



MONUSCO

Mission de l'Organisation des Nations Unies
pour la Stabilisation en République
démocratique du Congo

United Nations Organisation Stabilization
Mission in the Democratic Republic of Congo



UNITED NATIONS
HUMAN RIGHTS
OFFICE OF THE HIGH COMMISSIONER

PROTEGER

STABILISER

CONSOLIDER LA PAIX

**REPORT OF THE UNITED NATIONS JOINT HUMAN RIGHTS OFFICE ON
HUMAN RIGHTS VIOLATIONS COMMITTED BY AGENTS OF THE
CONGOLESE NATIONAL POLICE DURING OPERATION LIKOFI IN
KINSHASA BETWEEN 15 NOVEMBER 2013 AND 15 FEBRUARY 2014**

OCTOBER 2014

TABLE OF CONTENTS

I. Summary	4
II. Introduction.....	4
III. Methodology and difficulties encountered	5
IV. Legal framework.....	6
V. Human rights violations committed in the context of Operation Likofi.....	7
VI. Identification of the alleged perpetrators	9
VII. Responses by the Congolese authorities, MONUSCO, and other United Nations actors	10
7.1. The Congolese authorities.....	10
7.2. MONUSCO and other United Nations actors.....	11
VIII. Conclusions and recommendations.....	11
IX. ANNEXES:.....	14
9.1. List of cases documented by the UNJHRO	14
9.2. Letter of the Minister of the Interior, Security, Decentralisation and.....	19
Customary Matters dated 5 September 2014	19

LIST OF ACRONYMS

UNJHRO	United Nations Joint Human Rights Office
ACHPR	African Charter on Human and Peoples' Rights
ICC	International Criminal Court
UDHR	Universal Declaration of Human Rights
GMI	<i>Groupe mobile d'intervention</i>
OHCHR	Office of the United Nations High Commissioner for Human Rights
HGRK	<i>Hôpital général de référence de Kinshasa</i>
INPP	<i>Institut national de préparation professionnelle</i>
ISTA	<i>Institut supérieur des techniques appliquées</i>
LENI	<i>Légion nationale d'intervention</i>
MONUSCO	United Nations Organisation Stabilization Mission in the Democratic Republic of the Congo
ONATRA	<i>Office national des transports</i>
ICCPR	International Covenant on Civil and Political Rights
PNC	Congolese National Police
DRC	Democratic Republic of the Congo
UNICEF	United Nations Children's Fund

I. Summary

1. The present report by the United Nations Joint Human Rights Office (UNJHRO)¹ focuses on serious violations of human rights, namely summary and extrajudicial executions and enforced disappearances, committed against civilians by agents of the Congolese National Police (PNC) during Operation Likofi. This operation was set up to combat criminal delinquency in Kinshasa and took place from 15 November 2013 to 15 February 2014.
2. As a result of human rights investigations carried out since mid-November 2013 and on the basis of information corroborated during these investigations, the UNJHRO is able to confirm that Operation Likofi resulted in at least 41 male victims. Among the 41 victims, nine were summarily executed and 32 forcibly disappeared. These violations were allegedly committed by PNC agents.² Having received many more allegations of human rights violations which it has been unable to confirm, the UNJHRO believes that the total number of victims could be much higher. The figures presented in this report therefore only include the cases which have been recorded and verified by the UNJHRO in certain *communes* of the city of Kinshasa.
3. The United Nations have publicly expressed³ their concerns regarding these serious allegations of human rights violations and have shared the information available to them with Congolese authorities.⁴
4. The report makes several recommendations, in particular to ensure that independent and impartial investigations are carried out and, if the elements constituting the crimes are established, to ensure that the alleged perpetrators be brought to justice.

II. Introduction

5. On 15 November 2013, the Minister of the Interior, Security, Decentralisation and Customary Matters publicly announced the launch of Operation Likofi⁵ with the aim of eradicating delinquency in the city of Kinshasa. According to several articles published in the media⁶, this operation was the outcome of a decision taken by the Supreme Defence Council during meetings held in Kinshasa and Lubumbashi on 26 October and 6 November 2013.
6. The operation was carried out by PNC agents who alternated in command every 15 days between the Kinshasa Provincial Police Inspector, General Célestin Kanyama Tshishiku, and the Commander of the *Légion nationale d'intervention* (LENI), General Seguin Ngoy Sengelwa. It was reportedly organised in various phases. The purpose of Operation "*Likofi*

¹ The United Nations Joint Human Rights Office (UNJHRO), established in February 2008, is made up of the Human Rights Division of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) and the Office of the United Nations High Commissioner for Human Rights in the Democratic Republic of the Congo (OHCHR-DRC).

² For details, see the list of cases appended to this report.

³ See Press Release of 27 November 2013: "*DRC: UNICEF and MONUSCO concerned by reports on disappearances and murders of young people and children in Kinshasa*".

⁴ The UNJHRO has forwarded the detailed list of cases of summary and extrajudicial executions and enforced disappearances to the Minister of Justice and Human Rights in a letter sent on 2 June 2014.

⁵ "*Likofi*" means "*Punch*" in the Lingala language.

⁶ See the article "*Eradication du phénomène « Kuluna » : aller jusqu'au bout*", published in "*Le Potential*" on 23 November 2013. See also the article published by Jeune Afrique, "*RDC : opération coup de poing contre les « kulunas » de Kinshasa*", 29th November 2013, available at: <http://www.jeuneafrique.com/Article/ARTJAWEB20131129120258/>.

I", launched on 15 November 2013, was to track down "kulunas",⁷ while Operation "Likofi II", which took place from 15 December 2013 to 15 February 2014, was aimed at pursuing bandits operating in police or military uniform, in addition to tracking down "kulunas". Additionally, on 25 February 2014, during a press conference in Kinshasa, the Minister of the Interior mentioned Operation "Likofi Plus",⁸ but the UNJHRO has been unable to confirm whether this operation was actually launched.

