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Democratic Republic of the Congo: Information on the political situation in Kinshasa

Query Response

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This response was prepared after researching publicly accessible information currently available to ACCORD as well as information provided by experts within time constraints and in accordance with ACCORD's methodological standards and the Common EU Guidelines for processing Country of Origin Information (COI).

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Please read in full all documents referred to.

Non-English language information is summarised in English. Original language quotations are provided for reference.

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1 Situation of individuals who took part in the demonstrations of January 2015 in Kinshasa with a specific focus on those who were arrested during the demonstrations

In its country report on human rights practices covering the year 2015, the US Department of State (USDOS) describes events unfolding in Kinshasa in January 2015 as follows:

“On January 16 [2015], the ANR [National Intelligence Agency] shut down progovernment Canal Kin Television and Radio Television Catholique Elikya (RTCE) for broadcasting an opposition communique urging the population of Kinshasa to protest against proposed changes to the electoral law, thus encroaching upon the CSAC’s [High Council for the Audiovisual and Communications] prerogatives.” (USDOS, 13 April 2016, section 2a)

“On January 17 [2015], political tensions intensified when protests erupted in Kinshasa, Goma, and Bukavu over a push by Kabila’s Presidential Majority for electoral legislation mandating a nationwide census that would have delayed presidential elections past 2016. In Kinshasa thousands of university students, opposition protesters, and others took to the streets, and there were reports of looting in different neighborhoods. Security forces, including the PNC [Congolese National Police], FARDC [national army], and president’s RG [Republican Guard], eventually achieved some control, but it was not until Senate President Leon Kengo wa Dondo’s January 23 [2015] public declaration that the Senate would strike the census language from legislation that protests finally ended. The UNJHRO [UN Joint Human Rights Office] confirmed 10 deaths, while Human Rights Watch reported 38 civilian deaths, five disappearances, and more than 300 arrests during the protests. Additionally, there were numerous reports of opposition members arrested in cities across the country. The government cut off access to the internet, censored social media, and shut down texting during and in the weeks after the protests.” (USDOS, 13 April 2016, section 3)

Summarising developments since the January 2015 events, a report by the international human rights organization Human Rights Watch (HRW) published in September 2016 provides the following information:

“Since January 2015, government officials and security forces have arbitrarily arrested scores of activists and opposition leaders, some of whom were held incommunicado for weeks or months while others were put on trial on trumped-up charges. Peaceful pro-democracy youth activists were accused of plotting terrorist acts and wrongfully detained for nearly a year-and-a-half in the face of widespread public indignation, and a Congolese parliamentary report that found no evidence of their supposed wrongdoing. Throughout the country, government officials and security forces repeatedly banned opposition demonstrations, prevented opposition leaders from moving freely, and fired teargas and live bullets on peaceful protesters. The deadliest crackdown occurred during nationwide demonstrations in January 2015, against proposed changes to the electoral law that would require a national census to be conducted before elections, potentially delaying the elections by several years. Police and the Republican Guard presidential security detail killed at least 38 people in Kinshasa and five people in the eastern city of Goma. At

least five others were forcibly disappeared in Kinshasa, and dozens more wounded, including three who were shot and injured when Republican Guard soldiers fired upon Kinshasa's general hospital." (HRW, 18 September 2016)

According to a October 2016 report of the Enough Project, an NGO based in Washington, D.C., "[r]epression has increased since the beginning of 2015, as tensions have mounted in the face of Kabila's silence about his future plans and his government's multiple attempts to find ways to keep him in power past December 2016." The report further notes:

"In January 2015, after the government tried to pass a law in parliament to require holding a census before the next presidential elections - a move that would have delayed them by several years since Congo has not had a census since 1984 - people took to the streets of Kinshasa in protest and frustration. Unable to co-opt the demonstrators who did not have the usual opposition political affiliation, the government reacted ruthlessly. Security forces killed 38 demonstrators and arrested over 400 others." (Enough Project, 27 October 2016)

HRW in its World Report 2016, which covers events of 2015, further mentions the conduct of the security forces regarding demonstrations and arrests in Kinshasa in the aftermath of the January 2015 events:

"In January [2015], security forces brutally suppressed demonstrations in the capital, Kinshasa, and other cities by those opposed to proposed changes to the electoral law requiring a national census before national elections could be held, effectively extending Kabila's term for several years. [...]"

