



## RESPONSES TO INFORMATION REQUESTS (RIRs)

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3 February 2006

### **COD101014.FE**

Democratic Republic of Congo: Incidence and accessibility of fraudulent identity, administrative and legal documents (February 2006)  
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

This response addresses passports, identity cards and birth, marriage and death certificates, as well as some legal documents. No information on other administrative and legal identity documents issued in the Democratic Republic of Congo (DRC) could be found among the sources consulted by the Research Directorate.

#### **1. Passport**

According to *Documents d'identité*, a report from a May 2004 joint mission to the DRC by the Commissioner General for Refugees and Stateless Persons (Commissariat général aux réfugiés et apatrides, CGRA), the French Office for the Protection of Refugees and Stateless Persons (Office français de protection des réfugiés et apatrides, OFPRA) and the Swiss Federal Office for Refugees (Office fédéral des réfugiés, ODR), Congolese passports are generally obtained by corrupt means (see also *Country Reports 2004*, 28 Feb. 2005, Sec. 2.d) and the official procedure through the ministry of foreign affairs is [translation] "often circumvented" (Projet ARGO July 2004a, 4). That same report explains the following:

[translation]

Four photos and approximately \$150 is enough to obtain a passport under the name of your choice from the ministry. More money can get you more stamps. An established false passport will help you obtain an authentic passport (the same is true for diplomatic passports). An authentic passport is not necessarily an accurate representation of reality, in that a person may obtain an authentic document and then switch the photograph or change the name (Projet ARGO July 2004a, 4).

#### **2. Identity card**

According to some sources, corruption makes counterfeit Congolese identity cards easy to obtain (UK Oct. 2005, Sec. 6.227; see also Projet ARGO July 2004a, 5). Referring to identity cards issued in the DRC, *Documents d'identité* states the following:

[translation]

As a result of a supply shortage, particularly a lack of paper, identity cards are not always printed on official forms. Authorities sometimes have to issue identity cards on unofficial paper, for example, writing over expired cards. It is of note that the old identity cards (green accordions established under Mobutu) are no longer present in Kinshasa. Workshops in the Kalamu district of Kinshasa specialize in "recycling" old identity cards. In fact, when mission participants visited that district, they saw, near the entrance to the police station and in plain sight, a workshop for making identity cards (and other documents), and only a few metres away was the photographer's shop, which printed laminated portraits ready to be affixed to the cards . . .

Currently, however, certificates issued when reporting lost pieces of identification stand in for officially authorized documents and can take many forms. They are often issued on the basis of a simple statement, with no verification, and allow the holder, for instance, to cross the border into Brazzaville (together with a pass issued by the DGM in five minutes for five dollars). False identification, much like passports, is widespread and diverse. It ranges from authentic documents issued by the authorities on the wrong materials and/or with the wrong name and/or with a false photograph to completely made-up forgeries (Projet ARGO July 2004a, 5).

### **3. Birth, marriage and death certificates**

An October 2005 report from the United Kingdom Immigration and Nationality Directorate, citing the British ambassador to the DRC, indicates that birth, marriage and death certificates "can be easily obtained by bribing the relevant officials, or by forgery" (Sec. 6.227). The report adds that there is no national registry in which to house copies of those documents (UK Oct. 2005, Sec. 6.229).

A representative from Héritiers de la justice, a non-governmental human rights organization in Bukavu, the county seat of the province of South Kivu, provided the Research Directorate with the following information on the issuance of birth certificates in the DRC in 14 January 2006 correspondence:

[translation]

Birth certificates are issued no more than 30 days after birth, and in the same area (district or territory) as the birth. However, they may be obtained elsewhere within that period. Once that time has passed, the additional step of a court ruling is required [to obtain a birth certificate]. ... In Congo, no computerized national or provincial data on birth certificates exist.

The Héritiers de la justice representative, reached by telephone in Bukavu that same day (14 Jan. 2006), explained that he was not aware of the percentage of false birth certificates in circulation but that, given the local authorities' lack of financial resources, corruption is often used to obtain administrative documents, including birth certificates.

### **Legal documents**

According to *Organisation judiciaire et documents judiciaires en République démocratique du Congo*, another Projet ARGO report from a May 2004 joint mission to the DRC, the principal legal documents issued in the DRC are subpoenas, summons to appear, bench warrants, provisional arrest warrants, arrest warrants, search warrants, provisional release orders, sentences of dismissal and release forms (Projet ARGO July 2004b, 19).

The same report however indicates that there are no [translation] "unique properties" in the legal documents and that [translation] "legitimate validation of the documents would only be possible by working with DRC legal authorities from the time the cases enter the system" (Projet ARGO July 2004b, 18). The mission report also explains that, with the exception of a subpoena, which remains in the possession of the person charged, other documents, such as the summons to appear, the bench warrant, the provisional arrest warrant, the arrest warrant and the search warrant, remain with legal authorities and comprise the case file, which, in theory, is classified (Projet ARGO July 2004b, 19-20; see also UK Oct. 2005, Sec. 6.236). However, the report adds that, because of corruption, it would not be impossible for a defendant to buy any of those documents (Projet ARGO July 2004b, 19-20).

The authors of *Documents d'identité*, citing people interviewed during their mission, agree that [translation] "it is difficult to be trustful of an identity document from the DRC, because any type of document can be obtained for a price" (Projet ARGO July 2004a, 5).

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 additional sources consulted in researching this Information Request.

#### References

*Country Reports on Human Rights Practices for 2004*. 28 February 2005. "Congo, Democratic Republic of the." United States Department of State. <<http://www.state.gov/g/drl/rls/hrrpt/2004/41597.htm>> [Accessed 30 Jan. 2006].

Héritiers de la justice. 14 January 2006. Correspondence from a representative.

\_\_\_\_\_. 14 January 2006. Telephone interview with a representative.

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United Kingdom (UK). October 2005. Home Office Science and Research Group, Immigration and Nationality Directorate (IND). *Country Report: Democratic Republic of the Congo*. <<http://www.homeoffice.gov.uk/rds/pdfs05/Documents>> [Accessed 2 Feb. 2006].

#### Additional Sources Consulted

**Publications:** *Africa Confidential*, *Africa Research Bulletin*, *L'Afrique des Grands lacs: Annuaire 2004-2005*, *Jeune Afrique/L'Intelligent*, Resource Centre country file.

**Internet sites, including:** AllAfrica.com, Amnesty International, BBC News, *CIA World Factbook*, European Country of Origin Information Network (ECOI.net), Factiva, Freedom House, Human Rights Watch (HRW), IDP report of Norwegian Refugee Council, International Crisis Group (ICG), International Federation of Human Rights Leagues (FIDH), Migration News, Minorities at Risk Project, Relief Web, UNHCR, United Kingdom Immigration and Nationality Directorate (IND), United Nations Security Council, US Committee for Refugees and Immigrants, United States Department of State.

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