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Democratic Republic of Congo: The Union for Democracy and Social Progress (UDPS), particularly whether internal factions exist; the attitude of government authorities toward UDPS leaders and members (2004 - February 2006)
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

Internal factions

A report from a May 2004 joint mission to Kinshasa conducted by the Commissariat général aux réfugiés et apatrides (CGRA), the Office français de protection des réfugiés et apatrides (OFPRA) and the [Swiss] Office fédéral des réfugiés (ODR) noted the existence of three factions within the Union for Democracy and Social Progress (Union pour la démocratie et le progrès social, UDPS), but provided few details (Projet ARGO July 2004). The report mentions the UDPS led by Étienne Tshisekedi, the UDPS-Kibassa and the UDPS Action Group (Groupe d'action de l'UDPS) led by Norbert Luyeye, the former head of protocol for the UDPS-Tshisekedi (ibid.). An article published on the Digitalcongo.net Website, referring to the UDPS-Kibassa faction, noted that Edmond Mukendi had become the acting national president following the death of his predecessor, Frédéric Kibassa (10 Jan. 2006). The Projet ARGO report also indicated that the UDPS-DPR/L no longer exists and that the activities of the UDPS youth faction (Jeunesse de l'UDPS, JUDPS) and the women's UDPS faction (Représentation féminine de l'UDPS, FUDPS) are an integral part of Étienne Tshisekedi's UDPS activities (July 2004).

No information on the UDPS-Kibassa and UDPS Action Group factions could be found among the sources consulted by the Research Directorate. The information in the following section of this Response pertains to the UDPS led by Étienne Tshisekedi.

General information

According to the aforementioned Projet ARGO report, the UDPS led by Étienne Tshisekedi exists in each of the country's provinces (July 2004). The same report described the structural organization of the UDPS and explained that the party is composed of the governing body and the support base (Projet ARGO July 2004). The governing body consists of [translation] "the Congress, which meets every five years and represents the entire country; the College of Founders (Collège des fondateurs); the national president, Étienne Tshisekedi wa Mulumba; the National Committee, a sort of parliament [in which all the federations of the support base are represented]; and the National Secretariat, a

sort of government" (ibid.). The support base consists of [translation] "federations" at the city level; [translation] "sections" at the communal and territorial level; [translation] "subsections" at the chieftaincy and sectoral level; [translation] "cells" at the district level; and [translation] "subcells" at street level (ibid.).

With regard to UDPS membership cards, the Projet ARGO report explained that, since 13 December 2003, when Étienne Tshisekedi [translation] "invalidated all the party's cards," members have been asked to keep their old membership cards until new ones are issued, at which time new members will also be receiving membership cards (ibid.). With regard to the proof of membership certificates issued by the party, the same report indicated that they can be issued by [translation] "three federate organizations abroad, [by the person in charge of] diplomatic relations [or by] members of the National Secretariat office who are authorized to issue certificates in cases of detainment or when party members have fled the country" (Projet ARGO July 2004). However, the report did not provide the names of the three federate organizations or their locations abroad.

Although the UDPS signed the peace agreement that formed the basis of the transitional administration currently in place in the Democratic Republic of Congo (DRC) (*Le Potentiel* 10 Jan. 2006; *Le Phare* 17 Nov. 2004; Xinhua 14 Jan. 2006; see also BBC 23 June 2005), the party is not part of the administration (*Le Phare* 17 Nov. 2004; see also BBC 1 July 2005; ibid. 23 June 2005). In fact, Étienne Tshisekedi called for a boycott of the electoral process, particularly voter registration and the constitutional referendum of 18 and 19 December 2005 (IPS 16 Jan. 2006; AFP 8 Jan. 2006; BBC 1 July 2005; ibid. 23 June 2005; Xinhua 2 Jan. 2006).

Recent sources have indicated that the national UDPS president ended the boycott (*Africa Confidential* 6 Jan. 2006, 4; AFP 8 Jan. 2006; United Nations 3 Jan. 2006) by announcing that his party wants to participate in the foreseen 2006 elections (ibid.; Xinhua 14 Jan. 2006; IPS 16 Jan. 2006; AFP 8 Jan. 2006). However, the UDPS national president's appeal to the Independent Electoral Commission (Commission électorale indépendante, CEI) to re-open voter registration centres so that UDPS members can register to vote in future elections was rejected (ibid.; IPS 16 Jan. 2006; DRC 16 Jan. 2006). In justification of its denial of Tshisekedi's appeal, the CEI said "time constraints did not allow for national registration to be resumed - but that persons who wished to stand in the elections would be allowed to enter their names on the roll" (IPS 16 Jan. 2006; DRC 16 Jan. 2006). Faced with this refusal, the UDPS denounced the CEI's [translation] "exclusionist attitude" and accused the commission of being a government pawn (AFP 8 Jan. 2006).

