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RRT RESEARCH RESPONSE

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Questions
1. Please provide brief information and distances between Kinshasa, Matadi, Lukala, Uige (Congo) and Luanda (Angola).
2. Please provide any information concerning incidents of violence and deaths of opposition supporters or other anti-government groups in March 2007?
3. Please provide information on the Movement for the Liberation of Congo (MLC) and current political situation. Also provide any relevant information on the treatment of members 2007 and subsequently.
4. Is there any information concerning the existence of the Penitentiary and Re-education Centre of Kinshasa? Is this located near a river where crocodiles are found?
5. Angolan passport and exit process

RESPONSE

1. Please provide brief information and distances between Kinshasa, Matadi, Lukala, Uige (Congo) and Luanda (Angola).

Kinshasa is the capital city of the Democratic Republic of Congo, the third largest country in Africa, with a population of approximately 8 million people (US Department of State 2009, *Background Note: Democratic Republic of the Congo*, September, http://www.state.gov/r/pa/ei/bgn/2823.htm - Accessed 23 November 2009 – Attachment 1). The city lies on the Congo River directly opposite the capital city of Brazzaville of the country with which it is sometimes confused, the Republic of Congo. The distance across the river is approximately 4 kilometres and ferry transport is available. A new bridge is proposed.

Matadi is a small port town in the province of Bas-Congo, linked to Kinshasa by a paved road and railway line and with a population of about 235,000. According to Distance Calculator website, the road distance is between 304 and 330 kilometres and the distance from Matadi to Lukala is between 143 and 155 kilometres. Uige is a small town in the northwestern Angolan province of the same name and is between 277 and 300 kilometres approximately from the capital Luanda (Distance Calculator website 2009, http://distancecalculator.globefeed.com/Congo_(Kinshasa)_Distance_Calculator.asp – Accessed 23 November 2009 – Attachment 2).

2. Please provide any information concerning incidents of violence and deaths of opposition supporters or other anti-government groups in March 2007?
3 Please provide any information on the Movement for the Liberation of Congo (MLC) and current political situation. Also provide any relevant information on the treatment of members 2007 and subsequently.

The Movement for the Liberation of the Congo (Mouvement de libération du Congo or Mouvement de Liberation Congolais) was formed in 1998 from troops from the former Zairian Armed Forces (FAZ) and the Special Presidential Unit (DSP) of the late dictator Mobutu Sese Seko's regime, some Congolese soldiers from the Republic of Congo and other recruits from the northwest (Equateur Province) (ISS, 'Democratic Republic of Congo – Security Information 2005, http://www.iss.co.za/Af/profiles/DRCongo/SecInfo.html - Accessed 19 November 2009 – Attachment 3).

The group was originally backed by support from Uganda and led by a former businessman Jean-Pierre Bemba. According to the entry in the *Political Handbook of the World*, some initial successes resulted in its affiliation with one of the Rwandan factions of the Congolese Rally for Democracy (RCD) in 1999. Resulting conflict between Rwanda and Uganda ended that alliance and as a consequence of the peace accord of December 2002 in Pretoria it became a member of the transitional government (see e.g. 'Democratic Republic of the Congo: Timeline: Democratic Republic of Congo 2008, *BBC*, 30 April - Attachment 4).

> Like the other major rebel groups, the MLC participated in the Inter-Congolese National Dialogue and signed the Pretoria Accord. MLC fighters were subsequently integrated into the national security forces, and the party became a member of the transitional government. MLC leader Bemba was sworn in as one of four vice presidents for the DRC on July 17, 2003, and the MLC was given equal representation with the RCD-Goma and the opposition alliance in the cabinet and the transitional legislature ('Democratic Republic of the Congo' *Political Handbook of the World*, 2009, http://library.cqpress.com/phw/document.php?id=phw2009_DemocraticRepublicoftheCongo&type=toc&num=13 – Accessed 19 November 2009 – Attachment 5).

It became a political party on 7 April 2003 and is purportedly a socialist organisation, advocating social justice and nationalism (H. Kabungulu Ngoy-Kangoy 2006, *Parties and Political Transition in the Democratic Republic of Congo*, EISA, Richmond, Johannesburg, p. 51 – http://www.eisa.org.za/EISA/publications/caterr.htm - Accessed 20 November 2009 - Attachment 6).

