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25 February 2020

COD106401.FE

Democratic Republic of the Congo: Treatment of opposition members, clergy members and members of the Union for Democracy and Social Progress (Union pour la démocratie et le progrès social, UDPS) since the 2018 elections (July 2019-January 2020)

Research Directorate, Immigration and Refugee Board of Canada

1. The December 2018 Elections and the Formation of the New Government

For information on the December 2018 elections, see Response to Information Request COD106315 of July 2019.

Sources report that following the 2018 elections, newly elected President Félix Tshisekedi formed an alliance government with his rival, the Common Front for Congo (Front commun pour le Congo, FCC) of outgoing President Joseph Kabila (*Jeune Afrique* 10 Dec. 2019; *Le Devoir* with AFP 27 Aug. 2019), after seven months of negotiation, which *Le Devoir* describes as [translation] “the first peaceful transition of power” in the Democratic Republic of the Congo (DRC) (*Le Devoir* with AFP 27 Aug. 2019). Sources indicate that

Joseph Kabila's FCC holds approximately two thirds of the seats in the National Assembly (BBC 27 Aug. 2019; Africanews with Reuters 26 Aug. 2019; Englebert 14 Jan. 2020) and oversees 42 of a total of 65 minister portfolios that make up the Tshisekedi government (BBC 27 Aug. 2019; Englebert 14 Jan. 2020). According to a political analyst quoted by the BBC, [translation] "Félix Tshisekedi is under the thumb of the former president", who still occupies the political, economic and security spheres (BBC 27 Aug. 2019). Similarly, in an article published by the Atlantic Council [1], a professor of international relations and politics states that "Kabila appears to have remained in charge" and that the FCC still controls the government architecture (Englebert 14 Jan. 2020).

2. Treatment of Political Opponents Following the 2018 Elections

A report by the UN Joint Human Rights Office (UNJHRO) in the DRC concerning human rights violations in the DRC between January and June 2019 states the following:

[translation]

In 2019, the UNJHRO documented 778 violations of human rights and fundamental freedoms relating to restrictions on democratic space throughout the territory [compared with 1,054 in 2018 and 1,375 in 2017 (UN 30 Jan. 2019)]. This seems to demonstrate a definite improvement in the conditions for exercising civil liberties since the December 2018 elections and the arrival of new state authorities. (UN 30 Jan. 2020)

For further information on the treatment of opposition members from December 2018 to July 2019, see Response to Information Request COD106315 of July 2019.

According to Human Rights Watch, there has been a decline in "political repression" in the DRC under the new government (Human Rights Watch 24 Sept. 2019).

Sources report that President Tshisekedi has freed political prisoners (Englebert 14 Jan. 2020; Human Rights Watch 24 Sept. 2019). A report by the United Nations Organization Stabilization Mission in the DRC (MONUSCO) states that

[UN English version]

four presidential and two ministerial orders on individual and collective measures of pardon [were published in March]. Those measures concerned detainees who had served a quarter of their sentence; those whose incarceration exceeded three months and who had shown good conduct; beneficiaries of the amnesty law of 11 February 2014 who had nevertheless been kept in custody; and those sentenced in connection with public protests or political meetings held between 1 January 2015 and 31 December 2018. (UN 17 July 2019, para. 63)

Sources report that on 13 March 2019, Tshisekedi's government announced the [conditional (*Jeune Afrique* 14 Mar. 2019)] release of approximately 700 political prisoners under those orders (*Le Point* 16 Mar. 2019; *Jeune Afrique* 14 Mar. 2019). In September 2019, Human Rights Watch reported that most political prisoners and activists detained "solely for exercising their fundamental rights" were now free (Human Rights Watch 24 Sept. 2019). However, also in September 2019, a representative of the Congolese NGO The Voice of the Voiceless for Human Rights (*La Voix des sans-voix pour les droits de l'homme*, VSV) [2], interviewed by Belgium's Office of the Commissioner-General for Refugees and Stateless Persons (Commissariat général aux réfugiés et aux apatrides, CGRA), stated that he did not know the names of the 700 people who were released in March 2019; in addition, some of the 135 [translation] "political detainees" whose release was sought by the VSV were still in prison on that date (Belgium 17 Dec. 2019, 30). Furthermore, according to Radio France internationale (RFI), in October 2019, the NGO JUSTICIA Asbl, a Congolese organization that promotes and protects human rights (Private Security Governance Observatory n.d.), sought the release of 36 political prisoners and wanted [translation] "to see the measures taken by President Félix Tshisekedi to ease political tensions extended to all political prisoners" (RFI 12 Oct. 2019).

