Democratic Republic of the Congo - Researched and compiled by the Refugee Documentation Centre of Ireland on 9 January 2009

Information on the police acting outside of the Constitution/applicable legislation by, for example, attacks on opposition politicians.

A section titled “The Police” (subsection titled “Background”) of an International Crisis Group Report states:

“The Congo police have never been able to provide basic law and order and have themselves ranked among the top abusers of citizens’ basic human rights. Continuously reshuffled, reorganised and purged, they have never developed into a coherent force. From colonial times, they have been highly fragmented, poorly trained, and ill-equipped poor relations of the army.”

(International Crisis Group (13 February 2006) Security Sector Reform in the Congo, p.4)

This section of the report describes the working conditions of the Congolese police as follows:

“Police often operate in poor living and working conditions. Pay is insufficient and increasingly irregular the further one moves from Kinshasa. Congolese call the nearly destitute traffic police the ‘bras tendus’ (outstretched arms) because they always beg for money. Officers in Kisangani and Mbuji Mai complained that their salaries were sometimes paid partially or not at all, and their commanders would retain their food rations. Police who provided security during the electoral registration process and often travelled at their own expense to remote areas received their paltry $10 a month plus an additional $1 a day from a fund for election security only upon completion of the registration. The problem is even more acute as one moves eastward, where police who were not on the force before the war are not registered and thus not paid. It is not uncommon that in a twelve-person station, seven are registered and paid, while five have to make do with what comes along, usually by way of extortion. Police often have such poor working facilities that pen and paper are luxuries in their stations. They have little incentive to make arrests since in many towns there is no jail. Where they exist, conditions are so dire that many prisoners die of malnutrition if they do not escape. Territorial police face dual discrimination: they are paid less and receive only six days of training, compared to the 90 and 180-day courses given the specialised units. Territorial police training has been exclusively oriented towards election security, providing few tools to deal with the daily threats. Without proper training, many will remain a force for instability.” (ibid, p.5)

In a section titled “Role of the Police and Security Apparatus” the US Department of State country report on the DRC states:

“Security forces generally remained ineffective, lacked training, received little pay, and suffered from widespread corruption. The government prosecuted and disciplined relatively few security forces personnel for abusing civilians.
Impunity in the security forces remained a severe, widespread problem. Investigating misconduct or abuses by the security forces is the responsibility of the military justice system. There were a total of 265 investigators, 232 prosecutors, and 125 judges in the military system. However, they were poorly trained, and they had little or no resources for investigations, and limited---if any---access to law codes. According to an August UN independent expert's report on the human rights situation in the country during the first six months of the year, '86 percent of human rights violations were committed by the army and police,' raising 'doubts' about the ability and commitment of the government to uphold human rights and ensure security." (US Department of State (Bureau of Democracy, Human rights, and Labor) (11 March 2008) Congo, Democratic Republic of the: Country Reports on Human Rights Practices – 2007)

In a section titled “Introduction” a report from Amnesty International states:

“Amnesty International is concerned that far from protecting the people of the DRC, the state security services remain agents of torture and death. The DRC government has not launched any independent judicial investigations or brought any security force member to justice for the human rights violations documented in this report. Despite historic national elections, the country remains politically highly-charged and a climate of deep political uncertainty persists. In part, this is attributable to security force units that continue to serve narrow political interests and act outside Congolese law and international human rights treaties to which the DRC is a State party. This rampant impunity lies at the root of the lack of public confidence felt by most Congolese in all branches of their security services." (Amnesty International (24 October 2007) Democratic Republic of Congo: Torture and Killings by State Security Agents Still Endemic AI Index: AFR 62/012/2007)

In a section titled “Security Sector Reform and Ending Impunity” this report states:

“One of the main factors fuelling human rights violations in the DRC is the relatively slow progress being made by the DRC government, supported by the international community, in achieving Security Sector Reform (SSR), a national programme to integrate the former government and armed group forces into unified national army, police and intelligence services under accountable governmental authority. Although some headway has been made in creating a reformed national army and police force, these efforts have not resulted in the creation of forces that are professional or that respect human rights. Across the country, many army, police and intelligence units remain unintegrated and continue to serve narrow private political interests, operating outside Congolese law and international human rights treaties.” (ibid)

