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24 July 2018

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Democratic Republic of Congo: The Union for Democracy and Social Progress (Union pour la démocratie et le progrès social, UDPS), including its political agenda, structure and leaders; documents issued to members; relations with the government and treatment of members by the authorities (2016-July 2018)

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

1. The UDPS

Sources describe the UDPS as the most prominent opposition party in the Democratic Republic of the Congo (DRC) (RFI 31 Mar. 2018; IRIN 5 Oct. 2017; Freedom House 28 Mar. 2018). According to sources, the UDPS took 41 of the National Assembly's (Assemblée nationale) 500 seats in the last election, which was held in 2011 (Freedom House 28 Mar. 2018; The Carter Center 28 Nov. 2011, 67).

Sources report that the UDPS is part of the opposition platform Rally of Political and Social Forces for Change in the DRC (Rassemblement des forces politiques et sociales de la RDC acquises au changement [also known simply as “Rassemblement” or “Rassop”]) (Bertelsmann Stiftung 2018, 19; International Crisis Group 4 Dec. 2017, 2). According to sources, the Rassemblement was created in June 2016 (International Crisis Group 4 Dec. 2017, 2; Rassemblement 10 June 2016). For information on the Rassemblement, its political agenda and the events from 2016 to July 2017 in DRC, see Response to Information Request COD105815 of July 2017.

1.1 Structure and Leaders

In correspondence with the Research Directorate, a deputy representative of the UDPS Federation of Canada (Fédération du Canada de l'UDPS, UDPS-Canada) stated that the party has [translation] “national bodies,” such as the president and secretary general, and [translation] “base bodies,” such as federations, branches and cells (UDPS-Canada 22 June 2018). He also indicated that the UDPS has base bodies within the country (federations, branches and cells), as well as outside the country (called [translation] “representations” and made up of branches) (UDPS-Canada 22 June 2018). According to the same source, UDPS headquarters are in Kinshasa, DRC (UDPS-Canada 22 June 2018).

Sources indicate that Étienne Tshisekedi, founding leader of the UDPS, passed away on 1 February 2017 (International Crisis Group 4 Dec. 2017, 6; IRIN 5 Oct. 2017). According to sources, he was also the head of the Rassemblement's [translation] “Council of Elders” (RFI 3 Mar. 2017; Radio Okapi 23 Feb. 2017). For information on the death of Étienne Tshisekedi, see Response to Information Request COD105815 of July 2017.

The UDPS-Canada deputy representative stated that, as of June 2018, Félix Antoine Tshisekedi Tshilombo was president of the UDPS (UDPS-Canada 22 June 2018). Sources indicate that Félix Tshisekedi, son of Étienne Tshisekedi, was elected president of the UDPS between 30 and 31 March 2018 (International Crisis Group 4 Apr. 2018, 13; RFI 31 Mar. 2018).

Sources report that Jean-Marc Kabund [Kabund-A-Kabund] is secretary-general of the UDPS (UDPS-Canada 9 June 2018; Actualite.cd 6 June 2018; *L'Avenir* 8 Feb. 2018). IRIN indicated in October 2017 that Rubens Mikindo is the deputy secretarygeneral of UDPS (IRIN 5 Oct. 2017). According to Actualite.cd, a Congolese information portal, on 15 May 2018, the UDPS president appointed 7 deputy secretariesgeneral, 22 national secretaries and 63 deputy secretariesgeneral (Actualite.cd 15 May 2018).

1.2 Events of 2017-2018

Sources report that the death of UDPS leader Étienne Tshisekedi on 1 February 2017 left the party divided by infighting (International Crisis Group 4 Dec. 2017, 6-7; IRIN 5 Oct. 2017). According to International Crisis Group, the UDPS [International Crisis Group English version] “split into several factions, some of which rejected the transfer of leadership to Etienne’s son Felix” (International Crisis Group 4 Dec. 2017, 6-7).

According to sources, in April 2017, President Kabila appointed Bruno Tshibala, a former member of the UDPS who had been evicted from the party the previous month, as prime minister of the transitional government (International Crisis Group 4 Dec. 2017, 7; Germany 10 Apr. 2017). Sources indicate that this appointment was contrary to a political agreement signed on 31 December 2016 (IRIN 5 Oct. 2017; Germany 10 Apr. 2017) between the government and the opposition on sharing power (Germany 10 Apr. 2017). According to the German Federal Office for Migration and Asylum (Bundesamt für Migration und Flüchtlinge), the Rassemblement was supposed to choose the prime minister and had insisted on Félix Tshisekedi for the position, which President Kabila rejected (Germany 10 Apr. 2017). According to the International Crisis Group, [International Crisis Group English version] “[b]y choosing Tshibala, Kabila avoided flagrantly appointing a supporter while clearly violating the agreement’s principles, which required that the Rassemblement itself nominate the prime minister” (International Crisis Group 4 Dec. 2017, 7). According to sources, this appointment was seen as an attempt by the government to exploit tensions within the UDPS (African Arguments 15 June 2017) or the opposition (Germany 10 Apr. 2017).