7. According to police sources which provided consistent information, Operation Likofi was conducted on the basis of information⁹ provided by police agents in charge of intelligence and information provided by informers regarding the identities of alleged "kulunas". These informers sometimes accompanied the police agents to make arrests. It should be noted that, in some cases, Operation Likofi gave rise to full-scale raids without any preliminary identification taking place¹⁰. In addition, according to information available to the UNJHRO regarding cases that can be verified, there was no indication that the victims were armed or presented any other kind of danger or threat during their arrest. The UNJHRO has also received allegations that, during Operation Likofi, some people held in detention centres in Kinshasa disappeared even though they had been arrested well before the operation began.

III. Methodology and difficulties encountered

8. The UNJHRO has conducted several investigations into alleged human rights violations since the beginning of Operation Likofi. In this sense, UNJHRO human rights officers interviewed more than 70 witnesses and victims of human rights violations, as well as staff of health centres and hospitals, police agents and representatives of civil society, in order to collect as much information as possible on the alleged human rights violations which had been reported.
9. Only the cases confirmed¹¹ and corroborated by several sources in line with the methodology used by the Office of the United Nations High Commissioner for Human Rights¹² have been included in this report. The number of violations could be much higher since UNJHRO human rights officers were not able to verify several allegations due to various difficulties, in particular access to certain sites,¹³ and the unwillingness of witnesses and victims' relatives to provide information due to fear of reprisals.

⁷ The term "kuluna" refers to a criminal or group of criminals responsible for serious crimes (in particular murders and rapes) often committed at knifepoint.

⁸ The aim of the "Likofi Plus" Operation was, in addition to the main mission of tracking down "kulunas", to combat new forms of banditry being experienced in Kinshasa, such as robberies of financial and banking institutions.

⁹ It refers to information on the identity of the alleged "kulunas" who had allegedly committed criminal acts before. Some of those crimes had reportedly been recorded on a criminal file which helped police agents to track down such bandits.

¹⁰ They were arrested without any valid reason.

¹¹ See the list of cases appended to this report.

¹² The investigations were carried out using the methods of gathering and verifying information on human rights violations laid down by the Office of the United Nations High Commissioner for Human Rights.

¹³ On several occasions, the UNJHRO team was denied access to the Kinshasa General Hospital (HGRK) morgue, which was guarded by military and police contingents. In addition, the UNJHRO has been informed that an injunction had been ordered by the governorate in charge of the administration of the HGRK morgue to prevent human rights activists and/or observers from accessing the morgue.

IV. Legal framework

10. The summary and extrajudicial executions¹⁴ and enforced disappearances¹⁵ outlined in this report constitute human rights violations, in particular violations of the right to life, of the right to physical integrity and of the right to liberty and security of the person. All the rights mentioned in the report are guaranteed and protected by various international and regional instruments, such as the Universal Declaration of Human Rights (UDHR)¹⁶, the International Covenant on Civil and Political Rights (ICCPR),¹⁷ and the African Charter on Human and Peoples' Rights (ACPHR).¹⁸ Although the DRC has not yet ratified the International Convention for the Protection of All Persons from Enforced Disappearance, the rights violated by the enforced disappearances are covered by other international legal instruments referenced above and, as such the Government of the DRC is obliged to respect and protect them. In addition, recommendations were made to the Government of the DRC by the Committee on Human Rights and the Working Group on Enforced or Involuntary Disappearances, in particular that it should ratify the Convention, adopt preventive measures against enforced disappearances, and punish the perpetrators of such acts.¹⁹
11. Violations of human rights documented in this report, in particular summary and extrajudicial executions and enforced disappearances, may, by their type and nature, constitute crimes against humanity within the meaning of Article 7 of the Rome Statute of the International Criminal Court (ICC), which has been incorporated in the domestic legislation of the DRC.²⁰ In addition, some of the human rights violations outlined in this report may constitute crimes under Congolese criminal legislation, such as murder, which is a crime punishable by imprisonment.
12. The Constitution of the DRC of 18 February 2006 also guarantees respect for these rights. More specifically, Article 16 of the Constitution states that: "*The individual is sacred. The State has the obligation to respect and protect him/her. Everyone has the right to life, physical integrity and to the free development of his/her personality, while respecting the*

¹⁴ According to the work of the United Nations Special Rapporteur on Extrajudicial, Summary, or Arbitrary Executions, cases of extrajudicial, summary, or arbitrary executions cover all actions and omissions by State agents which constitute a violation of the generally recognised right to life set forth in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.

¹⁵ The International Convention for the Protection of All Persons from Enforced Disappearance was adopted by the United Nations General Assembly on 20 December 2006 and came into force on 23 December 2010. Article 2 states: "*enforced disappearance*" is considered to be the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law".

¹⁶ Article 3 of the Universal Declaration of Human Rights (UDHR) states that "*Everyone has the right to life, liberty and security of person*" and Article 5 declares that "*No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment*".

¹⁷ The International Covenant on Civil and Political Rights (ICCPR), signed by the Republic of Zaire in 1976, guarantees in particular the right to life (Art.6), the right to physical integrity, the ban on torture and cruel, inhuman, or degrading treatment (Art. 7) and the right to liberty and security of person (Art.9).

¹⁸ The African Charter on Human and Peoples' Rights (ACPHR), adopted on 2 June 1987 in Nairobi and ratified by the Republic of Zaire in 1987, stipulates the right to respect for the life and physical and moral integrity of person (Art. 4), and that nobody may be arbitrarily deprived of this right. The Charter also bans cruel, inhuman, or degrading treatment or punishments (Art. 5) and the right of every individual to freedom and security of person (Art. 6).

¹⁹ See the final comments of the Human Rights Committee of the Democratic Republic of Congo of 26th April 2006, CCPR/C/COD/CO/3, para.15, and the Report on the Mission of The Working Group on Enforced or Involuntary Disappearances in the DRC, A/HRC/19/58/Add.3, 20 January 2012, para.100(b).

²⁰ According to Article 7 (1) of the Rome Statute "*crime against humanity*" means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack".

law, public order, the rights of others and public morality No one may be held in slavery or in a similar condition. No one may be subject to cruel, inhumane or degrading treatment. No one shall be subjected to forced labor." Articles 17 and 18 of the Constitution provide for respect for individual freedom and the rights of those arrested and detained. Individuals may only be arrested in accordance with the procedures laid down by the Constitution and the Codes of Criminal Law and Procedure. This implies that individuals must be informed of the reasons of their arrest, must be able to contact their families or legal advisors/counsels immediately, and must be brought to justice as soon as possible.

