



Refugee Documentation Centre (Ireland)  
LEGAL AID BOARD

## **Congo Brazzaville - Researched and compiled by the Refugee Documentation Centre of Ireland on Tuesday 26 July 2016**

### **Information on whether the current indiscriminate violence/security situation would be defined as one of 'International or Armed Conflict'**

A document released in 2016 by *Freedom House* reviewing events of 2015 states:

“The government generally maintains control over security forces, but in some instances members of the security forces violate rights with impunity. The Human Rights Commission (HRC), charged with addressing complaints about abuses committed by security forces, is largely ineffectual” (Freedom House (2016) *Freedom in the World 2016, Congo, Republic of (Brazzaville)*).

A publication issued in 2016 by the *Heidelberg Institute* reviewing events of the preceding year states:

“A new conflict over national power erupted between opposition groups and President Denis Sassou Nguesso’s Congolese Party of Labour (PCT). In reaction to Nguesso’s attempt to modify the constitution, thereby enabling himself to run for president for a third time, thousands of protesters demonstrated especially in the capital Brazzaville, demanding his removal” (Heidelberg Institute (2016) *Conflict Barometer I 2015*, p.85).

The *Bertelsmann Foundation* in 2016 points out that:

“The government’s monopoly on the use of force is intact in most regions within the Republic of the Congo. There are instances in which members of the security forces act independently of government authority, committing what have been on occasion serious human rights abuses” (Bertelsmann Foundation (2016) *BTI 2016; Congo, Rep. Country Report, 2016*, p.6).

A report published in April 2016 by the *United States Department of State* commenting on events of the preceding year notes that:

“There were numerous reports the government or its agents committed arbitrary or unlawful killings” (United States Department of State (13 April 2016) *2015 Country Reports on Human Rights Practices - Republic of the Congo*).

This report also points out that:

“On multiple occasions police opened fire on crowds” (ibid).

A report issued in April 2016 by *Reuters* states that:

“Three police officers and two gunmen were killed in Congo Republic's capital in heavy fighting touched off by President Denis Sassou Nguesso's disputed re-election, a police spokesman said on Tuesday. Gunfights broke out on Monday in southern Brazzaville, an opposition stronghold, shattering the relative calm since the March 20 election that opposition candidates say was fraudulent. Police spokesman

Jules Monkala Tchoumou said the five deaths occurred during clashes in Brazzaville on Monday” (Reuters (5 April 2016) *Three police officers, two gunmen killed in Brazzaville fighting on Monday*).

In April 2016 a report published by the *Agence France-Presse* notes:

“At least five people died and buildings were torched in clashes between government forces and suspected rebels in Congo's capital, the government said Tuesday, saying some 50 people had been arrested over the "terror attack". A dozen attackers were also killed in the fighting in the south of the city on Monday, which saw six police stations, a town hall and two customs checkpoints set on fire, government spokesman Thierry Mougalla said on Twitter. Heavy gun battles erupted before dawn in the southern Makelekele and Mayana districts of Brazzaville, which are loyal to the opposition, sending thousands of panicked residents fleeing” (Agence France-Presse (6 April 2016) *At least 5 killed, buildings torched in Congo capital unrest*).

This document also states that:

“Congo has been on edge since an October constitutional referendum ended a two-term limit on presidential mandates, allowing the 72-year-old head of state to run again. Last week, there were strikes in several southern districts in protest over the election results” (ibid).

The *United Nations Secretary-General* notes in April 2016 that:

“The Secretary-General is deeply concerned about recent reports that security operations undertaken by the Government of the Republic of the Congo in the Pool region allegedly resulted in attacks against civilian targets and displacement of the population from the affected areas” (United Nations Secretary-General (13 April 2016) *Secretary-General, Deeply Concerned about Reported Targeting of Civilians in Congo, Condemns All Acts of Violence, Urging Dialogue, Restraint*).

In April 2016 *Amnesty International* points out in a report that:

“Air strikes on residential areas in the south eastern Pool region of Congo that have reportedly resulted in deaths, casualties and the destruction of properties, including churches, schools and medical facilities represent an unlawful use of lethal force by the security forces, Amnesty International said today” (Amnesty International (18 April 2016) *Republic of Congo: Air strikes hit residential areas including schools*).

*African Arguments Online* in April 2016 points out that:

“Over the past two weeks, the government of the Republic of Congo has been engaging in a military campaign against its own civilians. According to reports, troops and armoured tanks have been dispatched to the south eastern Pool region. Helicopters there have dropped several bombs on residential areas leading to an unconfirmed number of deaths and widespread destruction” (African Arguments Online (19 April 2016) *Republic of Congo government blames non-existent militia for attack, wages war on citizens*).