Bemba himself derives from a wealthy family whose sister is married to the former leader Mobutu's son and according to a 2006 *IRIN News* report, he owned Canal Congo TV, Canal King TV and Radio Liberte ('DRC:Profile: Jean-Pierre Gombo Bemba - Mouvement de libération du Congo' 2006, *IRIN News*, 23 August, http://www.irinnews.org/Report.aspx?ReportId=60440 – Accessed 19 November 2009 – Attachment 7).

In the lead up to the first democratic elections since independence which were held in July and October 2006, a number of violent incidents involving police and Republican Guards and the MLC occurred. Fuller details and analyses of these conflicts, their causes and the alliances which were formed during that year are provided in reports by numerous agencies including International Crisis Group and Human Rights Watch (International Crisis Group 2007, *Congo – Consolidating the Peace*, 5 July - Attachment 8; Human Rights Watch 2008, *We Will Crush You. The Restriction of Public Space in the Democratic Republic of Congo*, November - Attachment 9). As reported by the Human Rights Watch report, the two leaders did not themselves publicly campaign 'during the runoff because each feared the possibility of assassination by the other side. Both candidates stayed away from rallies and other public functions, providing for minimal debate or scrutiny of their policies' (p. 20). The run-off election produced a clear result, with Kabila winning 58.05% and Bemba 41.95% of the presidential vote respectively. The National Assembly election for 500 seats in July of that year had resulted in MLC winning 64 seats and Kabila's People's Party for Reconstruction and Democracy 111 ('Elections in Congo-Kinshasa [Democratic Republic of the Congo]'2007, African Elections Database, http://africanelections.tripod.com/cd.html - Accessed 19 November 2009 – Attachment 10).

On 13th November 2006, Kabila decreed that the vice-presidents (i.e. including Bemba) would be required to have their guards integrated into the army 'while allowing each an escort of only twelve police' (ICG op cit. p 11). An *IRIN News* report of 24 November 2006 described a degree of tension in Kinshasa as a result of both the presidential order to reduce the number of guards and the incident at the Supreme Court earlier that week which had seen a protest about alleged electoral fraud;

> Residents have remained near their homes; those going to work or the market in the city have hurried home earlier than usual. Police and army units manned strategic locations in this city of about seven million as an army truck begun on Thursday to take Bemba's guards to his other stronghold at Maluku, 80 kms northeast of Kinshasa.
>
> "It is the first truck but the movement will continue," Lt-Gen Kisempia Sungilanga, commander of the Congolese armed forces, said.
>
> Vice-President Azarias Ruberwa, in charge of the government's Political Affairs and Defence Committee, said: "If such action would help restore peace in this city, it must be applied."
>
> Bemba's spokesman, Moise Musangana, said the removal of some guards was merely "a routine rotation".
>
> News agencies reported that Kabila had written to Bemba asking him to remove troublesome elements among his guards from the capital. This followed the partial burning of the Supreme Court and shooting on Tuesday between the police and Bemba's supporters. The riot halted a hearing into an allegation of electoral fraud filed by Bemba and his Union pour la Nation coalition.

> "We cannot tolerate armed people in civilian clothes parading around town. We will not tolerate an insurrection," Admiral Liwanga Mata Nyamunobu, the Kinshasa City governor, said ('DRC: Tension rises after Bemba told to remove guards' 2006, *IRIN News*, 24 November http://www.irinnews.org/Report.aspx?ReportId=61645 – Accessed 19 November 2009 - Attachment 11).

The article referred to Bemba aides claiming he had about 1,000 guards, compared with the President's 15,000. The standoff continued into 2007, as a *Reuters* report from 21 March described;

> U.N. forces deployed armoured vehicles and hundreds of peacekeepers near Bemba's residence in Democratic Republic of Congo's riverside capital Kinshasa on Tuesday to try to prevent clashes between government soldiers and armed Bemba loyalists.
>
> President Joseph Kabila's government last week ordered Bemba's forces to begin integrating into the national army or disband after landmark elections in 2006 ended a three-year transition during which he served as a vice-president.
>
> "Our troops will not move until measures are taken to assure his security," Fidel Babala, a top advisor to Bemba, told journalists. "There have been several attempts to kill him."
>
> Dozens died last year when Bemba's forces and government soldiers twice clashed during presidential elections eventually won by Kabila in the vast, mineral-rich central African country.
>
> The polls were meant to herald a new era in the former Belgian colony following a devastating 1998-2003 war that killed an estimated four million people through conflict related violence, hunger and disease.