13. The missions of the PNC are defined in Organic Law No. 11/013 of 11 August 2011 on the organisation and functioning of the PNC²¹. Furthermore, the provisions of Organic Law No. 11/013 state that the police may only use force in cases of absolute necessity and only in order to achieve a legitimate aim, and that in all cases, the use of force must comply with the principles of proportionality and gradualism.²² In addition, the use of force and firearms by law enforcement officials is also governed by the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials adopted by the 8th United Nations Congress on the Prevention of Crime and the Treatment of Offenders.²³ Indeed, the report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions of 2006²⁴, establishes the foundations and content of norms of international law on the use of lethal force by the police. In addition to the basic principles mentioned, it cites the Code of Conduct for law enforcement officials²⁵. In this 2006 report, the Special Rapporteur explained that the standards of international law in this area refer to the proportionality and necessity of the use of force in nature.

V. Human rights violations committed in the context of Operation Likofi

14. The UNJHRO has been informed of many allegations of summary and extrajudicial executions and enforced disappearances allegedly committed in the context of Operation Likofi and can confirm the following violations:²⁶

- Summary and extrajudicial executions

15. As the result of investigations conducted by the UNJHRO, the latter is able to confirm the summary and extrajudicial executions of at least nine men, including one minor, in several *communes* of the city of Kinshasa, namely Bumbu, Selembao, Limete, Ngiri-Ngiri, Ngaliema, Lingwala, and Kalamu, between 19 and 27 November 2013. According to the cases documented by the UNJHRO²⁷, summary and extrajudicial executions were committed with firearms. Cases show that victims received at least one bullet in the back

²¹ Article 9 of this Law states that "*police officers shall only use firearms subject to prior instructions from the authority legally responsible for maintaining order*". Article 10 of this same law states that "*The National Police Force shall systematically verify the legality of the operations it proposes to carry out*".

²² Articles 8 and 9 of Organic Law No. 11/013 on the organisation and functioning of the PNC.

²³ Principle 5 of the general provisions states that "*Whenever the lawful use of force and firearms is unavoidable, law enforcement officials shall ... minimize damage and injury, and respect and preserve human life*". Principle 7 states: "*Governments shall ensure that arbitrary or abusive use of force and firearms by law enforcement officials is punished as a criminal offence under their law*". By virtue of special provisions, Principle 9 states that "*Law enforcement officials shall not use firearms against persons except in self-defence or defence of others against the imminent threat of death or serious injury, to prevent the perpetration of a particularly serious crime involving grave threat to life*".

²⁴ 61th Session of the General Assembly, A/61/311, para. 33-45.

²⁵ See General Assembly Resolution 34/169 of 17 December 1979.

²⁶ The cases documented by the UNJHRO are summarised in the Appendix to this report.

²⁷ See the list of summary and extrajudicial executions appended to this report.

and/or groin and/or abdomen and/or head. The ages of the victims ranged from 17 to 30 years old. Among the victims, the UNJHRO identified shopkeepers, a fisherman, a young graduate, a football player, a carpenter, and a telephone box worker.

16. The UNJHRO human rights officers observed a recurrent *modus operandi* for the cases of summary and extrajudicial executions recorded. They were allegedly committed by PNC agents, wearing masks, some carrying firearms, travelling in jeep-type vehicles with no registration plates. The majority of the victims were killed in their neighborhoods, sometimes out of their domiciles.
17. It should be noted that several men were killed after being arrested by PNC agents during Operation Likofi. As an example, in a case documented by the UNJHRO, on 24 November 2013 in Bumbu *commune*, a man was arrested and detained by PNC agents in a holding cell before being taken out and shot dead by policemen. On 19 November 2013 in Limete *commune*, a man was arrested by PNC agents and taken to Barumbu *commune* where he was shot dead by the same agents.
18. The bodies of the victims, in the majority of cases, were recovered by PNC agents of their home district early in the morning and then transported in vehicles to the Kinshasa General Hospital (HGRK) morgue. According to credible sources, dozens of bodies were kept at the morgue. The UNJHRO tried to visit the morgue many times, but was continuously denied access.²⁸

- **Enforced disappearances**

19. Since the beginning of Operation Likofi, the UNJHRO documented 32 victims of enforced disappearances, including three minors. These violations were perpetrated by PNC agents between 18 November 2013 and 25 February 2014,²⁹ in the *communes* of Kisenso, Mont-Ngafula, Limete, Lingwala, Ngaba, Kalamu, Makala, Masina, and Lemba. According to information obtained by the UNJHRO,³⁰ students, day labourers and vendors were among the victims. The ages of the victims ranged from 16 to 44 years of age.
20. The *modus operandi* for cases of enforced disappearance was similar to that of the summary and extrajudicial executions recorded by the UNJHRO. Most of the victims were arrested at their homes, in the late evening or in the middle of the night, by PNC agents, wearing masks, carrying firearms, and traveling in jeep-type vehicles with no registration plates. The victims were, for the most part, handcuffed and tied up before being forced into vehicles. According to information obtained by the UNJHRO, some victims were taken to holding cells in PNC stations or substations, where they were extracted from detention and forcibly disappeared.
21. It should be noted that in some cases, according to witness statements, the PNC agents were accompanied by informants to help them identify the victims. The UNJHRO has been able to confirm two cases that took place in Lemba *commune*, on 11 February 2014,

²⁸ On several occasions, the UNJHRO team was denied access to the Kinshasa General Hospital (HGRK) morgue, which was guarded by military and police contingents. In addition, the UNJHRO has been informed that an injunction had been ordered by the governorate in charge of the HGRK morgue to prevent human rights activists and/or observers from accessing the morgue.

²⁹ Although Operation Likofi officially ended on 15 February 2014, the UNJHRO has continued to record similar cases of enforced disappearances since that date.

