

# Responses to Information Requests - Immigration and Refugee Board of Canada

Democratic Republic of the Congo: Treatment of opposition members since the 2018 elections, including members of the Union for Democracy and Social Progress (Union pour la démocratie et le progrès social, UDPS), as well as clergy (December 2018–July 2019)

## 1. 2018 Elections

Sources report that the elections which took place on 30 December 2018 in the Democratic Republic of the Congo (DRC) were won by Félix Tshisekedi, leader of the UDPS, with 38.6 percent of the vote, ahead of Martin Fayulu (34 percent) and Emmanuel Ramazani Shadary (23 percent), according to the results published by the Constitutional Court (BBC 20 Jan. 2019; AA 20 Jan. 2019). Martin Fayulu challenged the election results by appealing to the Constitutional Court, which dismissed the challenge (BBC 20 Jan. 2019; Reuters 19 Jan. 2019; AA 20 Jan. 2019), calling it [translation] “unfounded” (BBC 20 Jan. 2019). Fayulu rejected the decision of the Constitutional Court (BBC 20 Jan. 2019; Reuters 19 Jan. 2019; AA 20 Jan. 2019) and declared himself the [translation] “legitimate president of the DRC” (BBC 20 Jan. 2019; AA 20 Jan. 2019).

Sources report that Félix Tshisekedi was sworn in on 24 January 2019 (*Le Monde* with AFP 25 Jan. 2019; DW 24 Jan. 2019). During his speech, President Tshisekedi pledged to release political prisoners (DW 24 Jan. 2019; *Le Monde* with AFP 25 Jan. 2019) and work to [translation] “improve respect for human rights in the country” (*Le Monde* with AFP 25 Jan. 2019).

## 2. Treatment of Political Opponents Since the December 2018 Elections

Sources report an [translation] “easing” of political tensions in the DRC since Félix Tshisekedi became president (*Forum des As* 14 Mar. 2019; Actu24.cd 28 Mar. 2019; UN 20 Mar. 2019). Actu24.cd, a Congolese news website, and the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) state that the measures to defuse tensions include the release of political prisoners (Actu24.cd 28 Mar. 2019; UN 20 Mar. 2019). A press release published at the time of the release of the latest report of the UN Secretary-General on MONUSCO’s activities adds that [translation] “announcements have been made in favour of the return of exiled political opponents” (UN 20 Mar. 2019). Radio France internationale (RFI) also refers to a [translation] “new openness” on the Radio-télévision nationale congolaise (RTNC) where information on opponents and on the events they organize has reportedly been broadcast more frequently since the new president was sworn in (RFI 22 Feb. 2019). The same source also states that [translation] “several opposition radio stations shut down under Kabila have been able to reopen” (RFI 5 May 2019). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

Sources report that President Tshisekedi also dismissed Kalev Mutond [Mutondo], Director of the National Intelligence Agency (Agence nationale de renseignements, ANR) (Human Rights Watch 22 Mar. 2019; AFP 20 Mar. 2019) as well as Roger Kibelisa, head of the ANR's Department of Internal Security (Human Rights Watch 22 Mar. 2019). According to Human Rights Watch, under the leadership of the two men, the ANR was [Human Rights Watch English version] "an instrument of political repression against opposition leaders and human rights" (Human Rights Watch 22 Mar. 2019). Sources report, however, that Roger Kibelisa was appointed as assistant to the president's special security advisor (Human Rights Watch 22 Mar. 2019; AFP 20 Mar. 2019).

## **2.1 Treatment of Martin Fayulu, His Supporters, and Supporters of the Lamuka Coalition**

Sources report that, upon hearing the provisional declaration [by the Independent National Electoral Commission (Commission électorale nationale indépendante, CENI) (Human Rights Watch 14 Feb. 2019)] of Félix Tshisekedi's victory, on 10 January 2019, supporters of Martin Fayulu began protests to dispute the results (Human Rights Watch 14 Feb. 2019; RFI 11 Jan. 2019; DW 10 Jan. 2019). According to Human Rights Watch, the security forces [Human Rights Watch English version] "often responded with excessive force, including unnecessary lethal force" (Human Rights Watch 14 Feb. 2019). The same source states that [Human Rights Watch English version] "[a]t least" 28 people suffered gunshot wounds in Kikwit [the home of Martin Fayulu (RFI 11 Jan. 2019)], Kananga, Goma and Kisangani when security forces dispersed demonstrators (Human Rights Watch 14 Feb. 2019). According to the same source, [Human Rights Watch English version] "at least" 10 people were killed on 10 January 2019 (Human Rights Watch 14 Feb. 2019). According to RFI, [translation] "at least" 12 people were killed, while 4 were wounded in Kisangani, 22 were wounded in Kinshasa and 3 were wounded in Kananga (RFI 11 Jan. 2019). Information on measures taken by Congolese authorities to pursue those responsible for the alleged actions could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