A section titled “Police reform” states:

“Reform of the national police force, the Police Nationale Congolaise (PNC), which numbers an estimated 103,800 officers(14), was made secondary to army reform during the transitional period. The police service has suffered years of neglect, poor and confused command structures, under- or non-payment of salaries, and a lack of equipment, training and professional development for officers.(15) This has forced many Congolese police, who
typically receive a salary of around $10 a month,(16) to seek other sources of income and it is common to find officers working as private security guards, even during their police shift, and still dressed in police uniforms. A poorly resourced and trained police force is likely to commit or condone human rights violations. The end of the conflict also brought an influx of armed group fighters to the police service, who as part of the early and most chaotic stages of national integration, were arbitrarily redesignated as "police officers" by their commanders. Until recently, most human rights violations in the DRC were attributable to the army, but by March 2007 records compiled by the Human Rights division of the UN Peacekeeping force to the DRC, MONUC(17), indicated that violations by police had begun to outnumber those by soldiers, with a high incidence of rape cases.(18) As a result there is now growing recognition, nationally and internationally, that DRC police reform is a priority for the long term stability of the DRC."

A section titled “DRGS "Special Services" Police: Cases Of Arbitrary Detention, Torture And Other Cruel, Inhuman Or Degrading Treatment" refers to human rights violations by the police as follows:

“According to the testimonies and reports received by the organization from victims of human rights violations and other sources, the DRGS ‘Special Services’ police was one of the principal forces for political repression and persecution in Kinshasa during the 2006/07 electoral period. The DRGS, which is closely identified with its headquarters and detention centre of Kin-Mazière in central Kinshasa, made numerous arbitrary arrests of suspected opposition members and supporters and, according to MONUC, carried out most politically-sensitive arrests in the capital. Such arrests are continuing, according to Congolese human rights NGOs." (ibid)

Amnesty International describes the treatment of MLC activists arrested by the police as follows:

“At the restaurant, the four women were arrested by police from the special services and intelligence unit (DRGS). They were driven to Kin-Mazière police station, the DRGS headquarters, where they were beaten by police officers. The officers took Coquette’s money, MLC membership card, mobile phone and jewellery and questioned her about her political activities. Coquette had been held incommunicado and without formal charge for three weeks when five police officers took her from her cell, led her to another room and raped her. Since then, she has suffered from back and stomach pains and has had no medical care. She does not know the extent of her injuries or whether she contracted any sexually transmitted infections. She also experienced other forms of torture and ill-treatment during her detention." (Amnesty International (1 November 2007) Raped for Supporting the Opposition AI Index: AFR 62/017/2007)

The section titled “Summary" of a Human Rights Watch report states:

“During and after the military operations in Kinshasa and Bas Congo, soldiers, police officers, and intelligence agents loyal to President Kabila deliberately killed, injured, arbitrarily arrested, and tortured hundreds of persons. They acted at the direction of Kabila or his advisors and with the objective of reinforcing Kabila’s control. These subordinates worked through both formal and informal channels, relying on first one and then another of several state
security forces—including the paramilitary Republican Guards, a “secret commission,” the special Simba battalion of the police, and the intelligence services—as circumstances dictated—to tighten control over perceived opponents. State security forces deliberately killed or summarily executed more than 500 persons in Kinshasa and Bas Congo and arbitrarily arrested and detained about a thousand more, many of whom were tortured or ill-treated.” (Human Rights Watch (25 November 2008) “We Will Crush You” – The Restriction of Political Space In the Democratic Republic of Congo, p.4)

A section of this report titled “Summary executions at Camp Tshatshi, March 2007” states:

“Republican Guards have no legal authority to carry out arrests, but in March and April they arrested hundreds of persons, both civilian and military, and illegally detained them at Camp Tshatshi. According to 10 former detainees interviewed by Human Rights Watch, Republican Guards took away scores of persons at night from the camp, sometimes reading the names of those targeted from a list. The Guards tied the detainees’ hands and sometimes blindfolded and gagged them before leading them away. They frequently beat and insulted the detainees as they led them away, calling them ‘part of Bemba’s terrorists’ and ‘enemies of democracy.’ They also said that persons from Equateur had ruled Congo for too long (Equateur was also the home province of the late Congolese leader Mobutu Sese Seko) and that “now it’s the turn of the Katangais.” With the one exception mentioned below, the persons removed did not return to the prison and have not been seen since.” (ibid, p. 28)