³⁰ See detailed list of cases of enforced disappearances appended to this report.

when PNC agents came to the houses of the victims with an informer. In most of the other cases, the victims seem to have been arrested indiscriminately without any preliminary identification procedures.

22. In all cases documented by the UNJHRO, families and relatives of the victims tried to obtain information from the authorities, in particular the police, in order to locate their missing relatives and visited several detention facilities in the city of Kinshasa, but they were unable to locate them.

VI. Identification of the alleged perpetrators

23. According to all the information obtained by the UNJHRO, the human rights violations outlined in this report were committed by PNC agents,³¹ especially units of the *Légion nationale d'intervention* (LENI)³² and the *Groupement mobile d'intervention* (GMI)³³, which alternated (every 15 days) under the command of General Célestin Kanyama Tshishiku, a Kinshasa provincial police inspector³⁴ who was the ex-regional Police Commander of the Lukunga police district,³⁵ and General Seguin Ngoy Sengelwa, LENI Commander.
24. Several sources confirmed that a high-ranking PNC officer in Kinshasa and several other police officers³⁶ were involved in summary and extrajudicial executions and enforced disappearances committed during Operation Likofi. According to the same sources, officers from several PNC units, in particular the GMI of Kinshasa West (*GMI Kin-Ouest*), the GMI of Kinshasa East (*GMI Kin-Est*), a police station at Kingabwa and the LENI acting under orders of the high-ranking PNC officer in Kinshasa.
25. These individuals were implicated at various levels of the operation in several cases, in particular during Phase II,³⁷ which, according to credible sources, took place as follows: the PNC agents assigned to carry out the operation had the task of arresting suspected "*kulunas*" and taking them to the nearest police station or substation. "*Executing*" agents subsequently reported to the high-ranking PNC officer referred to above, who ordered PNC agents to transport the detainees and take them, in the late evening hours, to the GMI-Est station located in Limete *commune*. Upon arrival, the victims were left under the supervision of a senior GMI officer until PNC officers carried out the executions under the orders of the highest-ranking officer, while loud music was played. Most of the executions were carried out by shooting, strangling, or hanging. According to credible sources, the highest-ranking officer was even present at some executions himself. Immediately afterwards, a senior PNC officer recovered the bodies and transported them to the HGRK morgue, where an agent in charge of the "*kulunas*" stored the bodies. The bodies were then transported in a trailer truck on the Bandundu road and thrown into the river or buried in mass graves.

³¹ Operation Likofi was carried out by some 280 men, 60 per police district and 40 from the police intelligence services.

³² The *Légion nationale d'intervention* (LENI) is a general intervention reserve force of the national police and acts to support the provincial police stations in the event of riots and any other police operations (Art. 20 of Decree No. 13/017 of 6 June 2013 laying down the organisation and operation of the General Headquarters of the Congolese National Police). It has national territorial powers.

³³ The *Groupement mobile d'intervention* (GMI) acts in the same circumstances as the LENI but has restricted territorial powers.

³⁴ The Kinshasa provincial police inspectorate (IPKin) is based at the Lufungula military camp in Lingwala *commune*.

³⁵ The region of Lukunga consists of Barumbu, Gombe, Kinshasa, Kintambo, Lingwala, and Ngaliema *communes*.

³⁶ These are colonels, commanders, and captains.

³⁷ Operation Likofi II.

VII. Responses by the Congolese authorities, MONUSCO, and other United Nations actors

7.1. The Congolese authorities

26. Despite numerous condemnations of the human rights violations by the United Nations during the first phase of Operation Likofi,³⁸ the second phase, "Likofi II", was launched on 15 December 2013. In a letter dated 7 January 2014 to MONUSCO and UNICEF, the Minister of the Interior, Security, Decentralisation and Customary Matters stated that *"With regard to the allegations of extrajudicial executions or other abuses or police misconduct, the magistrates at the civil and military courts in charge of setting up Operation Likofi are active in seeking out police officers, who may or may not have been members of Operation Likofi, involved in the perpetration of criminal acts, in the course of, or outside, the exercise of their duties. He added that "it goes without saying that, in view of the serious nature of the allegations fed by rumour, we all have a duty to assist justice by refraining from taking advantage of our prerogatives, in particular through peremptory declarations about events described as extrajudicial executions while the competent legal bodies are supposed to act with full independence in relation to both national and international institutions."*
27. At a press conference held on 25 February 2014 in Kinshasa, the Minister of Interior also acknowledged that Operation Likofi had not proceeded smoothly, and said that criminals had sometimes posed as members of the Operation in order to commit crimes, including murder. He also said that investigations were underway to dismantle such criminal networks who, he claimed, had tried to discredit Operation Likofi.³⁹
28. The UNJHRO has conducted follow-up on each of the cases described in this report with several authorities, including from the police and the judiciary, both at national and local levels.⁴⁰ The UNJHRO has noted the written and oral declarations of the Minister of the Interior, Security, Decentralisation and Customary Matters regarding steps taken by civil and military judicial authorities to find the alleged perpetrators of these crimes. To date, according to information obtained by the UNJHRO, only one judgement has been rendered in relation to crimes committed in the scope of Operation Likofi. On 24 June 2014, the Military Garrison Tribunal of N'djili sentenced a chief superintendent of police from the *Marché de la Liberté* station in Masina police district to 10 years of penal servitude for abduction, arbitrary arrest, and forgery. Two other chief superintendents of police were acquitted in this case.⁴¹ However, in the majority of cases, no steps seem to have been taken by the competent authorities to find and prosecute all the perpetrators of these violations.
29. Complaints were filed by the families of the victims with military prosecutors' offices, but with no results to date.⁴² However, several families of the victims did not file complaints,

³⁸ See Press Release of 27 November 2013. "DRC: UNICEF and MONUSCO concerned by reports on disappearances and murders of young people and children in Kinshasa".

³⁹ Extracts from the speech of the Minister of the Interior, Decentralization and Traditional Affairs at a press conference held on 25 February 2014 at the Hotel Sultani in Kinshasa.