The Bemba adviser who is quoted in the report made comments which turned out to be prescient, given the level of violence and the hundreds of deaths - the precise number is not known - which occurred immediately afterwards;

> Babala said Bemba has the right to an 'appropriate personal guard' according to a previous UN-brokered deal signed in October, which was meant to avoid further violence between supporters of the two candidates then.
>
> "In this same street 47 years ago a prime minister was kidnapped," said Babala, referring to the disappearance and murder of Congolese independence icon Patrice Lumumba.
>
> "The UN was there at the time. We are not going to allow history to repeat itself," he said.
>
> Peacekeepers from Congo's U.N. mission, known by its French acronym MONUC, remained in place Wednesday as diplomats attempted to push the two sides to end the standoff peacefully ('Congo ex-rebel leader's forces defy order to disarm' 2007, *Reuters*, 21 March, http://uk.reuters.com/article/idUKL21502910._CH_.242020070321 - Accessed 19 November 2009 – Attachment 12).

The ICG report referred to above summarised the events as follows:

> Hardliners on both sides were left free to operate, leading to a two-day military confrontation in the streets that produced some of the worst fighting in Kinshasa's history. Although official figures remain unavailable, at least 400 soldiers and civilians were probably killed and 250 injured,61 while thousands of children were trapped in schools, before Bemba's troops

> surrendered, and he took refuge in the South African embassy. The government accused the opposition of planning to destabilise the state and refused to acknowledge any responsibility of its own,62 though the Presidential Guard used very violent means to quash resistance, including shelling and attacking several diplomatic premises (International Crisis Group 2007, *Congo – Consolidating the Peace*, 5 July, p. 11 - Attachment 8).

The fighting began on 22nd March;

> Around midday on March 22, 2007, Bemba's guards and government soldiers exchanged fire. It is not clear who fired the first shot. Within an hour a full-scale battle erupted on Kinshasa's main avenue, the Boulevard de 30 Juin, and raged for three days, engulfing other parts of central Kinshasa and trapping tens of thousands of people at their workplaces, schools, and homes. MONUC military officers estimated that some 2,600 soldiers, including some in tanks, fought Bemba's 400 to 500 guards, who were assisted by several hundred family members and untrained supporters (Human Rights Watch 2008, *We Will Crush You. The Restriction of Public Space in the Democratic Republic of Congo*, November, p. 24 - Attachment 9).

ICG provides a summary of the subsequent events, leading up to the Bemba's departure for Portugal where he remained until the following year ;

> Immediately after the end of fighting, the government began to intimidate and arrest opposition figures,64 as well as Kinshasa residents from Equateur province. According to human rights organisations, at least 80 people were harassed or arrested.65 Presidential Guards ransacked the houses of Francois Mwamba, Omer Egwake and Jose Makila, all leading opposition figures. MLC headquarters in Kinshasa was looted and occupied. Bemba's television and radio stations66 were taken off the air shortly before the fighting began, and security forces looted them.67 Various security services were involved in the crackdown but the special police services – whose head, Raus Chalwe, reported directly to the presidency – was responsible for most arrests, a majority of which were warrantless.68 Military courts charged most suspects with insurrection, treason and illegal possession of firearms.69 On 11 April, after difficult negotiations, Bemba left the South African embassy with a UN escort and flew to Portugal, officially for medical reasons. That day, the public prosecutor asked the Senate to lift his immunity so he could be charged with high treason as the "main instigator" of the clashes (p. 11).

Bemba was arrested in Brussels in May 2008 on the basis of an International Criminal Court arrest warrant relating to crimes committed by troops in his control in the Central African Republic during 2002-2003 ('Democratic Republic of the Congo: Congo's former vice-president arrested' 2008, Human Rights Watch, 30 May - Attachment 13). He was subsequently transferred to the Hague and following a number of pre-trial appearances and hearings in 2009, will face trail at the ICC on 27 April 2010 (Coalition for the International Criminal Court website 2009, Bemba case summary, http://www.iccnow.org/?mod=bemba – Accessed 20 November 2009- Attachment 14). He received a conditional bail release on 14th August 2009, pending negotiation of a host country ('Bamba gets bail ahead of ICC war crimes trial' 2009, *France 24*, 14 August, http://www.france24.com/en/20090814-jean-pierre-bemba-gets-parole-ahead-icc-war-crimes-trial-central-african-republic-dr-congo

- Accessed 20 November 2009 – Attachment 15).