According to Human Rights Watch, many activists and politicians who were in exile have been allowed to return to the country (Human Rights Watch 24 Sept. 2019). The VSV representative interviewed by the CGRA also noted the [translation] "the return of exiled individuals" (Belgium 17 Dec. 2019, 34), and the MONUSCO report indicates that the return of opposition leaders to the DRC [UN English version] "contributed to evolving dynamics in the emerging balance of power among the country's political forces" (UN 17 July 2019, para. 2).

The article published by the Atlantic Council reports that President Tshisekedi has curtailed the "repressive activities" of the National Intelligence Agency (Agence nationale de renseignements, ANR) (Englebert 14 Jan. 2020). The report by Belgium's CGRA states the following:

[translation]

Although the shutdown of unofficial dungeons, such as those of the National Intelligence Agency (Agence nationale de renseignements, ANR), has been effective (except for those at military intelligence headquarters, ex-Demiap [Military Detection of Anti-Homeland Activities (Détection militaire des activités anti-patrie)], which remain active), sources report that some clandestine dungeons have been reopened in the meantime. (Belgium 17 Dec. 2019, 34)

Moreover, the Atlantic Council article also reports that the new president has allowed opposition parties to organize (Englebert 14 Jan. 2020).

According to the UNJHRO, the decrease that it has observed in the number of human rights violations relating to restrictions on democratic space reflects [translation] “an easing of the violent repression of public demonstrations” (UN 30 Jan. 2020). According to Radio Télévision belge de la communauté française (RTBF), since Tshisekedi’s inauguration, [translation] “most opposition demonstrations have been authorized and supervised by police” (RTBF with Belga 15 Jan. 2020). However, sources interviewed by the CGRA in August 2019 noted that since summer 2019, protests have been banned by the authorities and some have been “repressed by the police” (Belgium 17 Dec. 2019, 33, 35). A representative of the Congo Liberation Movement (Mouvement de libération du Congo, MLC) [3] told the CGRA that [translation] “for some time, the opposition has noted that their requests to hold demonstrations are now no longer accepted” (Belgium 17 Dec. 2019, 35). For his part, the VSV representative interviewed by the CGRA remarked that [translation] “repression is currently aimed at the members of citizen movements in particular” (Belgium 17 Dec. 2019, 34). The same representative noted that, according to his organization, [translation] “when people are arrested at protests, they are rapidly released, with the exception of a few rare cases of slightly longer detentions” (Belgium 17 Dec. 2019, 34). The MLC representative also told the CGRA that arrested individuals [translation] “are generally rapidly released” (Belgium 17 Dec. 2019, 35).

The UNJHRO reports that despite the noted improvements, it observed [translation] “unjustified and disproportionate restrictions on civil liberties and the harassment of political opponents, journalists and human rights advocates in an effort to silence voices perceived as critical” (UN 30 Jan. 2020).

In addition, sources interviewed by Belgium’s CGRA reported that former President Kabila still controls government institutions and security services (Belgium 17 Dec. 2019, 3435). The VSV representative interviewed by the CGRA maintained that [translation] “if people had problems with the Kabila regime and its security services in the past, they are likely to continue to have problems at this time” (Belgium 17 Dec. 2019, 34). Similarly, the MLC representative also told the CGRA that [translation] “[t]hose who could have the most problems are the ones who were pursued under Kabila’s presidency. For them, the fear remains because Kabila is still here and surrounded by the same people” (Belgium 17 Dec. 2019, 35).