In a section titled “Torture and ill-treatment at Kin-Mazière” this report states:

“In violation of Congolese and international human rights law, detainees were initially denied access to lawyers and often to family members. Lawyers who attempted to assist clients were not permitted to see arrest warrants or other judicial documents. Some were later told no investigations were necessary in these cases. The persons arrested by the commission were all held under military authority, although many were civilians. Of the at least 200 people arrested by the commission, some were released but dozens were transferred to Makala prison where lawyers were eventually permitted access to them. Only much later were files available for detainees. Lawyers working on these cases expressed the opinion that the files were prepared long after the arrests, a violation of Congolese legal procedure. The charges included public insult (injure publique), false propaganda (propaganda des faux bruits), inciting hatred and violence (incitation à la haine et à la violence), and participation in an insurrectional movement.” (ibid, p.43)

A section titled “Abuses by other security services” states:

“According to victims and their families, officers of other law enforcement and security services including military intelligence (former DEMIAP), the Rapid Intervention Police (PIR), other police officers, and soldiers also arbitrarily arrested citizens and tortured or ill-treated persons in their custody. These units, working with Republican Guards or on their own, targeted persons suspected of supporting Bemba and his party.” (ibid, p.44)
A section titled “Harassment, Intimidation, and Destruction of Property” refers to the harassment of MLC members as follows:

“Harassment and intimidation of MLC parliamentarians, of party activists, and of journalists and others thought to be associated with Bemba, as well as of their family members, intensified during and after the March 2007 violence, creating a climate of fear and discouraging efforts to build an effective opposition. Human Rights Watch researchers spoke to dozens of persons who had been repeatedly targeted by Republican Guards or other state agents through visits to and searches of their homes—often at night and without appropriate warrants. Many had also been threatened with death or injury in anonymous telephone calls or text messages. MONUC registered 51 cases of harassment and intimidation in the days and weeks following the March 2007 events.” (ibid, pp.46-47)

The section titled “Executive Summary” (Paragraph 8) of a United Nations Mission in the Democratic Republic of Congo (MONUC) report on events in Bas Congo province in 2008 states:

“The high death toll resulted, in large part, from unwarranted or excessive use of force by the PNC, and in some cases from arbitrary executions. Particularly worrying are these instances of arbitrary execution of prisoners or persons who could not be classed as posing a threat to the police. Also of concern is the fact that the PNC dumped a large number of bodies in a river in an attempt to destroy evidence (see below). The PNC was responsible for the systematic destruction of over 200 buildings (BDK temples and residences belonging to BDK and non-BDK alike) in numerous villages in Bas Congo and the widespread looting of private houses throughout the province. The destruction and looting of private property was widespread and systematic and cannot be justified on any legal or operational grounds. Over 150 BDK members were arrested in connection with the events. A number of them were victims of torture or cruel, inhuman and degrading treatment.” (United Nations Mission in the Democratic Republic of Congo (MONUC) (May 2008) Special Inquiry into the Bas Congo Events of February and March 2008, p.4)

In a section titled “Impunity of the security forces” a report from the International Federation for Human Rights (FIDH) states:

“The impunity enjoyed by the security services remains alarming throughout the country. Allegations of summary executions, rape, torture, and cruel, inhumane and degrading treatment perpetrated by members of FARDC and PNC are widespread. According to MONUC, the civilian and military intelligence services, the ‘special services’ of the national police in Kinshasa, and the Republican Guard have also participated in politically motivated crimes, especially intimidation of members of the political opposition, journalists and human rights defenders.” (International Federation for Human Rights (FIDH) (28 March 2008) Democratic Republic of Congo (DRC) – “Breaking the Cycle of Impunity”)
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This response was prepared after researching publicly accessible information currently available to the Refugee Documentation Centre within time constraints. This response is not and does not purport to be conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

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UNHCR Refworld
US Department of State