IRIN News reported a few days after the violence that UN officials had stated that 200 Bemba militias had been 'integrated into the national army in Equateur province'. Another 140 were expected to follow soon after. A disused Coca-Cola factory used for storing weapons had been secured, along with associated arms, ammunition and vehicles ('DRC: Opposition militias join army in Equateur province' 2007, *IRIN*, 29 March, http://www.irinnews.org/Report.aspx?ReportId=71075 – Accessed 19 November 2009 - Attachment 26).

A September 2007 report by the UN High Commissioner for Human Rights referred to the MONUC Special Investigations Team findings on the unjustified use of heavy weapons in the city centre during the March 2007 conflict and the consequent high level of civilian casualties;

> At least 40 civilians and surrendered DPP soldiers were allegedly summarily executed, mainly by the RG, during or in the wake of these operations. Reports of mass burial sites and evidence of bodies of unidentified victims (civilians and military) recovered in the Congo River (some tied up and blindfolded) indicate that there may have been a significantly higher number of summary executions committed during and in the aftermath of these events. Over 200 persons were arrested by the security forces during and after the fighting, in many cases without the correct legal procedures being followed and often on the sole basis that the arrested person hailed from the Equateur province. A significant number of victims suffered cruel, inhuman and degrading treatments during detention. Most of these persons remain in detention to this date. The Team concluded that around 300 persons lost their lives during the hostilities and in their aftermath. However, the exact figure, which could be significantly higher, was impossible to ascertain due, in large part, to the lack of cooperation from the authorities throughout the course of the investigation (US Department of State 2009, *Country Reports on Human Rights Practices – Democratic Republic of the Congo*, 25 February, Section 3 - Attachment 16).

In the major Human Rights Watch report on the March 2007 violence, the agency concluded that the Republican Guard was one of the main groups responsible for the killings and torture which occurred;

> Republican Guards arbitrarily arrested over 600 persons and subjected many of those in their custody to torture and inhuman treatment. Most of these persons were arrested during or shortly after the March 2007 military operation and were either guards or supporters of Bemba. A smaller number of people were swept up by the Republican Guards merely because they were from Bemba's ethnic group, the Ngwaka, or his region of origin, Equateur.

HRW also concluded that the Republican Guards arrested and detained some hundreds of people, and some were executed at the main barracks at Camp Tshatshi, which overlooks the Congo River. Bodies of over 30 people were found blindfolded and with their hands tied, some with tape over their mouths, in the river near Kinsuka (pp. 27-31).

Events since March 2007

There are many reports available on the political, security and human rights situation in the country. Important developments since March 2007 include the signing of the peace agreement between the government and more than 20 armed groups in the eastern DRC, but did not include the Democratic Liberation Forces of Rwanda (FDLR). In its 2009 annual report on the country Freedom House noted that

> Heavy fighting broke out in August 2008 between government troops and the ethnic Tutsi rebel leader Laurent Nkunda's National Congress for the Defense of the People (CNDP). In October, the government accused Rwanda of cross-border incursions to support the CNDP, while the Rwandan government alleged official DRC tolerance of the FDLR and its deployment against the Congolese Tutsi minority. These developments sparked fear that the fighting would again escalate into a wider regional war, and in November, it was reported that Angolan and Zimbabwean troops had joined the conflict to support the ineffective DRC army. As a result of increased violence since August, civilian displacement and human rights abuses have been increasing. Doctors Without Borders (MSF) reported treating 6,700 victims of sexual violence in North and South Kivu in 2008, and the recent conflict has displaced at least 250,000 people, adding to the one million people already displaced in this area. In addition, the Lord's Resistance Army (LRA) carried out a series of attacks in northern DRC in late December, resulting in the deaths of 865 civilians and the abduction of at least 160 children.
> …
> In July 2008, MLC politician Daniel Botethi was killed in Kinshasa. Suspicions about the involvement of the Republic Guard led the MLC to suspend its participation in the parliament for one week and call for an investigation. In September, a military tribunal sentenced three soldiers and two civilians to death for Botethi's murder. One of the soldiers claimed that the Kinshasa governor, Andre Kimbuta, had ordered the killing, though he later retracted this allegation. That same month, the leader of a small opposition party was arrested and charged with "threatening state security" after he suggested that government members were involved in the Botethi murder (Freedom House, *Freedom in the World 2009 - Congo, Democratic Republic of (Kinshasa)*, 16 July - Attachment 17).