⁴⁰ In particular the Minister of Justice and Human Rights, the Commissioner General of Police, the Senior Military Prosecutor of Matete and the General Military Prosecutor

⁴¹ See Case No. 17 in the Appendix to this report.

⁴² On the date of this report, the UNJHRO had recorded at least seven complaints filed by families of victims of Operation Likofi.

due to fear of reprisals. The UNJHRO has also been informed that a military prosecutor, who had filed criminal charges against two PNC agents accused of having killed an alleged "*kuluna*", had received pressure from supervisors of the said PNC agents to drop the charges and was ordered by his own superiors to halt legal proceedings.

30. The UNJHRO welcomes the decision taken by the General Commissioner of the PNC on 15 August 2014 to set up a commission of inquiry aimed at investigating and identifying abuses allegedly committed by PNC agents in the scope of Operation Likofi.⁴³

7.2. MONUSCO and other United Nations actors

31. Representatives of MONUSCO and the UNJHRO have engaged in advocacy with the authorities, in particular with judicial authorities, to end human rights violations committed under Operation Likofi and to bring the perpetrators to justice.
32. Furthermore, on 27 November 2013, MONUSCO and UNICEF issued a press release regarding the allegations of the disappearances and murders of young men and children in certain *communes* of Kinshasa. The press release called on the Congolese authorities to take immediate steps to put an end to these crimes, and urged the judicial authorities to initiate investigations so that those responsible for these crimes could be prosecuted under the Criminal Code.
33. On 20 December 2013, MONUSCO and UNICEF wrote to the Minister of the Interior, Security, Decentralisation and Customary Matters to express their serious concerns regarding the allegations of summary and extrajudicial executions of civilians, including children, who were suspected of being "*kulunas*" and/or "*Shegues*",⁴⁴ committed by PNC agents as part of Operation Likofi.
34. On 2 June 2014, a list of cases documented by the UNJHRO up to that date was sent to the Ministry of Justice and Human Rights for investigation by the Congolese authorities, followed by recommendations to prosecute the perpetrators if evidence of criminal activity was found. In addition, the UNJHRO asked for details of the actions undertaken by the competent authorities with regard to any arrests or prosecutions of the alleged perpetrators of these acts.⁴⁵ In a letter dated 5 September 2014 annexed to the present report, the Minister of Interior acknowledged receipt of the letter sent by the UNJHRO on 2 June 2014 to the Minister of Justice and Human Rights.

VIII. Conclusions and recommendations

35. Following its investigations, the UNJHRO is able to confirm that, between 18 November 2013 and 25 February 2014, in Kinshasa, at least nine men, including a minor, were victims of summary and extrajudicial executions, and at least 32 men, including three minors, who were victims of enforced disappearances by PNC agents in the scope of Operation Likofi. The number of victims of Operation Likofi could be much higher, since

⁴³ *Décision n°020/PNC/CG/COMDT/2014 du 15 août 2014 portant mise en place d'une commission d'enquête relative à l'opération Likofi et Décision n°022/PNC/CG/COMDT/2014 du 26 août 2014 modifiant et complétant la décision n°020/PNC/CG/COMDT/2014 du 15 août 2014 portant mise en place d'une commission d'enquête relative à l'opération Likofi.*

⁴⁴ The term "*Shegue*" refers to street children and adolescents in several major towns of the DRC, in particular Kinshasa.

⁴⁵ The letter was delivered to the Minister of Justice and Human Rights on 4 June 2014.

the UNJHRO was not able to confirm a large number of allegations due to various difficulties identified in this report.

36. The UNJHRO has followed up the human rights violations cases described in this report with several authorities, including police and judicial authorities, both at national and local levels. The Minister of the Interior, Security, Decentralisation, and Customary Matters has mentioned the active part played by the magistrates in seeking the alleged perpetrators. However, with the exception of one judgement handed down on 24 June 2014 sentencing a chief superintendent of police to 10 years of imprisonment for abduction, arrest, and forgery in the course of Operation Likofi,⁴⁶ the UNJHRO is not aware of any other measures taken by the competent authorities to bring perpetrators of these violations to justice.
37. Members of the PNC at several levels in the chain of command have violated several principles of international law embodied in various international treaties, including the right to life, the right to physical integrity, and the right to liberty and security of the person. Additionally, the perpetrators of these acts have violated Articles 16, 17 and 18 of the Congolese Constitution. Furthermore, they have not respected the Basic Principles on the use of force and firearms.⁴⁷ Given the type and nature of these violations, and the context in which they were committed, they may constitute international crimes as well as crimes under the Congolese Criminal Code.
38. The UNJHRO therefore recommends that:

A. The Congolese authorities

- To carry out prompt, independent, credible, and impartial investigations into the human rights violations committed during Operation Likofi and, if evidence of crimes is found, to prosecute all alleged perpetrators of these violations, regardless of rank;
- To not resort to use of excessive use of force in operations intended to maintain order and to respect the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, as adopted by the United Nations, in particular by ensuring that the internal rules of the police force reflect these principles;
- To ensure that disciplinary and legal proceedings are taken in the event of failure to comply with the rules on the use of force and firearms;
- To give prosecutors and UNJHRO human rights officers free access to all the detention facilities of Kinshasa, in particular the police holding cells of Lukunga (Lufungula Camp) which are considered to be at the centre of Operation Likofi, as well as the city's health centres and hospitals, including the morgue of Kinshasa General Hospital.
- To ratify the International Convention for the Protection of All Persons from Enforced Disappearance.

⁴⁶ See Case No. 17 in the Appendix to this Report.

⁴⁷ See paragraphs 10, 12, and 13 of this Report.

B. The International Community:

- To urge the Congolese authorities to pursue and bring to justice the alleged perpetrators described in this report;
- To request the Congolese authorities to take preventive measures to ensure that these violations are not repeated;
- To continue supporting the Congolese authorities in order to ensure the democratic, responsible, and transparent functioning of State institutions of the DRC including the members of the security forces;
- To ensure that all support to security forces of the DRC from the United Nations system and other partners is in accordance with the Human Rights Due Diligence Policy and that support is provided only to those units which have no record of serious human rights violations;
- To continue supporting the Congolese authorities, including the PNC, in building their capacity and assisting in security sector reform and the establishment of a mechanism for systematic background checks on PNC members.