The same week, security forces arrested nearly a dozen prominent political party leaders and activists. Most were first detained by Congo's National Intelligence Agency (Agence Nationale de Renseignements, ANR) and held without charge for weeks or months with no access to lawyers or family members." (HRW, 27 January 2016)

HRW in November 2016 reports that the president of the political party Solidarité congolaise pour la démocratie et le développement (SCODE), Jean-Claude Muyambo, was arrested in Kinshasa on 20 January 2015:

"Jean-Claude Muyambo: president of the political party Congolese Solidarity for Democracy and Development (Solidarité congolaise pour la démocratie et le développement, SCODE) and former president of the bar association of ex-Katanga province, arrested in Kinshasa on January 20, 2015 after having mobilized participation in demonstrations against proposed changes to the election laws. First held in Kinshasa's central prison, he was subsequently transferred to a medical center for health reasons and is on trial for allegedly selling a building that did not belong to him." (HRW, 16 November 2016)

The World Organisation Against Torture (Organisation Mondiale Contre la Torture, OMCT), a network of NGOs working to end torture and impunity, and the International Federation for Human Rights published in the framework of their joint programme The Observatory for the Protection of Human Rights Defenders an intervention to the 59th session of the African

Commission on Human and Peoples' Rights in October 2016. The source mentions the release from prison of human rights defender Christopher Ngoyi Mutamba who was detained since January 2015:

"In the Democratic Republic of Congo (DRC), the Observatory welcomes the long-awaited release on August 29, 2016 of human rights defender Christopher Ngoyi Mutamba, President of the NGO Congo Culture and Development Synergy (Synergie Congo culture et développement) and Coordinator of the Platform Civil Society of Congo, who had been arbitrary detained since January 2015, but deplores the deterioration of his health status while in detention." (OMCT/FIDH, 31 October 2016)

The April 2016 USDOS country report provides details on Christopher Ngoyi Mutamba's arrest and detention:

"For example, on January 21 [2015], state agents arrested Christopher Ngoyi Mutamba in Kinshasa, and the ANR [National Intelligence Agency] held him incommunicado for approximately 20 days. The Ministry of Justice (formally known as the Ministry of Justice and Human Rights) filed charges against Ngoyi in March, and he was in detention awaiting trial as of October 30 [2015]." (USDOS, 13 April 2016, section 1d)

HRW in a press release published March 2017 mentions that "[o]n the night of March 18-19, 2015, security forces in the Democratic Republic of Congo secretly dug a mass grave on the edge of a cemetery near the capital, Kinshasa, and dumped several hundred bodies inside." HRW writes that "[m]any family members of victims who had been summarily executed or forcibly disappeared by Congo's security forces during protests in January 2015, [...], immediately suspected that their loved ones were among those buried in Maluku". The same article further notes:

"On June 5, the families of 34 victims filed a public complaint with Congo's national prosecutor demanding justice and the exhumation of the Maluku mass grave. [...] Crispin, a member of the Union for the Congolese Nation (UNC) political party, was arrested during a demonstration on January 19, 2015, and taken to an unknown destination. More than two years later, his older brother still doesn't know whether Crispin is alive. 'The authorities must at least exhume the bodies buried in the Maluku mass grave so we would know whether our brother was buried there or not,' his older brother told us. 'And if he's alive, they should tell us where he is.'" (HRW, 18 March 2017)

HRW further writes in December 2016 that police officers were deployed to the main morgue of Kinshasa after the demonstrations in January 2015 and instructed not to provide information about the bodies of victims killed:

"After the crackdown on demonstrations in Kinshasa in January 2015 and in September 2016, [vice prime minister and interior and security minister Evariste] Boshab's office deployed police officers to the main morgue and instructed morgue employees not to provide any information to journalists or human rights defenders about the bodies of victims killed during protests, witnesses said." (HRW, 16 December 2016)

2 Situation of individuals who have or are perceived to have political affiliations in Kinshasa

The USDOS in its human rights report covering the year 2016 gives the following overview of the situation of members of opposition parties in the country:

“The law recognizes opposition parties and provides them with ‘sacred’ rights and obligations. While political parties were generally able to operate without restriction or outside interference, government authorities - sometimes through violent surrogate groups or the SSF [state security forces] - arbitrarily arrested, harassed, attacked, and prevented opposition members from holding public rallies.” (USDOS, 3 March 2017, section 3)

The UN Office of the High Commissioner for Human Rights (OHCHR) in September 2016 writes that „more than 80 people have been reportedly killed, hundreds injured, thousands arrested and at least 225 demonstrations have been squashed or banned since protests began in January 2015 against proposed reforms to the electoral law that could allow current President Joseph Kabila to stay in office beyond the constitutional limit of two terms” and adds:

“Details are still being verified and other sources report much higher figures. Human rights defenders, journalists and opposition leaders have reportedly been particularly targeted by the Congolese National Police, the National Intelligence Agency, the Republican Guard and the armed forces. ‘The DRC security forces have repeatedly used excessive force to quash protests related to proposed presidential elections, firing teargas and live ammunition into crowds of protestors and inflicting numerous casualties,’ said the UN Special Rapporteur on freedom of peaceful assembly and of association, Maina Kiai.” (OHCHR, 23 September 2016)