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

The Lamuka coalition consists of opposition parties united around Martin Fayulu, who ran in the December 2018 presidential election (Belgium 17 Dec. 2019, 11-12; UN 17 July 2019, para. 10, 16). The MONUSCO report states that the Lamuka coalition won 90

seats in the National Assembly in the last election (UN 17 July 2019, para. 10).

In its *World Report 2020*, Human Rights Watch states the following regarding the period that followed the presidential election:

[Human Rights Watch English version]

Fayulu supporters from an array of opposition political parties protested in many cities across Congo. Security forces often responded to protests, some violent, with excessive, including unnecessary, lethal force. Security forces killed at least 10 people and injured dozens during protests after provisional results were announced on January 10. At least 28 people suffered gunshot wounds in Kikwit, Kananga, Goma, and Kisangani when security forces dispersed demonstrators. (Human Rights Watch 14 Jan. 2020)

Media sources report that in July 2019, the authorities banned a public demonstration organized by Lamuka to mark the return of Moïse Katumbi, then coordinator of Lamuka, in the city of Kolwezi [in the province of Lualaba] (Actualité.cd 24 July 2019; ADIAC 24 July 2019). However, the demonstration was ultimately allowed and was held [translation] “without major incident” (ADIAC 27 July 2019; Politico 26 July 2019).

According to information provided by a local radio station and conveyed by Médiacongo.net, the governor of Kinshasa also tried to prevent a meeting organized by Martin Fayulu in August 2019 by having the material removed the night before, but the meeting was nevertheless held with the help of Kinshasa’s chief of police (Médiacongo.net 5 Aug. 2019).

Sources report that Martin Fayulu organized a march that was to be held on 17 January 2020 to protest against the [translation] “balkanization” of the country and the “massacre of civilians” in eastern DRC (RTBF with Belga 15 Jan. 2020; Africanews 17 Jan. 2020). Sources report that the march was banned by the authorities (Africanews 17 Jan. 2020; RTBF with Belga 15 Jan. 2020; Actualité.cd 15 Jan. 2020). Protestors nevertheless attempted to gather, but were dispersed by the authorities with tear gas (Africanews 17 Jan. 2020; La Libre Afrique with Belga 17 Jan. 2020).

3. Treatment of Clergy Members

Information on the treatment of clergy members by the authorities could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

4. Treatment of UDPS Members

Media sources report that Fils Mukoko, an influential UDPS activist, and five of his collaborators were arrested on 30 August 2019 while leading an anti-corruption march in Kinshasa (CASInfo.ca 30 Aug. 2019; Provinces 26 RDC 31 Aug. 2019). The Congolese news site Politico indicates that Fils Mukoko was arrested for disturbing the peace, as the march was unauthorized (Politico 30 Aug. 2019).

Media sources report that on 11 October 2019, police were deployed to maintain order in light of UDPS activists protesting in Kinshasa following a presidential plane crash (Actualité.cd 12 Oct. 2019; RFI 12 Oct. 2019). According to RFI, tear gas was used by law enforcement (RFI 12 Oct. 2019). Actualité.cd reports that Fils Mukoko, who was one of the activists, suffered a head injury (Actualité.cd 12 Oct. 2019).

According to the VSV representative interviewed by the CGRA, the VSV was not aware [translation] “of cases of UDPS members being harassed because of their opposition” to President Tshisekedi (Belgium 17 Dec. 2019, 34). 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 Atlantic Council is a non-partisan US organization dedicated to international affairs (Atlantic Council n.d.).


[2] The Voice of the Voiceless for Human Rights (Voix des sans-voix pour les droits de l'homme, VSV) is a Congolese NGO that advocates for human rights, notably by conducting activities monitoring human rights violations, as well as lobbying, awareness-raising and informational activities (VSV n.d.).

[3] The Congo Liberation Movement (Mouvement de libération du Congo, MLC) is an opposition organization that is part of the Lamuka coalition (Belgium 17 Dec. 2019, 8).

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