IX. ANNEXES:

9.1. List of cases documented by the UNJHRO

- Summary and extrajudicial executions

1. On 19 November 2013, at approximately 2:30 a.m., a 30-year-old shopkeeper living in Selembao *commune* was killed three metres away from his home. Hooded individuals in PNC uniforms came to look for him at his home and shot him with two bullets in the back. His body was picked up by a local police jeep at approximately 10 a.m. and driven to the Kinshasa General Hospital (HGRK).
2. On 19 November 2013, a 23-year-old fisherman living in the *commune* of Limete was arrested along with one of his friends by PNC agents dressed in civilian clothes before being transported in a jeep where there were other armed agents wearing PNC uniforms, some of whom were hooded. They were driven to Barumbu commune, where the agents shot them. One of the victims died immediately, while the 23-year-old, who had been hit in the upper legs and assumed dead, managed to survive and escaped the morgue. However, three days after he returned home, he died of his injuries.
3. On 20 November 2013, a 23-year-old shopkeeper and an unidentified friend, living in Limete *commune*, were both killed in Wenze ya Mbila Square in the Kingabwa area. They had been arrested along with a third man, at approximately 2:00 a.m., by a group of armed men in PNC uniforms in a PNC jeep from the Waya Waya station. At approximately 6:00 am, the parents of the 23-year-old victim were alerted by local residents that the bodies of their son and his friend had been found in Wenze ya Mbila Square not far from the Leza police substation. A Waya Waya police station jeep then came to pick up the bodies.
4. On 20 November 2013, at about 8:00 p.m., a 25-year-old male graduate of the *Institut Supérieur de Techniques Appliquées* (ISTA), who lived in Bumbu commune, was killed not far from the Assossa-Birmanie/Révolution police substation. He had been arrested by approximately twenty PNC agents who had come in three pick-ups, tied his arms behind his back and then shot him in the back. A PNC truck came to the scene at approximately 7:00 a.m. the next morning to collect the body, but it had already been taken to the Kasangulu morgue by the victim's family.
5. On 20 November 2013, at approximately 9:00 p.m., a 23-year-old man living in Ngaliema commune was shot twice point blank by policemen. On his way home, he had come across a police patrol, heading towards him. He had taken refuge in the PNC police substation at Camp Luka in Ngaliema commune, from which he was taken by force by the patrol agents. He had begged them to identify him first, insisting that he was not a *kuluna*. After forcing him into a jeep, the PNC agents told him to get out of the vehicle and then shot him twice in the back. At approximately four o'clock in the morning, a police jeep picked up the body and took it to an unknown destination.
6. On 23 November 2013, an 18-year-old football player living in Kalamu *commune*, was shot in the back three times by a group of policemen. He had been arrested at about 9:00 p.m. by a group of hooded, armed policemen near his home, while he was cleaning cars. The police put him into one of their two pick-ups they were travelling in and spent two

hours circling the district before killing him with three shots in the back near the place where he had been arrested. The next day, at approximately 7:00 a.m., a police jeep carrying a captain from the Mabanga police substation in the Yolo Sud area came to pick up the body and took it to the HGRK morgue.

7. On 24 November 2013 at approximately 3.00 a.m, a 27-year old carpenter from Bumbu *commune* was killed by PNC officers. He had been arrested in a hotel room and taken to the Bumbu district police cells. He was taken out of the cell some time later and shot in the shoulder and in the groin. Due to his injuries, he was taken to the military hospital of the Kokolo camp, where he died. At approximately 11:00 a.m., a district police jeep picked up the body and took it to the HGRK morgue.
8. On 24 November 2013, at approximately 5.30 a.m., a 23-year-old shopkeeper living in the Ngiri-Ngiri *commune* was killed. Some twenty persons in PNC uniforms, some hooded, arrested him after seriously beating his family members. They then tied him up and dragged him along the ground before shooting him twice in the back after telling him to run. His body was collected by the district police at approximately seven in the morning and taken to the HGRK morgue.
9. In the morning of 27 November 2013, at approximately three, a 17-year-old telephone booth worker who lived in the Bumbu *commune* was killed five metres from his home. Agents in PNC uniforms, some hooded, had come to his house and taken him a few metres away before shooting him in the back. At around seven in the morning, a district police jeep came to collect the body and take it to the HGRK morgue.

- **Enforced disappearances**

1. On 18 November 2013, at approximately 2:00 a.m., four men were arrested in Kisenso *commune* by between seven and eight PNC agents. These agents arrived at the scene and woke up the landlady of the apartment complex and forced her to evacuate all the tenants out of the compound. Three tenants, aged 20, 22, and 27, as well as the landlady's grandson, were arrested by the operating PNC agents. They were taken to the Kisenso police station, where one was released after paying a sum of 50,000 Congolese Francs. The other three were taken from their cells during the night of 19 to 20 November 2013 to an unknown destination.
2. On 21 November 2013, at approximately 8:00 a.m., a 23-year-old student from an Institute was arrested by a group of policemen in Mont-Ngafula *commune* when he was shopping at a local store. A group of armed men in PNC uniforms, commanded by an assistant police chief nicknamed "*La Flamme*" apprehended him without showing any documents, put him in a jeep, and took him to an unknown destination. The man has never been found in spite of searches made by his relatives and the UNJHRO at several detention facilities in Kinshasa.
3. On 25 November 2013, at approximately 11.00 p.m., several policemen in four pick-up trucks arrested six men in Limete *commune*. These men were taken to the Mont-Amba police district cells where the agents asked for money in exchange for their release. With the assistance of their families, two of them were able to pay the ransom and were released. The other four were transported from their cells to an unknown destination.

