

Immigration and Refugee Board of Canada

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Responses to Information Requests

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13 May 2014

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Republic of the Congo: Treatment by the authorities of political opponents, including of militants and members of the Pan-African Union for Social Democracy (Union panafricaine pour la démocratie sociale, UPADS) (2009-April 2014)

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1. Overview of the Political Situation in the Republic of the Congo

Sources state that the Republic of the Congo is not a true electoral democracy (Bertelsmann Stiftung 2014; Freedom House 2013; Australia 24 Feb. 2011, 2). Bertelsmann Stiftung, a German foundation that evaluates the quality of democracy, the market economy and political management in 128 developing countries (including the Republic of the Congo) through its Transformation Index (Bertelsmann Stiftung n.d.), alleges that, in practice, the political system of the Republic of the Congo is controlled by the party in power (ibid. 2014). The US Department of State's *Country Reports on Human Rights Practices for 2013* reports that, although the country has a multiparty political system, the president's party and its allies won 95 percent of the seats during the legislative elections in summer 2012 and they occupy most of the senior government positions (US 27 Feb. 2014, 1).

Bertelsmann Stiftung considers the electoral body to be dominated by the regime in power and describes elections in the Republic of the Congo as "forced consent to the regime" (Bertelsmann Stiftung 2014). There is no independent electoral commission in the country (ibid.; Freedom House 2013). Sources state that the elections are regularly reported for their irregularities (ibid.; US 27 Feb. 2014, 1, 16; Bertelsmann Stiftung 2014). According to sources, the voter participation rate ranges between 10 and 20 percent (US 27 Feb. 2014, 16; Bertelsmann Stiftung 2014).

Freedom House adds that opposition groups boycott the elections (Freedom House 2013). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints for this Response.

2. Situation of Opposition Parties and Their Treatment by the Authorities

Corroborating sources state that there are over 100 opposition parties in the Republic of the Congo and that the opposition is "weak and fragmented" (ibid.; Bertelsmann Stiftung 2014).

According to Bertelsmann Stiftung, the multiparty system is "heterogeneous and fragile"; the opposition is unable to challenge the government by reason of a lack of resources, organization, personnel, and media coverage, as well as internal friction; the regime of President Denis Sassou-Nguesso co-opted some small opposition groups; and the opposition parties are largely regional and are less present at the national level (ibid.). The German foundation adds that the civic organizations and opposition parties have limited power and that they have influence only if they work within the framework imposed by the regime (ibid.). Corroborating

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

According to Freedom House, most of the political parties have an ethnic component (Freedom House 2013). A report by the Refugee Review Tribunal of Australia confirms that, although some ethnic groups in the Republic of the Congo align themselves with particular politicians, it would be "simplistic" to describe the Congolese political system as divided along ethnic lines (Australia 24 Feb. 2011, 3). Nevertheless, according to sources, the Mbochi ethnic group, to which President Sassou-Nguesso belongs, has a dominant political and military presence in the country (Freedom House 2013; Bertelsmann Stiftung 2014).

According to *Country Reports for 2013*, the political, social and economic organizations are required to register with the authorities (US 27 Feb. 2014, 13). According to that same source, this registration is "sometimes" subject to political influence, and the process is even slower for groups who criticize the government (ibid.).

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

According to Bertelsmann Stiftung, freedom of expression and access to media is limited for critics of the regime (2014). According to Freedom House, some opposition parties complained about difficulties accessing state media during the legislative elections of summer 2012 (Freedom House 2013). Freedom House states that most citizens get their news from local broadcast sources because there are no nationwide radio or television stations and the only daily newspaper is published by the state (ibid.). According to Bertelsmann Stiftung, the regime and its loyalists control the major television stations, and the political parties are not permitted to have their own radio or television programs (Bertelsmann Stiftung 2014).

Bertelsmann Stiftung states that the judicial system is compliant to the regime in power, that politically motivated judgments are handed down "[f]rom time to time" against regime opponents and that those who criticize corruption are more likely to be convicted than the corrupt politicians (ibid.). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

In its report entitled *La situation des droits humains dans le monde*, Amnesty International (AI) states that [AI English version] "[g]overnment critics were denied freedom of expression and detained for several months" in the Republic of the Congo (AI 2013). According to AI, the vice-president of the Congolese People's Party (Parti du peuple congolais) was arrested in April 2012; he was accused of insulting President Sassou-Nguesso and threatening him with death after launching a petition calling for his resignation (ibid.). According to that same source, he was granted provisional release in September 2012; at the end of the year, no formal charges had been brought against him but he was [AI English version] "prevented from travelling abroad or carrying out any political activities" (ibid.). According to AI, in July 2012, the bodyguards of a government minister and legislative elections candidate beat a suspected supporter of another candidate and detained and beat the wife and children of another suspected supporter of the opposition (ibid.).

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

According to *Country Reports for 2013*, the authorities did not subject opposition parties to restrictions in 2013, unlike the previous year, when opposition parties encountered restrictions with regard to the right to organize before, during and after the elections (US 27 Feb. 2014, 16). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

3. Treatment by the Authorities of Militants and Members of the Pan-African Union for Social Democracy (Union panafricaine pour la démocratie sociale, UPADS)

UPADS is described as one of the major opposition parties in the Republic of the Congo (US 27 Feb. 2014, 16; Bertelsmann Stiftung 2014). UPADS is the only opposition party represented in parliament (Bertelsmann Stiftung 2014), with seven seats in the National Assembly (ibid.; US 27 Feb. 2014, 1,16). According to sources, support for UPADS is found primarily in the departments of Niari, Bouenza and Lekoumou, in the southern region of the country (Bertelsmann Stiftung 2014; Australia 24 Feb. 2011, 4).

According to Bertelsmann Stiftung, Pascal Lissouba, the UPADS founder and President of the Republic of the Congo from 1992 to 1997, was in exile for 15 years before being pardoned, but spends "little time" in the country (2014).

According to Freedom House, the candidacy of Ange Edouard Pongui, then leader of UPADS, was rejected in the presidential election of 2009 (Freedom House 2011). Sources state that following that election, authorities limited the movement of opposition party representatives (Australia 24 Feb. 2011, 7; Freedom

House 2011; UN 13 Oct. 2009). According to sources, UPADS Secretary-General Tsaty Mabilia and the former prime minister, Ange Edouard Pougui, were subjected to restrictions on their freedom of movement (Australia 24 Feb. 2011, 7; UN 13 Oct. 2009). According to an article from the United Nations' Integrated Regional Information Networks, after the July 2009 presidential election, Ange Edouard Pougui stated that [UN English version] "many of [the UPADS'] activities have been banned" and that security officials had prevented several of the party's meetings from taking place (UN 13 Oct. 2009).

More recent information on the treatment of militants and UPADS members by the authorities 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.

References

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Additional Sources Consulted

Oral sources: Attempts to contact the following organizations were unsuccessful: Comité national des droits de l'homme, Observatoire congolais des droits de l'homme.

Internet sites, including: Afriqueinfo; Agence d'information d'Afrique centrale; AllAfrica; Congopage; Congo-Site; *Les Dépêches de Brazzaville*; ecoi.net; *The Economist*; Factiva; France – Cour nationale du droit d'asile; Human Rights Watch; Ireland – Refugee Documentation Centre; *Jeune Afrique*; *Journal de Brazza*; Koaci; United Kingdom – Home Office; United Nations – Refworld; *Political Handbook of the World*; Radio-France internationale.

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