According to the Special Representative of the UN SecretaryGeneral for the DRC, rallies organized by Martin Fayulu across the DRC [translation] "were carried out without interference" (UN 20 Mar. 2019). Along the same lines, sources report that, on 2 February 2019, the Lamuka coalition [1], which supported Martin Fayulu during the presidential election, organized a rally in Kinshasa that was approved by the authorities (*Jeune Afrique* 4 Feb. 2019; BBC 2 Feb. 2019). *Le Point*, a French weekly, reports that the event was held [translation] "without incident" (*Le Point* 4 Feb. 2019), whereas Radio Okapi, the UN radio station in the DRC (Radio Okapi 22 Sept. 2014), reports that some [translation] "misdemeanours" occurred "on the margins" of the rally (Radio Okapi 4 Feb. 2019). The same source reports that the police [translation] "stated that they were insulted and provoked by activists who chanted songs inciting ethnic hatred" and that a journalist from the station Afrika TV was "assaulted and injured" (Radio Okapi 4 Feb. 2019). Radio Okapi also mentions a protest held on 4 March 2019 by supporters of Martin Fayulu in the city of Goma (Radio Okapi 4 Mar. 2019). According to the source, the protest involved [translation] "a few dozen protesters" protesting against Félix Tshisekedi being named president and calling for a new election to be held in the next six months (Radio Okapi 4 Mar. 2019). The same source adds that there were no reported incidents during this protest (Radio Okapi 4 Mar. 2019). Corroborating information

could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

Sources indicate that Martin Fayulu was summoned to be heard on 6 May 2019 by the judicial police (*Jeune Afrique* 3 May 2019; VOA Afrique with AFP 3 May 2019). The sources state that this summons was made further to an accusation [filed in February 2019 (*Jeune Afrique* 3 May 2019)], [translation] “of incitement to ethnic hatred” (*Jeune Afrique* 3 May 2019) or “tribal hatred” (VOA Afrique with AFP 3 May 2019) and of “massacre[s]” of Balubas [President Tshisekedi's tribe (VOA Afrique with AFP 3 May 2019)] (*Jeune Afrique* 3 May 2019; VOA Afrique with AFP 3 May 2019). Sources report that a march [organized by the Lamuka coalition (Actualité.cd 6 May 2019a)] was held on 6 May 2019 in Kikwit to protest this summons and to support Martin Fayulu (Radio Okapi 6 May 2019; Actualité.cd 6 May 2019a). Radio Okapi further reports that protests were held for the same reasons in Gungu and Bulungu (Radio Okapi 6 May 2019). Actualité.cd, a Congolese news website, notes that the event was [translation] “peaceful” (Actualité.cd 6 May 2019a), but that the Congolese National Police (Police nationale congolaise, PNC) [translation] “arrested at least 16 Lamuka activists” that day, when they put up a barricade and burned tires (Actualité.cd 6 May 2019b). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response. Sources report that, in the end, Martin Fayulu's appearance was postponed (*Jeune Afrique* with AFP 4 May 2019; Radio Okapi 6 May 2019) to a [translation] “later date” (*Jeune Afrique* with AFP 4 May 2019).

Sources report that the Lamuka coalition had planned to organize a march in Kinshasa on 30 June 2019, on the anniversary of the DRC's independence, to demand [translation] “respect for the will of the people” after the Constitutional Court invalidated [the election (AFP 28 June 2019)] of around 20 coalition members (AFP 28 June 2019; *Jeune Afrique* 28 June 2019; RFI 28 June 2019). RFI and *Jeune Afrique* add that, in a large number of cases, this invalidation benefited candidates from the Common Front for Congo (Front commun pour le Congo, FCC), [the coalition of former president Kabila] (*Jeune Afrique* 28 June 2019; RFI 28 June 2019). Sources state that the protest was banned by the Governor of Kinshasa (*Jeune Afrique* 28 June 2019; RFI 28 June 2019). Nevertheless, according to sources, the protest was held on 30 June 2019 (RFI 1 July 2019; Actualité.cd 30 June 2019; AFP 30 June 2019). Sources report that the police used tear gas to disperse the protesters and that one protester in Goma died (RFI 1 July 2019; AFP 30 June 2019). AFP further reports the comments of a protester in Goma, according to which the police also fired live ammunition (AFP 30 June 2019). Actualité.cd also reports the statement of Martin Fayulu, according to which demonstrators were wounded by police officers, who reportedly [translation] “used brutality, fired at pointblank range” (Actualité.cd 30 June 2019).