The country passed a law in 2007 which recognised opposition parties and these have been able to function, as the US State Department reported;

> The country's 11 new provincial assemblies chose 108 candidates for five-year terms in the national Senate in January 2007. The elections took place peacefully but were marred by credible allegations of vote-buying.
>
> A 2007 law on the status and rights of the political opposition recognizes opposition parties represented in parliament as well as those outside it and guarantees their right to participate in political activities without fear of retribution. During the year political parties were able to operate most of the time without restriction or outside interference; however, there were notable exceptions. Opposition members were sometimes harassed (see section 2.a.), and in February and March police killed numerous supporters of the BDK during violent clashes in Bas-Congo Province and systematically destroyed BDK meeting places (US Department of State 2009, *Country Reports on Human Rights Practices – Democratic Republic of the Congo*, 25 February, Section 3 - Attachment 16).

Angola and DCR have each expelled significant numbers of the other's citizens from the end of 2008, causing major humanitarian concerns, with insufficient tents, food and other facilities available to them. According to an *IRIN News* report of 20th October 2009, the numbers included 32,000 Angolans sent home and almost 19,000 Congolese deported from Angola ('Angola-DRC: Humanitarian crisis now unfolding' 2009, *IRIN News*, 20 October, http://www.irinnews.org/Report.aspx?ReportId=86659 – Accessed 19 November 2009 – Attachment 18). A meeting to finalise a temporary agreement suspending the expulsions was due to take place in mid-November ('Throwing out the Neighbours' 2009, *Africa Confidential*, Vol. 50. No. 22, http://www.africa-confidential.com/index.aspx?pageid=7&articleid=3315 – Accessed 13 November 2009 – Attachment 19). According to the latter report the expulsions, ostensibly in response to the problem of illegal immigration, may be related to disputed territory near the border of

Bandundu Province in DCR and Uige, Malanje and Lunda Norte provinces of Angola, or to territorial waters where large oil deposits exist.

The US Department of State reported in its most recent human rights report that in July 2008, following the identification by the vice human rights minister that some individuals arrested after the March 2007 confrontations in Kinshasa were being detained illegally, 107 of the 187 people still detained at that time were released.

> Authorities took no action against those responsible for summarily executing and otherwise killing approximately 300 persons in March 2007 during armed confrontations in Kinshasa between forces loyal to President Kabila and rival forces loyal to former vice president Jean-Pierre Bemba. Authorities also took no action against FARDC and GR officers who arrested more than 200 persons following the confrontations and subjected many of them to cruel, inhuman, and degrading treatment. By July 25, after the vice minister of human rights identified several individuals being detained illegally, authorities had released more than half (107) of the 187 individuals who were still in detention at the beginning of the year as a result of the March 2007 Kinshasa fighting. According to the UN peacekeeping mission in the country (MONUC), by year's end authorities released the remaining 80, all former militia members of Bemba's protection force, and transferred them to Kamina, Katanga Province, to be integrated into the FARDC (US Department of State 2009, *Country Reports on Human Rights Practices – Democratic Republic of the Congo*, 25 February, Section 1a - Attachment 16).

4. Is there any information concerning the existence of the Penitentiary and Re-education Centre of Kinshasa? Is this located near a river where crocodiles are found?

The Kinshasa Penitentiary and Reeducation Centre (CPRK) is the city's largest prison and in 2007 had about 3,000 detainees, although built to hold 1,500 ('DRC: Accelerate prison reforms, urges UN human rights commissioner' 2007 *IRIN News*, 17 May, http://www.irinnews.org/Report.aspx?ReportId=72212 – Accessed 20 November 2009 - Attachment 20). It had 4,400 detainees in June 2009, according to an International CURE report. The prison was formerly the Central Prison of Makala and is located on the Avenue of the Liberation, Selembao Commune. Details of the prison conditions as they existed in 2002 are described in an Irish Refugee Documentation report (Refugee Documentation Centre 2002, *Prisons in the Democratic Republic of Congo*, 1 May - Attachment 25).

