



Refugee Documentation Centre (Ireland)  
LEGAL AID BOARD

**DRC: Researched and compiled by the Refugee Documentation Centre of Ireland on 14 December 2009.**

**Democratic Republic of Congo - Treatment of BDK including if any differentiation between ordinary and active members; Treatment of BDK/ anyone who escapes prison.**

The July 2009 *Freedom House* Freedom in the World report for the Democratic Republic of Congo under the heading 'Political Rights and Civil Liberties', states:

"The constitution guarantees religious freedom, which is generally respected in practice, although religious groups must register with the government to be recognized. In February and March 2008, the national police carried out operations against Bundu Dia Kongo (BDK), a politico-religious movement based in Bas-Congo province. More than 150 BDK members were arrested, and at least 100 people were killed. The United Nations called for an investigation into these incidents and the government's heavy-handed approach, which the government rejected. In October, nine of the arrested BDK members were sentenced to death; four others died while in detention. The government also made the movement illegal by revoking its authorization to operate as a social and cultural organization. Academic freedom is effectively restricted by fears of government harassment, which often lead university professors to engage in self-censorship." (Freedom House (16 July 2009) *Freedom in the World 2009 - Congo, Democratic Republic of (Kinshasa)*)

Section 1a of the 2008 *United States Department of State* Country Report on Human Rights Practices for the Democratic Republic of Congo, states:

"On February 28, the government launched operations ostensibly to restore state authority in Bas-Congo Province. Members of the Bundu Dia Kongo (BDK), a political-religious group seeking greater provincial autonomy, had effectively taken over state functions in several villages and towns in Seke-Banza, Lukula, and Luozi territories to set up a parallel justice system where existing state authority was extremely weak. The arrival of security forces spawned violent clashes with the BDK, as well as the rape of local residents by the PNC (see section 1.c.). In June, after dispatching an investigative team to the province in late March, the UNJHRO published a report concluding that at least 100 persons, most of whom were members of the BDK, died during the operations launched by the PNC. The report concluded that the police used excessive force and in some cases committed arbitrary executions. Although it criticized the report, the government made a commitment to hold a judicial investigation, which had not begun by year's end. A report released in November by Human Rights Watch (HRW), which also cited instances of excessive force by security forces against the BDK in 2007, estimated that more than 200 BDK supporters and others were killed as a result of the clashes in March, which HRW believed were part of "a

deliberate effort to wipe out the movement.”” (United States Department of State (Bureau of Democracy, Human Rights, and Labor) (25 February 2009) *2008 Country Reports on Human Rights Practices - Democratic Republic of the Congo*)

Section 3 of the same report under the heading ‘Respect for Political Rights: The Right of Citizens to Change Their Government’, states:

“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 (see section 1.a.). In addition, an HRW report released in November, entitled *We Will Crush You: The Restriction of Political Space in the Democratic Republic of the Congo*, drew from hundreds of interviews with government officials, diplomats, political detainees, and members of civil society between 2006 and 2008 and concluded that since the 2006 national elections, there have been disturbing signs that the government has used violence and intimidation to eliminate its political opponents and restrict democratic space.” (ibid)

Under the heading ‘Violence in Bas Congo’, the January 2009 *Human Rights Watch World Report for the Democratic Republic of Congo (DRC)*, states:

“In March police and other state agents used excessive force in quelling protests by the Bundu Dia Kongo(BDK), a political-religious group that promotes greater autonomy for Bas Congo province. Some protestors, armed with sticks and stones, used violence against police or officials. Police used disproportionate force, including grenades and machine guns against the protestors. As in operations in 2007, the police deliberately killed persons who were wounded, running away, or otherwise in no position to threaten them. Some 200 BDK supporters and others were killed, and BDK meeting places were destroyed. The police attempted to hide the extent of the carnage by dumping dozens of bodies in the Congo River and hastily burying others in mass graves. Police arrested over 150 persons suspected of supporting the BDK and tortured or ill-treated some of them. On March 21, the government revoked the authorization of the BDK to operate as a social and cultural organization, effectively making it illegal.” (Human Rights Watch (14 January 2009) *World Report 2009 - Democratic Republic of Congo (DRC)*)

Section V of a November 2008 *Human Rights Watch* report on the Democratic Republic of Congo under the heading ‘Crackdown on the BDK in Bas Congo’, states:

“State security forces acting under the authority of President Kabila have used unnecessary or excessive force against Bundu Dia Kongo (BDK), a political-religious group based in the province of Bas Congo, much as they did with Bemba and his supporters. The BDK is the latest of a series of independent religious movements in Bas Congo, a province in the westernmost part of the country whose people have often complained of being marginalized in Congolese politics and whose leaders seek greater autonomy. The Belgian colonial administration, as well as the Mobutu government, used harsh tactics against such movements in order to keep the economically important province firmly under control.