## 2.2 Release of Political Prisoners

Sources report that, on 13 March 2019, Vital Kamerhe, Chief of Staff for President Tshisekedi, announced that a presidential pardon had been given to approximately 700 prisoners, including opposition figure Franck Diongo and lawyer and human rights advocate Firmin Yangambi [Yangabi] (VOA Afrique 13 Mar. 2019; AFP 14 Mar. 2019; Belga 14 Mar. 2019). Belgian news agency Belga and Agence France-Presse (AFP) add that these people, who were arrested [translation] “between 1 January 2015 and 31 December 2018” for political activities, had their sentences reduced (AFP 14 Mar. 2019) or were collectively pardoned (Belga 14 Mar. 2019).

Sources report that Firmin Yangambi and Frank Diongo were released on 15 and 16 March 2019, respectively (RFI 18 Mar. 2019; AFP 21 Mar. 2019). Sources also announced the release on 21 March 2019 of another Congolese political opponent, [former member of parliament (AFP 21 Mar. 2019)] Eugène Diomi Ndongala (AFP 21 Mar. 2019; *Forum des As* 22 Mar. 2019). Without giving further details, Radio Okapi also reports that, on 19 March 2019, three UDPS activists were able to leave the Ndolo prison (Radio Okapi 20 Mar. 2019). According to *Forum des As*, a Congolese daily newspaper, after the release of Eugène Diomi Ndongala on 21 March 2019 [translation] “no other figures among the symbolic cases targeted by the 2016 Saint Sylvestre Political Agreement (Accord de la Saint Sylvestre) [2] [were] left in prison” (*Le Forum des As* 22 Mar. 2019). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

The daily newspaper *La Libre Belgique* refers to [translation] “confusion in Kinshasa around the 700 prisoners” who were still in prison on the morning of 15 March (*La Libre Belgique* 15 Mar. 2019). Similarly, on 20 March 2019, Radio Okapi reported that [translation] “after the release of some symbolic prisoners,” human rights advocates were still waiting for the conditional release of the 700 prisoners who had been pardoned the week before (Radio Okapi 20 Mar. 2019). Further information on the release of political prisoners following the presidential pardon could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

## 2.3 Return of Political Opponents Exiled From the Country

Media sources report that Moïse Katumbi, former governor of Katanga province and opposition politician [leader of political party Together for Change (Ensemble pour le changement) (BBC 20 May 2019)], in exile since 2016, returned to Lubumbashi on 20 May 2019 (BBC 20 May 2019; *Le Monde* with AFP 20 May 2019; Africanews 20 May 2019). According to sources, in March 2019, the embassy of the DRC in Belgium issued a biometric passport to Moïse Katumbi (*Jeune Afrique* 8 Mar. 2019; RFI 9 Mar. 2019), which he [translation] “had been denied for several months” by Joseph Kabila’s government (RFI 9 Mar. 2019). Sources also report that a Congolese court overturned the threeyear prison sentence against Katumbi for property fraud (*Jeune Afrique* 19 Apr. 2019; Africanews 20 May 2019). *Jeune Afrique* reports that, according to his lawyer, after the sentence was overturned, [translation] “there [was] nothing preventing Moïse Katumbi from returning” to the DRC (*Jeune Afrique* 19 Apr. 2019).

According to sources, Antipas Mbusa Nyamwisi, a political opponent in exile since 2012 and a leader of the Lamuka coalition, returned to the DRC on 31 May 2019 (Actualité.cd 31 May 2019; Belga 20 June 2019). Sources report that, in June 2019, he ended his participation in the activities of the Lamuka coalition in order to work with the government to tackle the Ebola epidemic, as well as insecurity, particularly in the BeniButembo region (*Jeune Afrique* 21 June 2019; RFI 20 June 2019).

Sources report the return on 23 June 2019 of opposition figure Jean-Pierre Bemba [President of the Movement for the Liberation of Congo (Mouvement de libération du Congo, MLC) (Radio Okapi 23 June 2019)] (Radio Okapi 23 June 2019; AFP 23 June 2019; RFI 24 June 2019). AFP explains that Jean-Pierre Bemba returned for the first time from exile on 1 August 2018 to run in the presidential elections, but his candidacy was later invalidated by the electoral commission, and he subsequently

returned to Belgium (AFP 23 June 2019). Sources report that, when he arrived at the airport, he was greeted by Martin Fayulu (AFP 23 June 2019; RFI 24 June 2019; *La Prospérité* 24 June 2019) before participating in a rally of his supporters at Place Sainte-Thérèse in N'djili (RFI 24 June 2019; *La Prospérité* 24 June 2019). According to sources, on the way to the rally, clashes occurred between activists and security forces, who used tear gas, while the protesters threw rocks or projectiles (France 24 with AFP 24 June 2019; RFI 24 June 2019).