4. On 30 November 2013, at approximately 9.30 a.m., a 24-year-old man living in the *commune* of Lingwala was arrested by a group of policemen in two jeeps who came to his house, where he was hiding. They chased all the occupants out of the house and shot the man hiding in the ceiling before handcuffing him and throwing him into a vehicle. The victim's family have been informed of his death, but the body has not been found.
5. On 18 December 2013, at approximately 2.45 a.m., a 22-year old man was arrested in his home in Ngaba *commune* by a group of hooded policemen who arrived in a jeep, including a captain from Mont-Amba police district known as "Ange". The man was taken to an unknown destination and has not been found.
6. On 18 December 2013, a 22-year old man, a student at a college in Kinshasa, was arrested in his home in Ngaba *commune* by a group of hooded policemen who arrived in a jeep, including a captain from Mont-Amba police district known as "Ange". The PNC agents threatened the other occupants of the house. The man has never been found, although his family have made searches at several detention facilities in Kinshasa.
7. On 18 December 2013, a 24-year-old student from the *Institut national de préparation professionnelle* (INPP) who also had a job in an aluminium factory, was arrested in Ngaba *commune* by a group of hooded policemen who arrived in a jeep, including a captain from Mont-Amba police district known as "Ange". The agents threatened the occupants of the house before arresting the man and taking him away with them, along with several items of property. The man has never been found, although his family have made searches at several detention facilities in Kinshasa. A complaint has been filed against Captain "Ange" at the Prosecutor's office of the Military Garrison Tribunal of Matete *commune*.
8. On 24 December 2013, at approximately 3.00 a.m., a 23-year old student was arrested in his home in Kalamu *commune* by a group of seven PNC agents in PNC uniforms, including one woman, all armed and hooded. After being taken out of the house, the victim was tied up and taken to an unknown destination.
9. On 1 January 2014, at approximately 5:00 p.m., in Ngaba *commune*, a 27-year-old salesman went to a drinking establishment with a female companion where he allegedly took part in a fight. The man was seized and taken to Ngaba police station by other men involved in the fight. According to the head of the police station, this man and other detainees were taken to the prosecutor's office of Matete. He has never been found, although his family have searched for him at several detention facilities in Kinshasa.
10. On 31 January 2014, at approximately 2.00 a.m., in Ngaba *commune*, police arrested a 30-year old vendor from Ngaba market at the house of a friend. The PNC agents had come to find his friend, and in his absence arrested the man and took him to an unknown destination. He has never been found, although his family have made searches at several detention facilities in Kinshasa.
11. On 6 February 2014, at approximately 2.00 a.m., a 39 year-old car park attendant was arrested in his home in Ngaba *commune* by a group of hooded policemen who arrived in four jeeps. They threatened the occupants of the house before arresting the man and taking him away. The man has never been found, although his family have made searches at several detention facilities in Kinshasa.

12. On 6 February 2014, at approximately 2.00 a.m., a 31-year old day-worker from the *Office National des Transports* (ONATRA) was arrested in Ngaba commune by PNC officers who had encircled the plot where he lived. Following a brief interrogation of each occupant of the house, the PNC agents arrested the man, handcuffed him, and placed him into a jeep. According to several sources, the operation was led by Major Kasongo, *alias* Longange. The man has never been found, although his family have made searches at several detention facilities in Kinshasa.
13. On 6 February 2014, at approximately 2.00 a.m., a 30-year-old INPP student and his nephew of the same age, a day-worker in a dairy at Limete, were arrested in their home in Ngaba *commune* by hooded policemen. They have never been found, although their families have made searches at several detention facilities in Kinshasa.
14. On 6 February 2014, a 28-year-old electrician was arrested by several hooded policemen who surrounded his home in Ngaba *commune*. He was then taken to an unknown destination and has never been found, although his family have made searches at several detention facilities in Kinshasa.
15. On 8 February 2014, six men were arrested by police agents in Limete *commune*. At approximately 3.00 a.m., some twenty armed, hooded, policemen went into a house and arrested four men. They handcuffed them after seizing some of their personal effects. One of them was released a few minutes later, but the police put the other three men into three jeeps. This same group of policemen then went to Elengesa Avenue in the Mososo area of Limete *commune*, where they arrested two men, including a 23-year-old man. According to some sources, on 10 February 2014 one of the men arrested had been seen on television among a group of alleged "*kulunas*" at a presentation of the Lufungula military Camp to the media by General Kanyama, Commander of Kinshasa provincial police station. The operation was led by Major Kasongo *alias* Longange. These men have never been found, although their families have made searches at several detention facilities in Kinshasa.
16. On 9 February 2014, a 16-year-old minor, student at an institute in Makala, was arrested by policemen in Makala *commune* after an altercation with another youth while being drunk. When he ran away, the other youth called out "*kuluna*". Armed, hooded policemen were passing in jeeps at that moment and seized the minor, handcuffed him, and put him in one of the jeeps. The minor has never been found, although his family have made searches at several detention facilities in Kinshasa.
17. On 9 February 2014, a 23-year-old driver living in Kimbanseke *commune* was removed from the *Marché de la Liberté* police station in Masina commune and taken to an unknown destination. He was arrested after going to the traffic police because, on 7 February 2014, he had caused a road traffic accident which had led to a man's death. After being taken out of the cell, the young man was taken by jeep to an unknown destination. He has never been found, although his family have made searches at several detention facilities in Kinshasa. His family went to the Ndjili Military Garrison Prosecution Office, which arrested the "*chef d'antenne*" and the commander of the police substation. On 24 June 2014, the Military Garrison Court of the N'djili *commune* sentenced a chief superintendent of police from the *Marché de la Liberté* station to 10 years' penal servitude for abduction, arbitrary arrest, and forgery. Two other chief

superintendents of police were acquitted. Legal proceedings against Major Kasongo and his military command have been initiated by the general prosecution department.