The city itself is located on the Congo River however it has not been possible to find evidence that crocodiles are commonly found in the section of the river near Kinshasa. The river comprises approximately 14,000 kilometres of waterway which is navigable, although accessibility to many parts can be restricted during different times of the year.

During and after the March 2007 conflict, many of those arrested were taken to the main military barracks in Kinshasa, Camp Tsatshi, which is based on a hill outside the central city, where it overlooks the Congo River.

In addition to investigations conducted by Human Rights Watch referred to above, Amnesty International also referred in its September 2007 report on the events before, during and after March of that year. In the report, bodies with their throats cut had been found a few kilometres downstream of Kinshasa.

> The accounts of probable GR extrajudicial executions given by former detainees in Camp Tshatshi and at other locations is supported by international sources interviewed by Amnesty International, who confirmed that after the fighting at least 27 bodies, showing signs of having been tied up and blindfolded, were recovered from the River Congo, where they had become trapped in rapids at Kinsuka a few kilometres downstream from Kinshasa. "The presumption," one of these sources told AI, "is that they were killed near the river". Camp Tshatshi, which overlooks the river, is a possible site of entry for the bodies into the water. National NGO workers reported that a stretch of shore and beauty spot known as *Chez Tintin*, just below Camp Tshatshi, which has bars and restaurants but also a military facility jutting out over the water, was one area where people had been executed and pushed into the river. Reports received by Amnesty International suggested that people were executed in two ways. Those suspected of being DPP fighters had their throats cut with knives, because soldiers believed they were protected by *gris-gris*, a supernatural charm which made them immune to bullets. Other victims were shot. Some bodies were allegedly placed in sacks weighted down with stones. Among these victims may have been a group of fishermen accused of having transported fleeing DPP fighters across the river. The NGO reported widespread fear amongst local residents and fishermen who discovered the bodies. When Amnesty International visited the *Chez Tintin* area, they were prevented from accessing the shoreline by armed soldiers (Amnesty International 2007, *Democratic Republic of Congo: Torture and killings by state security agents still endemic*, 24 October, Section 4 - Attachment 21).

The reports referred to above do not describe large-scale detentions or extra-judicial killings or torture having occurred during March 2007 at the main Kinshasa penitentiary.

Escapes from prisons in the Democratic Republic of Congo are commonplace, due to their deteriorating physical condition and the lack of food and basic facilities provided to inmates, the main Kinshasa centre being the only one which provided food. According to an Austrian ACCORD 2002 report, which in this context is a little dated, this was less likely at the main CPRK, due to the presence of Zimbabwean soldiers at the facility (as cited in Refugee Documentation Centre (Ireland), 2009, 'Q10645. Information on whether prison escapes are commonplace in the Democratic Republic of Congo', 13 August – Attachment 22).

5. Angolan Passport and Exit Process

A Canadian Response from 2003 provides information on the process involved in obtaining an Angolan passport (Immigration and Refugee Board of Canada 2003, *AGO41113.E – Angola: Procedure for acquiring a passport; documents required; whether an agent may receive the passport on behalf of the applicant; processing time; whether a person under the age of 16 can obtain a passport in their own name and if so, whether they require parental or guardian consent; Canadian missions that issue visitor's visas to applicants from Angola*, 6 March - Attachment 23).

A 2003 Angola Press Agency article sourced from *All Africa* also describes control of entry and exit of foreigners and a number of newly introduced computerised alert systems (Angola Press Agency 2003, 'Angola: Migration and Foreigners Service to introduce changes', 3 January - Attachment 24).

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List of Attachments

1. US Department of State 2009, *Background Note: Democratic Republic of the Congo*, September, http://www.state.gov/r/pa/ei/bgn/2823.htm - Accessed 23 November 2009.

2. Distance Calculator website 2009, http://distancecalculator.globefeed.com/Congo_(Kinshasa)_Distance_Calculator.asp – Accessed 23 November 2009.

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9. Human Rights Watch 2008, *We Will Crush You. The Restriction of Public Space in the Democratic Republic of Congo*, November. (REFINFO)

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