Further information on the return from exile of opposition party members could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

## **2.4 Treatment of UDPS Supporters**

According to Actualité.cd, UDPS activists held a protest in front of the Palais du peuple (seat of the Congolese parliament) on 10 June 2019 to denounce the [translation] “insults” that were allegedly made against President Tshisekedi by an FCC member of parliament, who reportedly said that the President had signed certain orders [translation] “irresponsibly” (Actualité.cd 10 June 2019). Similarly, Voice of America (VOA) Afrique, the francophone service of VOA (VOA Afrique n.d.), reports that UDPS activists protested near parliament, accusing members of parliament [translation] “of the proKabila parliamentary majority” “of insulting” President Tshisekedi (VOA Afrique with AFP 10 June 2019). POLITICO.cd, a Congolese news site (POLITICO.cd n.d.), reports that, during the protest in front of parliament, security forces used tear gas to disperse the crowd (POLITICO.cd 10 June 2019).

Actualité.cd reports that, after the protest on 10 June 2019, UDPS activists organized other protest movements in several Congolese cities and that activists of the People’s Party for Reconstruction and Democracy (Parti du peuple pour la reconstruction et la démocratie, PPRD), [Joseph Kabila’s party], responded with a protest on 12 June 2019 in front of the Palais du peuple (Actualité.cd 14 June 2019). The same source reports that UDPS and PPRD activists clashed in front of the PPRD office and that police forces, who were [translation] “overwhelmed,” fired warning shots and used tear gas (Actualité.cd 12 June 2019). According to the same source, the PNC arrested seven UDPS activists that day, after [translation] “clashes” led to a fire at the headquarters of two political parties, the Congolese National Congress (Congrès national congolais, CNC) and the Alliance for Congo’s Renewal (Alliance pour le renouveau du Congo, ARC Originale) (Actualité.cd 12 June 2019). Corroborating information and information on the treatment of UDPS activists after their arrest could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

## **2.5 Treatment of Clergy**

Information on the authorities’ treatment of clergy who were reportedly political opponents during the postelection period could not be found among the sources consulted by the Research Directorate within the time constraints of this Response. Nevertheless, the following information from previous years may be useful.

Amnesty International reports that on 31 December 2017 and 21 January and 25 February 2018, the Catholic Lay Committee (CLC) organized peaceful protests to demand the implementation of “confidencebuilding measures” ahead of the elections

set in December 2018 (Amnesty International 20 Mar. 2018). For information on the CLC, these protests and the authorities' response, see Response to Information COD106273 of April 2019.

According to Human Rights Watch, in the days leading up to the protests and on 31 December 2017, the day the protests took place, Congolese security forces arrested [Human Rights Watch English version] "scores of people, including at least six Catholic priests" (Human Rights Watch 20 Jan. 2018). Similarly, AFP reports that, according to a UN source, 82 people, including priests, were arrested during the protests in Kinshasa (AFP 31 Dec. 2017). Information on the outcome of these arrests could not be found among the sources consulted by the Research Directorate within the time constraints of this Response. Human Rights Watch adds that the [Human Rights Watch English version] "vast majority" of the 160 Catholic parishes in Kinshasa were "surrounded or disrupted by security forces during or after Sunday Mass on December 31" (Human Rights Watch 20 Jan. 2018). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

According to sources, the protests on 21 January 2018 resulted in the arrest of 10 priests (Africanews 22 Jan. 2018; Fides News Agency 22 Jan. 2018). The news service Africanews, in an article published the morning after the protests, reports that Georges Kapiamba of the Congolese Association for Justice (Association congolaise pour la justice) stated that the arrested priests [Africanews English version] "were or continue to be mistreated" and that "their clothes [were] torn" (Africanews 22 Jan. 2018). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response. Sources state that two nuns were also missing (Africanews 22 Jan. 2018; Fides News Agency 22 Jan. 2018) or were arrested (Fides News Agency 22 Jan. 2018).

According to RFI, three priests were arrested in Kisangani during a march organized on 25 February 2018 by the CLC (RFI 25 Feb. 2018). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

RFI reports that, on 4 February 2018, a priest was taken at the end of mass [translation] "by unidentified armed men" and that he was released "a few hours later by general intelligence" (RFI 6 Feb. 2018). The same report explains that this arrest increased the [translation] "climate of 'fear' in which priests and religious followers say they have lived" since the protests on 31 December 2017 (RFI 6 Feb. 2018). According to priests' testimonies gathered by RFI, they have been subject to [translation] "anonymous calls, pressure" (RFI 6 Feb. 2018). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

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.

## Notes

[1] The Lamuka coalition [[translation] "wake up" (Actualité.cd 11 Nov. 2018) or [translation] "to wake up" in Lingala (AFP 12 Nov. 2018)] is a coalition created to

support Martin Fayulu as the common candidate for the 2018 presidential elections in the DRC (Actualité.cd 11 Nov. 2018; AFP 12 Nov. 2018).

[2] For information on the Saint Sylvestre Political Agreement, see Response to Information Request COD106273 of April 2019.

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