18. In the morning of 9 February 2014, at approximately 1.00, a 44-year-old driver, who had had an argument with a passer-by not far from his home on his way back from work, was arrested by police in Ngaba *commune*. He was taken to the Kin-Est GMI at the Limete interchange. Since then, in spite of searches by his family members at the Kin-Est GMI and other detention facilities in Kinshasa, he has not been found.
19. On 11 February 2014, at approximately 3.00 a.m., a 20-year-old salesman was arrested in his home in Lemba *commune* by a group of men in PNC uniforms, armed and hooded, accompanied by an informer. He was taken to an unknown destination. All searches at the various detention facilities have failed to find him.
20. On 11 February 2014, a 19-year-old football player was arrested in Lemba *commune* by hooded policemen and an informer, a friend of the victim. He was handcuffed and driven to an unknown destination. He has never been found, although his family have made enquiries at several detention facilities in Kinshasa.
21. On 25 February 2014, a 17-year-old salesman was arrested by armed, hooded, PNC agents in Lemba *commune*. The policemen tied him up and drove him to an unknown destination. He has never been found, although his family have made enquiries at several detention facilities in Kinshasa.
22. On 25 February 2014, at approximately 3.00 a.m., a 16-year old student at a *Centre Scolaire* was arrested by armed, hooded policemen who came to his house to search for him in Lemba *commune*. After tying him up, they drove him to a police substation in the neighbourhood. The child has never been found, although his family have made searches at several detention facilities in Kinshasa.

9.2. Letter of the Minister of the Interior, Security, Decentralisation and Customary Matters dated 5 September 2014

République Démocratique du Congo



Ministère de l'Intérieur, Sécurité,
Décentralisation et Affaires Coutumières

Le Ministre



Objet : Accusé de réception
Votre lettre
n°BCNUDH/126/2014
du 02 juin 2014

Kinshasa, le 05 SEPT 2014
N°25/CAB/MININTERSECDAC/1914/2014

Transmis copie pour information à :

- Son Excellence Monsieur le Président de la République, Chef de l'Etat ;
(Avec l'expression de mes hommages les plus déférents)
- Son Excellence Monsieur le Premier Ministre, Chef du Gouvernement ;
(Avec l'assurance de ma très haute considération)
- Son Excellence Monsieur le Vice-Premier Ministre, Ministre de la Défense Nationale et Anciens Combattants ;
- Madame la Vice-Ministre des Droits Humains ;
- Monsieur le Commissaire Général de la Police Nationale Congolaise ;
- Monsieur le Procureur Général de la République ;
- Monsieur l'Auditeur Général près la Haute Cour Militaire ;
- Monsieur le Représentant spécial du Secrétaire Général ;
- ✓ Monsieur le Représentant Spécial Adjoint du Secrétaire Général chargé des Opérations à l'Est ;
(Tous) à Kinshasa

A Monsieur le Représentant du Haut Commissariat et Directeur du Bureau Conjoint des Nations Unies aux Droits de l'homme
à Kinshasa/Gombe

Monsieur le Directeur,

J'accuse bonne réception de la copie me réservée de votre lettre sus-référencée par laquelle vous avez documenté en annexe des cas d'exécution sommaire et de disparition forcée que votre bureau a relevé lors de l'opération LIKOFI.

Il sied de noter que d'une manière générale, les écarts de comportements avérés dans le chef de nos éléments de police chargés de ladite opération, ont fait l'objet des préoccupations des institutions de la République du Gouvernement et du Parlement.

Avenue Colonel Tshatshi - Kin/Gombe - B.P. 7949

E-mail : mininterieur@yahoo.fr

71/

En effet, ces préoccupations ont fait l'objet d'une question orale avec débat auxquelles j'ai eu à répondre devant l'Assemblée Nationale en décembre 2013.

Pour votre information, les cas relevés d'écart de comportement ont fait l'objet de procédures judiciaires qui ont abouti à des condamnations définitives.

De manière générale, il y a lieu de noter qu'avant le déclenchement de l'opération LIKOFI, nos services avaient constitué une banque de données sur les bandits appelés Kuluna, et une cartographie de cette criminalité reprenant la composition des différentes écuries qui existent à Kinshasa.

Etant ainsi fichés, bon nombre de Kuluna introuvables ne peuvent revenir dans leurs milieux habituels de peur d'être dénoncés.

Au moment de l'opération, le filet de la police n'est tombé que sur une infime partie. La plupart de ces bandits ont fui vers les Provinces du Bas-Congo, Bandundu et de l'Equateur ainsi qu'en République du Congo Brazzaville. Nous avons même reçu le Ministre de l'Intérieur du Congo voisin venu nous faire part de la présence de cette criminalité de Kinshasa à Brazzaville. Leurs services ont appréhendé plusieurs Kuluna dont 45 étaient officiellement remis à nos services et certains autres n'ont pas été retrouvés.

Biens d'autres Kuluna ont été victimes de la justice populaire.

En rapport avec les cas d'exécution sommaire et de disparition forcée relevés dans votre correspondance, il y a lieu de retenir ce qui suit :

01. L'intervention des gens en cagoule

Les policiers utilisés dans l'opération LIKOFI n'étaient pas dotés de cagoule. C'est plutôt certains criminels qui agissent généralement en cagoule pour échapper à une reconnaissance facile.

02. Cas des gens qui opéraient en tenue civile

Le personnel impliqué dans l'opération LIKOFI était habillé en tenue de la police nationale bien connue, et transporté dans des jeeps ouvertes.

03. Cas du corps amené à la morgue de KASANGULU

L'opération LIKOFI étant circonscrite dans la Ville de Kinshasa, il n'y avait pas de raison qu'un corps ramassé dans la Commune de Kasa-Vubu, à Kinshasa, soit acheminé à la morgue de Kasangulu, dans la Province du Bas-Congo.



04. Les autres cas d'exécution sommaire et de disparition forcée

Pour les personnes que vous présentez comme avoir été appréhendés chez eux ou abattus non loin de leurs domiciles, il serait souhaitable que, sans divulguer les sources d'information, des données relatives aux noms et adresses, notamment, soient mises à disposition pour faciliter le travail d'investigation.

05. Pour les policiers identifiés par leurs noms ou sobriquets, nos services ont été instruits de procéder à des vérifications dans les unités impliquées dans l'opération LIKOFI.

A tout le moins, nos services demeurent aux aguets pour l'identification des cas avérés d'écart de comportement dans le chef de nos éléments de police pour les mettre à la disposition de la justice en vue d'une prise en charge idoine.

l'expression de ma haute considération. Veuillez agréer, Monsieur le Directeur,

Richard MUYEJ MANGEZE