HRW in November 2016 also mentions the arrest of activists and opposition leaders by the Congolese authorities since January 2015:

“Since January 2015, Congolese authorities have arbitrarily arrested scores of activists and opposition leaders, some of whom were held incommunicado by the intelligence services for weeks or months where they were mistreated or tortured, while others were put on trial on trumped-up charges. Pro-democracy youth activists – like Fred Bauma who is here with us today – were accused of plotting terrorist acts and held in secret detention for nearly a year and a half, despite widespread public indignation. The government has shut down Congolese media outlets close to the opposition, at least six of which remain blocked. The signal for Radio France Internationale (RFI), the most important international news outlet in Congo, has been blocked in Kinshasa continuously since November 5.” (HRW, 29 November 2016)

An article published by Inter Press Service (IPS), a global news agency focusing on development issues, in March 2015 mentions arrests at a pro-democracy event in Kinshasa:

“Journalists, activists, hip hop artists and a United States diplomat were rounded up by police at a pro-democracy event on Sunday in Kinshasa in the Democratic Republic of the Congo, sponsored in part by the U.S. government. Security forces charged them with threatening stability, according to a government spokesperson.” (IPS News, 17 March 2015)

HRW also reports on the arrests in Kinshasa in March 2015:

“In March, the ANR [National Intelligence Agency] arrested about 30 youth activists and others attending a workshop in Kinshasa to promote the democratic process. At time of writing, human rights defender Christopher Ngoyi, youth activists Fred Bauma and Yves Makwambala, and political party leaders Jean-Claude Muyambo, Ernest Kyaviro, and Vano Kiboko remained in detention at Kinshasa’s central prison. On September 14, Kiboko was convicted and sentenced to three years in prison on trumped up charges of racial hatred, tribalism, and spreading false rumors. On September 18, Kyaviro was convicted and sentenced to three years in prison for provoking and inciting disobedience toward public authorities. Trials based on politically motivated charges were ongoing for the others at time of writing.” (HRW, 27 January 2016)

OMCT/FIDH mention the provisional release of Yves Makwambala and Fred Bauma in August 2016:

“Besides, while two members of the Filimbi citizens’ initiative, which promotes youth participation in electoral and democratic process, i.e. Messrs. Yves Makwambala and Fred Bauma, also a member of the LUCHA (Lutte pour le changement) movement, have been provisionally released on August 29, 2016, after 18 months in detention, charges against them have not been dropped and their judicial harassment is likely to resume at any moment.” (OMCT/FIDH, 31 October 2016)

The USDOS in its country report on human rights practices covering the year 2016, mentions the release of several jailed activists on 19 and 26 August 2016:

“On August 19 and 26 [2016], the government released several jailed activists, including Matumo, Kapitene, Tesongo, Fred Bauma, Yves Makwambala, Christopher Ngoy, Jean de Dieu Kilima, and Jean-Marie Kalonji as part of an effort to reduce political tensions. Individuals with pending charges, such as Bauma and Makwambala, who were accused of an attempted attack on the head of state’s life, attempted coup, and treason, received a provisional release, meaning their cases could resume at any time. Individuals already convicted, such as Matumo, Kapitene, and Tesongo, received a conditional release. The provisional and conditional nature of these releases curtailed these individuals’ right to freedom of expression, assembly, and association.” (USDOS, 3 March 2017, section 1e)

Radio Okapi, a Congolese radio station created by the United Nations Mission in the Democratic Republic of Congo (MONUC) and the Swiss NGO Fondation Hirondelle, further mentions the release of activists of the civil movements Lutte pour le Changement (LUCHA) and Filimbi, Bienvenu Matumo, Victor Tesongo, Héritier Kapitene and Godefroy Mwanabwato on 31 August 2016:

“Les militants des mouvements citoyens LUCHA et Filimbi, Bienvenu Matumo, Victor Tesongo, Héritier Kapitene et Godefroy Mwanabwato ont été libérés mercredi 31 août [2016] de la prison de Makala à Kinshasa.” (Radio Okapi, 31 August 2016)

The Doha-based and state-funded broadcaster Al Jazeera notes in an article published in September 2015 that clashes broke out in Kinshasa „after an opposition rally was attacked by unidentified youths hurling stones, sparking a lynching attempt and a police crackdown. Up to 3,000 people had gathered in a southern area of the DR Congo capital to oppose any bid by President Joseph Kabila to seek a third term in elections due at the end of next year, said a journalist from the AFP news agency at the scene.” (Al Jazeera, 16 September 2015)

The USDOS also mentions the incidents on 15 September 2015 in Kinshasa:

“For example, in Kinshasa on September 15, the coalition Opposition Dynamic organized a meeting to call for Kabila to step down at the end of his term in December 2016. Despite the presence of PNC [Congolese National Police] agents, a dozen youth in civilian clothes, armed with sticks and stones, attacked the participants and reportedly injured at least three women and two men while themselves suffering serious injury by participants in the meeting.” (USDOS, 13 April 2016, section 3)

HRW in its World Report covering the year 2015 described the developments in Kinshasa in September 2015 as follows:

“During an opposition rally in Kinshasa on September 15, a group of thugs hired and instructed by members of the ruling political party and senior officials in the security services attacked demonstrators with clubs and wooden sticks, injuring more than a dozen. Only when demonstrators turned on the assailants - beating some so badly that at least one later died of his wounds - did the police intervene.” (HRW, 27 January 2016)

In a report published December 2016, HRW mentions the involvement of the director of the National Intelligence Agency (ANR), Kalev Mutondo, and other leading security officials as well as senior officials of the party in power in hiring men to assault protesters in September 2015:

“Before an opposition demonstration in Kinshasa in September 2015, [director of the National Intelligence Agency (ANR), Kalev] Mutondo was among several senior security and ruling party officials who hired men to assault peaceful protesters. Armed with clubs and wooden sticks, the assailants beat the demonstrators, spreading fear and chaos throughout the crowd of several thousand. Several recruits told Human Rights Watch that they had been called to a meeting with officials at a military camp in Kinshasa the night before, paid about US\$65 each, and given instructions for conducting the attack.” (HRW, 16 December 2016)

The USDOS in its country report on human rights practices covering the year 2016 writes that Bienvenu Matumo, Marcel Heritier Kapitene, and Victor Tesongo of the civil society organization Struggle for Change (LUCHA) were arrested in Kinshasa on 16 February 2016. “They were held at an ANR detention center until February 19, when they were transferred to

prison. On May 20, they were convicted of inciting civil disobedience and spreading false rumors and sentenced to 12 months in prison.” (USDOS, 3 March 2017, section 1e).

In February 2016, HRW provides the following details on the abovementioned arrests:

“In the capital, Kinshasa, two other LUCHA activists, Bienvenu Matumo and Marc Héritier Kapitene, were reported missing from a hotel in Bandal commune early in the morning on February 16 [2016]. At about 5:40 a.m. one of the activists sent a text message to a friend saying ‘arrested.’ The previous evening, they had attended a meeting with other LUCHA activists to prepare for the strike. Just after the meeting, Victor Tesongo, a member of an opposition political party who had met with the LUCHA activists at the end of their meeting, was arrested on his way home. The three remained missing until February 19, when they were transferred from a national intelligence agency (Agence Nationale de Renseignements, ANR) detention center to the prosecutor’s office. Until then, they were unreachable by phone, and their families and colleagues were not able to find them. They were first held at the provincial police commissioner’s prison, then transferred to the ANR on February 18. Human Rights Watch had contacted security officials to ask about the missing activists, but the officials did not confirm the arrests or provide information on the activists’ whereabouts, raising concerns of forced disappearances. During a hearing at the prosecutor’s office in Kinshasa’s Gombe commune on February 20, Matumo, Kapitene, and Tesongo were put under a provisional arrest warrant on charges of incitement to civil disobedience, spreading false information, and attacking state security.” (HRW, 23 February 2016)

HRW further adds that more than 30 political opposition members and supporters were detained on or around 16 February 2016:

“Human Rights Watch also received credible reports that more than 30 political opposition members and supporters were detained on or around February 16 [2016]. While some might have been involved in burning tires in the streets, many others appear to have been arrested merely for peacefully supporting or encouraging others to observe the ville morte [general strike characterized by the closure of shops, services and businesses]. Some were released after their families bribed the police or after UN human rights officials intervened. On February 14 [2016], security officials arrested an opposition leader and member of parliament, Martin Fayulu, and detained him at the military intelligence headquarters in Kinshasa. He had been involved in mobilizing participation in the national strike. He was released seven hours later without charge. In Kinshasa’s Masina commune, eight people were arrested on February 16 when a small group of people had peacefully gathered in support of the ville morte, chanting ‘Yebela’ (‘be warned’ in Lingala), in reference to the president being near the end of his term. When the protesters were arrested, the police put them in the back of a police pickup, demanded to know the political parties they belonged to, and took them to the Masina police station jail, one of the detainees said. He and many of the others were released the next day after their families paid the police about \$200 each. Three women said that on the morning of February 16, in Kinshasa’s Ngaliema commune, the police badly beat them and forced them into the back of a police pickup. The women said they just

happened to be on the side of the road when young men were burning tires. They were released later that evening without charge. One of the women's leg was injured during the arrest, and she now has difficulty walking." (HRW, 23 February 2016)