Freedom House reports that this appointment exacerbated tensions between the government and the opposition, and that in September 2017, Félix Tshisekedi refused to continue the national dialogue (Freedom House 28 Mar. 2018). IRIN also reports that, during an interview, Rubens Mikindo excluded the possibility of any further dialogue with Kabila (IRIN 5 Oct. 2017). The same source indicates that the UDPS then called for a new bout of civil disobedience (IRIN 5 Oct. 2017).

Sources indicate that elections in DRC are scheduled for December 2018 (Human Rights Watch 29 June 2018; International Crisis Group 4 Apr. 2018, i; Freedom House 28 Mar. 2018). According to International Crisis Group, the opposition is repositioning itself because of the prospect of elections: the Rassemblement is fragmenting while Félix Tshisekedi's UDPS [International Crisis Group English version] "is going its own way" with regard to other smaller opposition parties (International Crisis Group 4 Apr. 2018, 13). Sources indicate that Félix Tshisekedi was chosen by the UDPS on 31 March 2018 as a potential candidate for the presidential elections in December 2018 (International Crisis Group 4 Apr. 2018, 13; RFI 31 Mar. 2018; AFP 31 Mar. 2018). On the website of the DRC National Independent Electoral Commission (Commission électorale nationale indépendante, CENI), among the country's 599 political parties, 4 use the UDPS appellation: UDPS/Tshibala, UDPS/Rénové, UDPS/Kibassa and UDPS/Tshisekedi (DRC 2018).

2. Treatment of Members by the Authorities and Security Forces

Sources report that the UDPS headquarters were attacked during an outbreak of violence in Kinshasa on 19 and 20 September 2016 (US 3 Mar. 2017, 26; Germany 26 Sept. 2016; UN 22 Sept. 2016). Several opposition political parties were affected (US 3 Mar. 2017, 26; UN 22 Sept. 2016), as well as some government coalition parties and some elements of the state (US 3 Mar. 2017, 26; Germany 26 Sept. 2016; UN 22 Sept. 2016). According to the US Department of State's *Country Reports on Human Rights Practices for 2016*, violence broke out during demonstrations to protest the government's failure to organize elections in accordance with the constitution (US 3 Mar. 2017, 25). Sources indicate that the attack on the UDPS headquarters was committed by government security forces (US 3 Mar. 2017, 26; UN 22 Sept. 2016). According to US *Country Reports 2016*,

[security forces] killed as many as 11 civilians in the attack on UDPS headquarters, including seven burned to death, possibly after being tortured and hacked with machetes. Eyewitnesses reported SSF [state security forces] blocked efforts to extinguish the fires and prevented civilians burned during the attack on UDPS headquarters from seeking medical attention. (US 3 Mar. 2017, 26)

Sources indicate that Bruno Tshibala, then deputy secretary-general of the UDPS, was arrested by authorities on 9 October 2016 at Kinshasa's airport (Human Rights Watch 16 Nov. 2016; *Jeune Afrique* with AFP 10 Oct. 2016), when he was supposed to leave on an [translation] "official mission for the party" (*Jeune Afrique* with AFP 10 Oct. 2016). According to Human Rights Watch, he was detained and [Human Rights Watch English version] "accused of plotting to commit a massacre and acts of pillage and destruction" (Human Rights Watch 16 Nov. 2016).

According to a report of the United Nations Joint Human Rights Office (UNJHRO), human rights violations were committed during peaceful demonstrations by the opposition, including the UDPS, to protest against President Joseph Kabila's remaining in office beyond the end of his term, which was to end on 19 December 2016 (UN Feb. 2017, para. 9). According to this report, between 20 and 22 December 2016, two UDPS members [UN English version] "were arrested in the Katuba commune by ANR [Agence nationale de renseignement] agents, who accused them of being the main organizers of the 19 and 20 December demonstrations" and who detained them and charged them with rebellion and robbery (UN Feb. 2017, para. 57). According to the same source, three UDPS militants were also arrested on 21 December 2016 in Kasumbalesa because one of them was wearing a tshirt bearing the image of the UDPS national president; they were charged with [UN English version] "rebellion and public order offense," and were still in detention and awaiting trial in February 2017 (UN Feb. 2017, para. 58). Information on their trial could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

According to Human Rights Watch, there were clashes on 1 February 2017 between the crowds that had gathered outside the home of Étienne Tshisekedi and the UDPS headquarters, following Tshisekedi's death in Brussels (Human Rights Watch 2 Feb. 2017). The same source states that the crowds threw rocks and shouted slurs against President Kabila and that the police responded with tear gas (Human Rights Watch 2 Feb. 2017). The UN Secretary General states that

disagreements between the government and the UDPS about plans to repatriate and bury the remains of Étienne Tshisekedi prompted tense standoffs between security services and UDPS supporters at the headquarters of the party in April 2017 (UN 30 June 2017, para. 6).

According to *US Country Reports 2017*, in June 2017, the UDPS Youth League President, David Mukeba, was arrested in Kisangani for criticizing the voter registration process, and the ANR held him incommunicado until 31 August 2017, when he was released (US 20 Apr. 2018, 9).