With Kabila as president, there have been several clashes between BDK members and police and soldiers. In July 2002 soldiers killed 14 unarmed BDK supporters who were demonstrating for provincial autonomy. In June 2006 soldiers again opened fire on BDK demonstrators, killing 13. With the resumption of political party competition, the BDK gained significant electoral popularity and its leader, Ne Muanda Nsemi, won a seat in the National Assembly in July 2006 with one of the largest majorities in the country. In August 2006 the BDK allied with Bemba and the MLC, bringing them important support in the second round of presidential polling. Since then the harshness of government forces toward the BDK has increased. When BDK demonstrators protested, at times violently, against electoral corruption in early 2007, police and government soldiers shot or stabbed to death 104 BDK adherents as well as several others not affiliated with the movement. In March 2008 police made a preemptive strike in anticipation of further protests, in what MONUC investigators said appeared to be a deliberate effort to wipe out the movement. Over 200 BDK supporters and others were killed and the BDK's meeting places were systematically destroyed. The 2007-08 violence is described in more detail below.” (Human Rights Watch (25 November 2008) *“We Will Crush You”*)

Section V of the same report, under the heading ‘Police operation against the BDK’, states:

“As in previous operations, in the various deadly encounters with BDK adherents during this period the police used excessive force and in some cases deliberately killed persons who were wounded, running away, or otherwise in no position to threaten them. On March 8, during their operation in Matadi, police entered the home of a family who lived near the BDK zikua, demanded money, and then shot two young children, one of whom later died. In some locations, such as at Sumbi village, the police called local residents to look at the bodies of the people they had killed, possibly in an attempt to intimidate others who were or might become BDK adherents. The police systematically burned meeting places, homes, and other buildings belonging to BDK adherents. They arrested over 150 suspected BDK followers, including those who had not participated in any actions against the police, and tortured or ill-treated some of them. One person, arrested at his home in Kinsundi, was transferred along with a group of BDK adherents and two corpses to Lemba village, where police beat the detainees and burned them with hot melted plastic.

Police summarily executed some injured persons seeking medical treatment at health centers and arrested others. A 13-year-old boy who was shot in the leg on March 3 while trying to run away from the violence in Nsumbi village was arrested by police at a clinic while undergoing treatment. He spent six days in prison where he was regularly beaten before judicial officials sent him to a hospital. As the police actions became known, other injured persons fled from clinics and hospitals.” (ibid)

Section 1 of an April 2008 *International Federation for Human Rights* report on the Democratic Republic of Congo, under the heading ‘Massive Violations of Human Rights’, states:

“In the Bas-Congo region, members of the politico-religious movement Bundu Dia Kongo (BDK) protested against the conditions surrounding the elections of the governors and senators by organising the cease of all activity in towns of the region (manifestations 'villes mortes') demonstrations, which became violent in some areas. However, according to a report by MONUC report, the use of force by FARDC and the Congolese National Police (PNC) against members of the BDK members on 31 January and 1 February 2007 was indiscriminate and disproportionate. MONUC reported that 105 persons were killed and more than a 100 were wounded.

In March 2007 in Kinshasa a stand off between the Armed Forces of the Democratic Republic of Congo (FARDC) and some 300 guards assigned to protect Senator and former Vice-President Jean-Pierre Bemba, sparked two days of intense fighting that caused 300 deaths, including many civilians, and caused significant material damage. The security forces arrested over 200 people in the course of and following the fighting, in many cases without respect for regular procedures. They harassed opposition politicians and their supporters and raided the headquarters of Senator Bemba's party, as well as radio and television stations.” (International Federation for Human Rights (FIDH) (18 April 2008) *Democratic Republic of Congo (DRC): “Breaking the Cycle of Impunity”*)

Regarding prison escapes, paragraph 14.08 of the June 2008 *United Kingdom Home Office Border Agency Country of Origin Information* report for the Democratic Republic of Congo quotes the UN Special Rapporteur as saying:

“The very low rate of enforcement of court decisions is compounded by the high rate of prison escapes, mainly due to the dilapidated state of the prisons. Efforts to bring the perpetrators of human rights violations to justice are invalidated by these all too frequent escapes, which contribute to immunity. According to MONUC figures, at least 429 detainees, including some convicted of serious human rights violations, escaped from places of detention throughout the country in the second half of 2006.” (United Kingdom Home Office Border Agency (30 June 2009) *Country of Origin Information Report: The Democratic Republic of Congo*, p.62)

A June 2009 IRIN News report adds:

“Twenty female prisoners were raped on Monday [22 June] night during an attempted prison escape by a group of militia sentenced to long terms and jailed in the prison,” Oscar Kasangandjo, the public prosecutor in Goma, told IRIN.

According to the UN, some deaths were reported during the incident, and several people were wounded.

The imprisoned ex-militia members had been sentenced for “murder, rape and other grave offences,” he said, adding that the leaders of the riot were being detained in a prison within the eighth military command in the region.

The UN Mission in the DRC (MONUC) appealed to the government to urgently improve prison conditions and beef up security in prisons, especially with regard to the protection of women against sexual violence - “to avoid a repeat of the tragedy” in Goma prison, a MONUC statement said.

UN Secretary-General Ban Ki-moon condemned the incident, describing it as “a grim example of both the prison conditions and the level of sexual violence that plagues the DRC.” (IRIN News (24 June 2009) *DRC: Mass rape in Goma prison*)

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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

United States Department of State