HRW in November 2016 gives a detailed account on people who were arrested in Kinshasa between May and October 2016, after the Congolese Justice Minister announced on 4 May 2016 the start of an investigation into Moïse Katumbi, the former Katanga governor and an opposition leader and presidential candidate:

"The following people were arrested [in Kinshasa] just before or immediately after the Congolese Justice Minister announced on May 4, 2016, the start of an investigation into Moïse Katumbi, the former Katanga governor and an opposition leader and presidential candidate, for having allegedly 'recruited mercenaries [including] several American ex-servicemen.' These allegations appear to have been politically motivated and no credible proof has been presented to date. These individuals have all been accused of maintaining links with Katumbi or being involved in the alleged recruiting of mercenaries, and have been charged with endangering state security:" (HRW, 16 November 2016)

In May 2016 the following two members of Congolese NGOs were arrested, according to HRW:

"Gabriel Tambwe: member of a Congolese non-governmental organization, arrested on May 13, 2016 in Kinshasa. Held incommunicado by the ANR [National Intelligence Agency] before being transferred to Kinshasa's central prison on June 4; Philippe Namputu: a teacher and a member of a Congolese non-governmental organization, arrested on May 14, 2016 in Kinshasa. Held incommunicado by the ANR before being transferred to Kinshasa's central prison on June 4." (HRW, 16 November 2016)

On 7 August 2016 the president of the opposition party Union des Républicains (UR), Norbert Luyeye, four UR members and two visitors of an UR meeting were arrested, HRW goes on to write:

"The following seven people were arrested on August 7, 2016 in Kinshasa at the home of Norbert Luyeye, president of the opposition political party Union of Republicans (Union des Républicains, UR). On August 4, Luyeye had declared at his party headquarters that a legal vacuum would ensue if the National Independent Electoral Committee (CENI) failed to convoke election in September. He also announced a popular meeting in Kinshasa's Ndjili neighborhood on September 4 to raise awareness among the population and prepare for the demonstrations scheduled to begin on September 19. They are all being held by the military intelligence services in Kinshasa without charge and without access to their families or a lawyer: Norbert Luyeye: Union of Republicans, president; Nsiala Bukaka: UR member; Paul Yoka: UR member; Nathan Lusela: UR member; Lyongo: UR member; Boba: visitor at the UR meeting; Jean Paul: visitor at the UR meeting." (HRW, 16 November 2016)

On 15 and 16 September 2016, at least a dozen people were arrested after having taken part in an awareness campaign organized by the youth platform Union des Jeunes Congolais pour

le Changement (UJCC), HRW further notes. Totoro Mukenge, the president of the platform, remained in detention as of November 2016:

“At least a dozen people were arrested on September 15 and 16, 2016 in Kinshasa and held incommunicado by the intelligence services after having participated in an awareness campaign organized by the Union of Congolese Youth for Change (Union des Jeunes Congolais pour le Changement, UJCC), a youth platform for debate and action focused on non-violence, peace and respect of the constitution. While the others were later released, the organization’s president remains in detention: Totoro Mukenge: president of the UJCC, arrested at his home the day after the meeting, on September 16, 2016.” (HRW, 16 November 2016)

In September and October 2016, two leading opposition politicians, Moïse Moni Della and Bruno Tshibala, were arrested in Kinshasa, HRW reports:

“The following people were arrested in the context of protests organized the week of September 19 [2016] against the electoral commission’s failure to convoke presidential elections three months before the end of President Kabila’s mandate, as called for by the constitution: Moïse Moni Della: President of the opposition party Nature Conservationists and Democrats (CONADE), arrested in the morning of September 19, 2016, as he was going to the demonstrations. Soldiers beat him as they arrested him. He was later accused of having incited acts of pillage. He remains in prison and his trial is ongoing; Bruno Tshibala: Deputy Secretary-General of one of the leading opposition parties Union for Democracy and Social Progress (UPDS) and spokesperson of the opposition coalition Rassemblement. Immigration officials arrested him at Kinshasa’s international airport when he was attempting to board a plane for Brussels on October 9, 2016. He remains in prison and has been accused of plotting to commit a massacre and acts of pillage and destruction, charges that appear politically motivated. His trial is ongoing.” (HRW, 16 November 2016)

Several media reports published on 19 September 2016 mention violent clashes in Kinshasa. (At least) 17 people were killed. (RFI, 19 September 2016; La Dépêche, 19 September 2016; Libération, 19 September 2016; France 24, 19 September 2016)

The UN Secretary-General in his report to the UN Security Council published in October 2016 gives the following overview of the events of 19 and 20 September 2015 in Kinshasa and mentions the arrests of “approximately 299 demonstrators, journalists and human rights defenders across the country.” The report further notes that “at least 49 people, including at least one police officer, were killed and 127 people were injured” according to investigations by MONUSCO:

“On 19 September [2016], opposition supporters held demonstrations in several cities across the Democratic Republic of the Congo, following calls by the Rassemblement for the holding of elections in November and demanding that the President of the Democratic Republic of the Congo step down by 19 December. Demonstrations in Kinshasa deteriorated into violence, with the police firing live ammunition and tear gas at demonstrators who reportedly tried to divert from the agreed itinerary and pelted stones

at the police. The headquarters of several political parties affiliated with the Majorité présidentielle, including a local headquarters of the Parti du peuple pour la reconstruction et la démocratie, the President's party, were set ablaze. According to investigations conducted by MONUSCO, at least 49 people, including at least one police officer, were killed and 127 people were injured, while security forces arrested approximately 299 demonstrators, journalists and human rights defenders across the country. On 20 September in Kinshasa, the headquarters of the Union pour la démocratie et le progrès social, the Mouvement de libération du Congo and the Forces novatrices pour l'union et la solidarité were attacked. Three people were killed and six were wounded when the headquarters of the Union pour la démocratie et le progrès social was set ablaze. Two government buildings were also reportedly vandalized and set ablaze." (UN Security Council, 3 October 2016, p. 4-5)

In September 2016, violent protest erupted in Kinshasa, the USDOS reports in its country report on human rights practices covering the year 2016. The violence included attacks on ruling and opposition party offices. During the night of 19 to 20 September, security forces attacked the party headquarters of the New Forces for Union and Solidarity and the Union for Democracy and Social Progress (UDPS) in Kinshasa, killing up to 11 civilians in the latter attack:

"On September 19-20, protests erupted in Kinshasa over the government's failure to organize presidential elections in accordance with the constitution. Originally intended as peaceful protests authorized by the government, the demonstrations devolved into violence and looting. [...] The violence also included attacks on numerous ruling and opposition party offices. For instance, a satellite office of the ruling People's Party for Reconstruction and Democracy (PPRD) was attacked and damaged along with two PPRD youth offices in Kinshasa. Three offices of parties in the Presidential Majority coalition were also looted, and some banks and government buildings were looted and burned. During the night of September 19-20, SSF [state security forces] attacked the New Forces for Union and Solidarity and Union for Democracy and Social Progress (UDPS) party headquarters in Kinshasa with RPGs [rocket-propelled grenades] and grenades. They 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 blocked efforts to extinguish the fires and prevented civilians burned during the attack on UDPS headquarters from seeking medical attention." (USDOS, 3 March 2017, section 3)

HRW reports that in September 2016 "security forces killed at least 66 protesters and possibly many more in the capital, Kinshasa. Some of these victims burned to death when the Republican Guard presidential security detail attacked opposition party headquarters. The bodies of many victims were taken away by security forces; some were dumped into the Congo River and later found washed up on its shores." (HRW, 29 November 2016)

The USDOS notes that after "opposition protests in September, the government banned all public gatherings in most major cities, and SSF [state security forces] shut down subsequent peaceful protests and arrested participants." The USDOS mentions further arrests in October 2016:

“[O]n October 29, SSF arrested eight activists from the group Filimbi for staging a peaceful sit-in outside the African Union offices in Kinshasa. The Kinshasa governor’s office issued a press release on October 31 announcing it would continue to enforce the ban on public gatherings and demonstrations in order ‘to guarantee the tranquil and serene conditions necessary for communal life, tolerance, and democratic values.’” (USDOS, 3 March 2017, section 2b)

The UN Secretary-General in his report published in December 2016 indicates the banning of opposition rallies in November 2016:

“In Kinshasa, the Governor reiterated the ban on public political activities in force since 22 September. On 5 November, a strong police presence prevented an opposition rally from being held in the capital. The Rassemblement issued a press release to postpone the rally to 19 November, with a view to ensuring calm in anticipation of the visit by the Security Council from 11 to 13 November and to allowing mediation efforts by the Episcopal Conference to proceed. On 19 November, opposition protests were again prevented from being held.” (UN Security Council, 29 December 2016, p. 2)

The USDOS also mentions arrests of activists and civilians in September and December 2016:

“The SSF also arbitrarily arrested numerous civil society activists and civilians following protests in Kinshasa in September and December, often holding them incommunicado and without charge for extended periods.” (USDOS, 3 March 2017, section 1d)

An article published in African Arguments, a project run by the British Royal Africa Society, notes that on 19 December 2016 – the formal end of president Kabila’s rule – “things remained relatively calm in most of the Democratic Republic of Congo. This had much to do with the massive deployment of security forces, which had a dramatic intimidation effect on Congo’s population. Campaigners say over a hundred people were detained in the few days running up to the end of Kabila’s mandate, and that a hundred more have been arrested since.” (African Arguments, 21 December 2016)

Jeune Afrique, a French-language pan-African weekly news magazine, notes in an article published on 18 November 2016 that at least four youth leaders of an opposition coalition were arrested in Kinshasa. A police speaker declared they were arrested for possession of flyers calling for a revolt against the authorities. The director of the United Nations joint human rights office, José-Maria Aranaz, said his office is investigating the alleged arrest of six opposition members in Kinshasa:

“Alors qu'une manifestation contre Joseph Kabila est prévue samedi à Kinshasa, les forces de l'ordre ont interpellé au moins quatre dirigeants des jeunes d'une coalition d'opposition ce vendredi. [...]