According to sources, the government arrested UDPS members in October 2017, prior to Félix Tshisekedi's visit to Lubumbashi (Freedom House 28 Mar. 2018; RFI 23 Oct. 2017). According to *US Country Reports 2017*, "the SSF stormed the UDPS party office in Lubumbashi and reportedly arrested 32 party members for planning to hold an unauthorized public meeting," and more people were arrested and teargassed while trying to welcome Mr. Tshisekedi at the airport (US 20 Apr. 2018, 25-26).

Sources indicate that the passport of Jean-Marc Kabund was confiscated at the Kinshasa airport in November 2017, which prevented him from leaving the country (US 20 Apr. 2018, 28; Mediacongo.net 23 Nov. 2017).

However, sources indicate that a UDPS rally was authorized in Kinshasa on 24 April 2018 (*Jeune Afrique* 25 Apr. 2018; AFP 25 Apr. 2018). According to sources, it was the first authorized party rally since September 2016 (*Jeune Afrique* 25 Apr. 2018; AFP 25 Apr. 2018). Amnesty International reports that [Amnesty International English version] "the rally took place without incident" (Amnesty International 18 May 2018, footnote 13). According to AFP, the United Nations saluted the decision of the Congolese authorities to authorize the meeting (AFP 25 Apr. 2018). However, sources indicate that authorities banned another UDPS rally, which was to take place on 6 May 2018 in Uvira, South Kivu (Amnesty International 18 May 2018, footnote 13; RFI 7 May 2018). According to Radio France internationale (RFI), the authorities gave security reasons as grounds to ban the rally (RFI 7 May 2018). However, sources report that the party still held its meeting (RFI 7 May 2018; *Forum des As* 9 May 2018).

For information on the treatment of failed UDPS refugee claimants and asylum seekers returning to the DRC, see Response to Information Request COD105818 of July 2017.

3. Documents Issued to UDPS members

In correspondence dated 11 August 2017, the UDPS indicated that a new biometric party card was to be officially launched on 12 August 2017 (UDPS Canada 11 Aug. 2017). News portal Mediacongo.net reports that the UDPS officially launched the sale of biometric cards on 18 September 2017, stating that [translation] “the UDPS had already launched this biometric card, several months ago ... but that it is now officially selling them” (Mediacongo.net 19 Sept. 2017). In correspondence with the Research Directorate, the representative and federal president of UDPS-Canada noted that the biometric card will gradually replace the paper card issued in 2015 and that the paper card remains valid until members have received the new biometric card (UDPS-Canada 18 July 2018).

According to Mediacongo.net, the new biometric card costs 6,000 Congolese francs (CDF) [approximately C\$5], and the member must pay a supplementary fee of 1,000 CDF for [translation] “the form to complete” and provide two passport photos (Mediacongo.net 19 Sept. 2017). An article in *La Tempête des tropiques*, a Congolese newspaper, adds that the card costs [translation] “25 [e]uros for Congolese individuals living in Europe, and US\$35 for those in the United States” (*La Tempête des tropiques* 14 Aug. 2017). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

A copy of the front and back of a UDPS member card is attached to this Response (Attachment 1).

According to the deputy representative of UDPS-Canada, the cards are issued to the base bodies by the party’s general secretariat, and the biometric card files are registered at the cell and branch levels (UDPS-Canada 22 June 2018). The same source described the process as follows:

[translation]

1. To obtain a card, you must first register as a member at the base level of the party (cell or branch) and then meet the statutory

requirements. The procedure is the same from inside and outside the country;

2. Once registration is completed in accordance with the statutes, the membership form is sent to the general secretariat for the card to be issued (UDPS-Canada 22 June 2018).

A sample membership form is attached to this Response (Attachment 2).

The representative and president of UDPS-Canada noted the following:

[translation]

[A]ny UDPS member may request and receive from his or her local branch a membership certificate, a document by which the local branch of the holder recognizes that the individual is a regular member of the UDPS. Initiated by the branch, the membership certificate will be signed by the representative or deputy representative. (UDPS-Canada 18 July 2018)

A sample membership certificate is attached to this Response (Attachment 3).

In subsequent correspondence with the Research Directorate, the representative and president stated that the certificate is further proof that the member is known locally and that, together or separately, the membership card and certificate attest to membership of UDPS-Canada (UDPS-Canada 20 July 2018).

The deputy representative indicated that, in Canada, in addition to the card or membership file, each member is supposed to have the statutory instruments of the party (UDPS-Canada 22 June 2018).

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

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Internet sites, including: ecoi.net; *Political Handbook of the World*; UN – Refworld.

Attachments

1. Union pour la démocratie et le progrès social (UDPS). N.d. Front and back of a UDPS membership card. Sent to the Research Directorate by a deputy representative of UDPS-Canada, 9 July 2018.
2. Union pour la démocratie et le progrès social (UDPS). N.d. Sample UDPS membership card. Sent to the Research Directorate by a deputy representative of UDPS-Canada, 22 June 2018.
3. Union pour la démocratie et le progrès social (UDPS). N.d. Sample certificate. Sent to the Research Directorate by a representative and federal president of UDPS-Canada, 18 July 2018.

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