In April 2016 a report published by *M2 Communications* notes:

“FIDH, OCDH and the #MyVoteMustCount Coalition member organisations are extremely concerned about the major military and police operations currently ongoing

in the Pool region. The violence has already led to dozens of people killed and injured, the destruction of many buildings including schools, medical centers and churches, and numerous arrests. While the security forces prohibit almost all access to the Pool department, our organisations are concerned about a crackdown behind closed doors against opponents to the recent and contested re-election of President Denis Sassou Nguesso” (M2 Communications (28 April 2016) *Congo : Serious human rights violations behind closed doors in the Pool*).

This document also states:

“For over two weeks, the Congolese army and police have been conducting major operations in the Pool region, officially against former members of the Ninja militia and its former leader, Frédéric Bintsoumou aka Pastor Ntumi, former general delegate to the President in charge of the promotion of peace and war-related reparations. Until April 14, defence and security forces also conducted shelling with heavy weapons and bombardments, followed by ground offensives, including against the villages of Vindza, Kibouendé, Soumouna and Mayama. Even though the authorities assert that there are no civilian casualties, the testimonies received by our organisations mention dozens of people killed and injured. Many protected buildings such as schools, medical centers and churches have been struck, or even targeted. Populations have deserted cities and sought refuge in the bush where they survive in extreme precariousness and insecurity” (ibid).

The *United Nations News Service* in May 2016 states that:

“United Nations Secretary-General Ban Ki-moon, speaking by phone today with the President of the Republic of the Congo, Denis Sassou N’Guesso, expressed concern about the Government’s ongoing security operation in the south-eastern Pool region of the country and its impact on the civilian population” (United Nations News Service (18 May 2016) *In call with Republic of Congo President, Ban cites concern over security operations in country’s southeast*).

A report issued in May 2016 by the *United Nations Security Council* notes that:

“In the Congo, allegations of serious human rights violations were reported during the post-electoral period in April 2016 in the Pool region; however, access to the affected areas has been limited by the Government and humanitarian and human rights actors have been unable to assess the situation, provide assistance and monitor and report on the alleged violations” (United Nations Security Council (25 May 2016) *Report of the Secretary-General on the situation in Central Africa and the activities of the United Nations Regional Office for Central Africa*, p.8).

In June 2016 the *New York Times* states that:

“President Denis Sassou-Nguesso’s new term in office, a continuation of his decades in power after a murky re-election, has gotten off to a rocky start since violence in the Republic of Congo has left his political opponents fearing for their lives. On April 4, the day that final election results were released, shooting broke out in the southern districts of the capital, Brazzaville, which are considered to be opposition strongholds. Military barracks and checkpoints and two police stations were targeted in a gun battle that lasted nearly two days, according to the International Federation for Human Rights. Human right groups have also reported that airstrikes and a ground offensive took place in Pool, another area known for harboring opposition figures, starting the next day. The violence comes after protests last year over the

constitutional referendum that extended the eligibility of presidential candidates beyond age 70, which allowed Mr. Sassou-Nguesso, 72, to run again. Mr. Sassou-Nguesso, often considered one of Africa's so-called presidents for life, has governed the country for 32 of the last 37 years" (New York Times (2 June 2016) *Political Violence Roils the Republic of Congo*).

This document also states that:

"Various witnesses report that the day after the shooting began in Brazzaville, the government bombed the southern Pool region, destroying one of Mr. Bintsamou's former houses. The government denies targeting civilians and has not issued an official body count. Access to the most sensitive areas of the Pool region has also been denied to local journalists and nongovernmental groups" (ibid).

This report also points out that:

"Shelling with heavy weapons and bombardments in Pool stopped in mid-April, but ground offensives are still taking place in various villages in the region, humanitarian groups have reported" (ibid).

In July 2016 *Reuters* notes that:

"Congo Republic opposition leader Paulin Makaya was sentenced to two years in prison on Monday for his role in protests against a referendum proposing a third term for President Denis Sassou Nguesso, the High Court of Brazzaville ruled. Makaya was charged on four counts including "incitement to disturb public order" during a demonstration on October 20 when thousands of people took to the streets to protest the constitutional referendum" (Reuters (25 July 2016) *Congo opposition leader gets two years for inciting disorder*).

This report also notes that:

"Four people were killed at the march in October, when security forces opened fire after a crowd refused to disperse. Residents said the violence in Brazzaville was the worst since Nguesso retook power in 1997 at the end of a brief civil war" (ibid).

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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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