Attitude of the authorities toward UDPS leaders and members

Various corroborating sources reported the arrests of certain UDPS members in 2005 (HRW 15 Dec. 2005; ASADHO 22 June 2005; Societecivile.cd 23 Dec. 2005). According to an Amnesty International (AI) press release, UDPS members were arrested in January and again in June 2005 during demonstrations in Kinshasa and Mbuji Mayi, respectively, to protest the extension of the transition period and delays in the election schedule (AI 28 June 2005). A Human Rights Watch (HRW) report, published on 15 December 2005, stated that

[HRW English version]

In January and again in June 2005, FARDC [Armed Forces of the Democratic Republic of Congo] troops and police killed scores of demonstrators in several cities who were protesting delays in the election schedule. Abuses of demonstrators were most severe in the town of Mbuyi Mayi, in Kasai Oriental province, an area known for its support to the opposition UDPS. According to MONUC human rights investigators, security forces summarily executed fifteen persons and injured twenty-six others, most of them shot during demonstrations. Scores of people were arbitrarily arrested, many of them UDPS party members who were specifically targeted. Some, including the local UDPS president and vice-president, were subjected to cruel and inhumane treatment. (HRW 15 Dec. 2005, 11).

In a 22 June 2005 news release, the African Association for the Defence of Human Rights (Association africaine de défense des droits de l'homme, ASADHO) provided the following information. ASADHO reported the [translation] "intimidation and arbitrary arrest" of UDPS members in Katanga Province and cited the case of Anaclet Tshishiku Mukadi, the UDPS justice secretary of the Likasi federation, who was arrested on 13 June 2005 by officers of the National Intelligence Agency (Agence nationale de renseignements, ANR) and transferred to a prison in Lubumbashi, where he was detained and [translation] "denied the right to visitors and food." The ASADHO news release went on to cite the cases of Marcel Ntumba Kanku in Lubumbashi, who was forced into hiding after receiving death threats from unidentified persons, and of Marc Mukenga Mbwebwe, who was abducted on 15 June 2005, detained and [translation] "tortured" by the military arm of the public prosecutor's office in Kasumbalesa until the United Nations Mission in the Democratic Republic of Congo (MONUC) intervened and prompted his release. These last two victims were also members of the UDPS. Referring to Katanga Province, the ASADHO article concluded that for two months, [translation] "many citizens felt threatened by the ANR-Katanga, either because they were members of the UDPS or because they expressed opinions about ending the transition period."

A report published by Societecivile.cd, Website of the DRC's civil society, denounced the arbitrary arrests and illegal detentions that resulted from a demonstration held on 30 June 2005 by the political opposition to protest the extension of the transition period, and noted in particular the [translation] "suspicious disappearance" of Chris Didier Mayala, a UDPS member (Societecivile.cd 23 Dec. 2005). The same report also referred to the case of Gaston Dindo, the UDPS campaign director, and Félix Tshisekedi, son of the party leader and vice-president of UDPS/Benelux, who both escaped death by hiding in neighbouring homes (ibid.). However, referring again to the demonstration, the report concluded that the UDPS activists arrested during the incident were released thanks to the concerted intervention of certain human rights organizations (Societecivile.cd 23 Dec. 2005).

The executive secretary of the Centre for Human Rights and Humanitarian Law (Centre des droits de l'homme et du droit humanitaire, CDH), a Congolese human rights organization in Lubumbashi, provided the following information during a 10 November 2005 telephone interview. The executive secretary said that, since the current transitional government was established in July 2003, the UDPS has been the main political party calling for elections and an end to the transition period. Thus, in most cases, the UDPS is responsible for organizing unauthorized demonstrations, which frequently give rise to clashes with security forces. Some UDPS leaders and supporters are sometimes arrested and even detained, but because the UDPS is well organized and has its own lawyers, its supporters are often released a few days - or even hours - after they are arrested.

Country Reports 2004 indicated that the Congolese police arrested 10 UDPS members in Kinshasa on 14 January 2004 and that the ANR arrested 12 in Mbuji Mayi on 18 March 2004 (28 Feb. 2005, Sec. 2.b). According to the same source, those arrested were detained for several days before being released (*Country Reports 2004* 28 Feb. 2005, Sec. 2.b).

The report from the May 2004 joint mission to Kinshasa by Projet ARGO cited statements made by a UDPS leader, who said that since the law authorizing the operation of political parties in DRC came into force in March 2004, [translation] "the UDPS has enjoyed greater freedom of action than before, despite being under close government surveillance" (Projet ARGO July 2004). This same UDPS member further explained that people should no longer talk about the [translation] "repression" of UDPS leaders and supporters, but rather about [translation] "skirmishes" with and "intimidation measures" from government authorities (ibid.). The report then cited the secretary general of the party as saying that, since the beginning of the transition, UDPS members who are apprehended at demonstrations and taken in for questioning [translation] "are no longer detained for more than one night or 24 hours, after which they are released" (ibid.). Moreover, according to another UDPS leader, the party has its own lawyers and defenders, particularly "Mr. Mukendi, Mr. Meta and NGOs" [non-governmental organizations] (ibid.).

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.

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