버넌스 및 생계 여건을 충분히 고려하여 결정을 내릴 수 있도록 보장해야 한다.

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Nations Treaty Series, Vol. 606, p. 267, www.refworld.org/legal/agreements/unga/1967/en/41400.

³⁰ UNHCR, *Note on the Mandate of the High Commissioner for Refugees and His Office*, October 2013, www.refworld.org/policy/legalguidance/unhcr/2013/en/94483; UNHCR, *MM (Iran) v. Secretary of State for the Home Department – Written Submission on Behalf of the United Nations High Commissioner for Refugees*, 3 August 2010, C5/2009/2479, www.refworld.org/jurisprudence/amicus/unhcr/2010/en/75841, para. 10.

³¹ Organization of African Unity, *Convention Governing the Specific Aspects of Refugee Problems in Africa* ("OAU Convention"), 10 September 1969, United Nations Treaty Series, Vol. 1001, p. 45, www.refworld.org/legal/agreements/oau/1969/en/13572.

³² *Cartagena Declaration on Refugees, Colloquium on the International Protection of Refugees in Central America, Mexico and Panama*, 22 November 1984, www.refworld.org/legal/resolution/rri/1984/en/64184, para. III(3).

³³ European Union, *Directive 2011/95/EU of the European Parliament and of the Council on Standards for the Qualification of Third-Country Nationals or Stateless Persons as Beneficiaries of International Protection, for a Uniform Status for Refugees or for Persons Eligible for Subsidiary Protection, and for the Content of the Protection Granted (Recast)*, 13 December 2011, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32011L0095&from=EN>, Article 15.

³⁴ UNHCR, *Guidelines on International Protection No. 4: "Internal Flight or Relocation Alternative" Within the Context of Article 1A(2) of the 1951 Convention and/or 1967 Protocol Relating to the Status of Refugees*, 23 July 2003, HCR/GIP/03/04, www.refworld.org/policy/legalguidance/unhcr/2003/en/32047.