« Ces jeunes ont été pris en flagrant délit en possession de tracts appelant à la révolte contre les autorités dans leur voiture », a déclaré le colonel Pierrot-Rombaut Mwanamputu, porte-parole de la police. « Les quatre hommes ont été transférés quelque part », a-t-il ajouté sans plus de précision, alors qu’on lui demandait s’ils étaient

acheminés vers le parquet. Le directeur du Bureau conjoint de l'ONU aux droits de l'Homme, José-Maria Aranaz, a indiqué que son bureau procédait à la vérification sur les allégations d'arrestation de six membres de l'opposition hier soir à Kinshasa." (Jeune Afrique, 18 November 2016)

The human rights organization Amnesty International (AI) notes that Musasa Tshibanda of LUCHA was released on 8 February 2017. He had been detained since 16 December 2016 together with another activist named Gloria Senga:

"Musasa Tshibanda, an activist from the youth movement Lutte pour le Changement (LUCHA) in the Democratic Republic of Congo (DRC), was released on 8 February. He was not charged. He had been in incommunicado detention [in Kinshasa] since 16 December 2016 when he was arrested together with another activist, Gloria Senga." (AI, 14 February 2017)

In a report published February 2017, the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) provides the following overview of human rights violations in the context of the events of 19 December 2016:

"Most victims of human rights violations were civilians who were killed, wounded, arbitrarily arrested or illegally detained for demonstrating, or planning to demonstrate, against President Kabila remaining in office. However, UNJHRO [United Nations Joint Human Rights Office] documented a high number of human rights violations targeting opposition leaders, civil society activists and journalists and other media workers.

UNJHRO has documented worrying cases of intimidation and harassment by defence and security forces against members and supporters of opposition political parties particularly those of the Rassemblement, including arbitrary arrests, illegal detention, and violations of the right to physical integrity.

On 19 December [2016], in Kinshasa, soldiers of the Republic Guards arrested at least 16 MLP [Mouvement lumumbiste progressiste] members, including their President and member of the national parliament, Franck Diongo. Mr. Diongo was allegedly arrested for having neutralized, held and beaten three soldiers of the Republican Guard who had tried to enter into his residence. Following MONUSCO intervention, Franck Diongo and his sympathizers released the three soldiers. After MONUSCO had left, several soldiers of the Republican Guard attacked Mr. Diongo's residence and arrested him and 15 MLP members, before looting and damaging the residence. In the following days, the 15 MLP members were sent to Tshatshi military camp where they were subjected to torture by soldiers of the Republican Guard. They were later transferred to Makala prison. Franck Diongo was detained at the Etat-major du renseignement militaire where he was subjected to cruel, inhumane or degrading treatments, then transferred on the same night to the Police judiciaire and the Parquet général de la République and finally to Makala prison. On 28 December 2016, after he received medical treatment, the Supreme Court of Justice convicted him, during a flagrante delicto procedure, to five years of imprisonment for aggravated arbitrary arrest and illegal detention." (MONUSCO, February 2017)

The French international broadcaster Radio France Internationale (RFI) in an article published December 2016 also reports on the conviction of the leader of the Mouvement lumumbiste progressiste (MLP), Franck Diongo Shamba. He was prosecuted for arbitrarily detaining three soldiers of the Republican Guard:

“L’opposant Franck Diongo Shamba a été condamné mercredi 28 décembre 2016 à cinq ans de prison ferme par la Cour suprême de justice, faisant office de Cour de cassation. Le député et leader du Mouvement lumumbiste progressiste était poursuivi pour arrestation et détention arbitraires de trois militaires de la garde républicaine. Le verdict est tombé après le départ des avocats qui avaient dénoncé, séance tenante, l’arbitraire de la Cour dont ils reniaient la compétence. L’audience a été très mouvementée.” (RFI, 29 December 2016)

3 Situation of individuals who provide services to politicians or public figures

An article by Jeune Afrique published in November 2016 mentions the arrest of five members of the citizen movement „Filimbi“ and their driver on 29 October 2016. All persons were released on November 2, 2016, however proceedings continue:

“Cinq militants du mouvement citoyen Filimbi arrêtés samedi 29 octobre à Kinshasa ont été relâchés sous caution ce mercredi soir. Soit quelques heures après la libération d'un autre membre du même mouvement arrêté pour ‘espionnage’ en RDC [République démocratique du Congo], a-t-on appris mercredi auprès de l'organisation. ‘Nous avons tous été libérés ce soir [mercredi 2 novembre]. Nous sommes convoqués le 9 novembre’, mais ‘les enquêtes doivent se poursuivre’, a déclaré à la presse Carbonne Beni wa Beya, l'un des cinq militants de Filimbi arrêtés samedi 29 octobre, en même temps que leur chauffeur.” (Jeune Afrique, 2 November 2016)

In September 2015 Radio Okapi reports on the trial against police officers accused of murdering the human rights defender Floribert Chebeya and his driver Fidèle Bazana. The body of Fidèle Bazana has never been found:

“La Haute cour militaire a rendu jeudi 17 septembre le verdict du procès des policiers accusés du double assassinat des défenseurs des droits de l'homme Floribert Chebeya et Fidèle Bazana. Condamné à la peine capitale au premier degré, le colonel Daniel Mukalayi écope cette fois de 15 ans de prison. La cour a estimé qu'il bénéficie des circonstances atténuantes. Quatre policiers ont été acquittés. Le condamné devra purger 10 ans de servitude, étant donné qu'il a déjà passé 5 ans en prison. Au premier procès, la cour militaire de Kinshasa l'avait condamné à mort pour assassinat de Floribert Chebeya, arrestation et détention arbitraire de son chauffeur Fidèle Bazana, dont le corps n'a jamais été retrouvé.” (Radio Okapi, 18 September 2015)

RFI in April 2017 also mentions the murder of Floribert Chebeya and his driver, Fidèle Bazana, in Kinshasa, which occurred in 2010:

“Inculqué et interrogé par le juge il y a plus de deux ans, ce témoin essentiel dans le dossier des assassinats, en RDC, en 2010 du défenseur de droits de l'homme Floribert Chebeya et de son chauffeur Fidèle Bazana, n'a pour le moment, aucune nouvelle de la justice sénégalaise qui a été saisi en vertu de la compétence extraterritoriale.” (RFI, 1 April 2017)

No further information could be found on the subject of the situation of individuals who provide services to politicians or public figures specifically in Kinshasa.

The following sources report on countrywide incidents involving individuals providing services to politicians and other public figures:

IPS News in March 2017 reports that two UN experts, their interpreter and three drivers went missing on 12 March 2017 in the Kasai-Central province. The two UN experts were later found dead:

“The bodies of two UN experts have been found in the Democratic Republic of Congo (DRC) two weeks after their team went missing. Among the remains found were American Michael Sharp and Swede Zaida Catalan who were members of the U.N. Group of Experts which reports to the Security Council on the Congolese conflict, arms trafficking, rights abuses, and crimes against humanity. The two experts along with their interpreter and 3 drivers went missing on 12 March while investigating violence and alleged human rights abuses outside of the city of Kananga in the Kasai-Central province.” (IPS News, 30 March 2017)

In an article published on 25 April 2016 Jeune Afrique notes that the police used tear gas and live bullets to disperse a crowd that marched together with opposition politician Moïse Katumbi in Lubumbashi. Several people were injured and others arrested, including drivers and other members behind the crowd:

“Les forces de l'ordre ont dispersé dimanche une foule compacte qui marchait autour de l'opposant Moïse Katumbi à Lubumbashi, dans le sud de la RDC. [...] À 100 mètres du lieu du meeting, les forces de l'ordre ont alors tiré des gaz lacrymogènes et des balles réelles en l'air. La foule s'est dispersée dans la confusion. Plusieurs personnes ont été blessées, d'autres arrêtées. « Y compris des chauffeurs et autres membres du cortège restés derrière la foule », indique une source sécuritaire de la Monusco sur place.” (Jeune Afrique, 25 April 2016)

Another Jeune Afrique article, published on 26 April 2016 also reports that several other close affiliates of Moïse Katumbi, including his private secretary, drivers and bodyguards, have been arrested in Lubumbashi:

“Ancien directeur de cabinet, gardes de corps, chauffeurs, fils d'un cadre du G7... Plusieurs proches de Moïse Katumbi, fraîchement passé à l'opposition, ont été arrêtés ces derniers jours à Lubumbashi. Certains, y compris un ressortissant américain, ont été transféré lundi à Kinshasa. La tension est montée d'un cran à Lubumbashi, dans le sud de la RD Congo. Au refus catégorique de l'ancien gouverneur de l'ex-Katanga de participer au dialogue politique convoqué par le président Joseph Kabila, le régime en place répond par des perquisitions, menaces, interpellations et arrestations de ses proches.” (Jeune Afrique, 26 April 2016)

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