



**Democratic Republic of the Congo – Researched and compiled by the  
Refugee Documentation Centre of Ireland on 20 February 2018**

**Information regarding the treatment of perceived traitors by the  
government, specifically people working in the intelligence service who  
where accused of leaks etc**

**Information on corruption within the government and the judiciary  
(client states he was sentenced to death without trial)**

**Information on the lack of security in the Country**

The 2016 US Department of State country report for the Democratic Republic of the Congo (DRC), in a section headed “Denial of Fair Public Trial”, states:

“Although the law provides for an independent judiciary, the judiciary was corrupt and subject to influence. Officials and other influential individuals often subjected judges to coercion. For instance, on June 27, the senior judge presiding over the trial of opposition party leader Moise Katumbi--who was convicted in absentia on June 22 for the fraudulent sale of property, sentenced to three years in prison and ordered to pay 852 million Congolese francs (\$722,000) in damages--wrote a public letter accusing ANR of placing her under 'physical and moral' pressure to convict Katumbi. The judge and two of the court reporters involved in the case subsequently went into hiding. In an interview broadcast by international media on December 14, the judge publicly renounced her conviction of Katumbi, which she said was government-ordered. The judge claimed she experienced threats and pressure from the government to convict Katumbi before, during, and after the trial.” (US Department of State (3 March 2017) *2016 Country Reports on Human Rights Practices – Democratic Republic of the Congo*, p.9)

The Executive Summary of a report published by the Lawyers For Lawyers Foundation, in paragraph 8, states:

“The Congolese authorities do not always uphold the necessary guarantees for the proper functioning of the legal profession in practice. Lawyers are regularly subjected to threats, intimidation and improper interference. Some lawyers are even subjected to disbarment, disciplinary and/or criminal proceedings, in connection to their legitimate professional activities. As a result, lawyers are not in an equal position to represent their clients.” (Lawyers For Lawyers Foundation (18 September 2017) *Human Rights Committee Consideration of the fourth Periodic Report of Democratic Republic of the Congo*, p.3)

In a section headed “No effective guarantees for the functioning of lawyers” (paragraph 18) this report states:

“The position of lawyers in the DRC has significantly worsened over the last number of years. This coincides with a heightened level of oppression throughout the country, in particular of political opponents, and human rights

defenders. L4L has been informed by lawyers in the DRC that they are regularly subjected to threats, intimidation and improper interference or attempts to put pressure on them by members of law enforcement agencies, the military and even the judiciary. Lawyers are sometimes arbitrarily detained when exercising their professional activities. Such acts of intimidation are frequently orchestrated by members of the 'Agence Nationale de Renseignement' (ANR – or secret service), but occasionally also by magistrates, police officers, or delegates of the ruling party. In particular, lawyers who are involved in politically sensitive cases endure difficulties in carrying out their professional activities without undue intervention.” (ibid, pp.6-7)

A report published by the UK Foreign & Commonwealth Office states:

“According to UN estimates there were over 600 arrests of opposition and youth activists in December, alongside reported abductions of activists. Most have been released but there were increasing concerns that the judicial system was being used by the regime for political purposes. For example, on 29 December 15 youths who had been arrested during political protests were sentenced to 3 years’ imprisonment for ‘sedition’ in Lubumbashi.” (UK Foreign & Commonwealth Office (8 February 2017) *Human Rights and Democracy Report 2015 - Human Rights Priority Country update report: July to December 2016 - Democratic Republic of the Congo (DRC)*)

In an article published by the Michigan State University College of Law the author refers to death sentences imposed on persons allegedly involved in the assassination of Laurent-Desire Kabila as follows:

“Twenty-nine of the kadogo bodyguards along with one hundred and six other individuals were arrested and put on trial for the assassination of Laurent-Desire Kabila. Outside of the trial, 380 soldiers in the Eastern Congo were arrested and executed without trial. The trials for the 135 accused were held by a military tribunal with no opportunity for appeal, and any death sentence is mandated by law to take place within 48 hours. Human rights groups criticized the trials for not meeting the international standards for a fair trial and for not allowing independent observers during the first five months of trial. Additionally, the removal of the moratorium on executions immediately preceding the prosecutor’s call for the death sentence for 115 of the 135 accused is highly suspicious. In the end, twenty-six people were sentenced to death, forty were acquitted, and fifty received prison sentences. It is an open secret within the Congo that the fifty prisoners are innocent and that the military had no evidence to support the harsh sentences imposed. Despite the general understanding of these prisoners’ innocence President Kabila has refused to grant them amnesty.” (Michigan State University College of Law – International Law Review (15 January 2018) *What Went Wrong in the Democratic Republic of the Congo?*)

A document published on the Cornell Center on the Death Penalty Worldwide website states:

“Death Penalty Law Status: Abolitionist de facto. The last execution took place in 2003.” (Cornell Center on the Death Penalty Worldwide (13 February 2018) *The Death Penalty in Democratic Republic of the Congo*)

A report from Amnesty International states:

“The nine activists are among hundreds arrested since 2015 as part of the Congolese government’s widespread crackdown on people who have opposed President Joseph Kabila’s effort to remain in power beyond his constitutionally mandated two-term limit, which ended in December 2016. In addition to human rights defenders and pro-democracy activists, the government has targeted political opposition leaders and supporters, journalists, and people suspected of having links to the political opposition. Many have been held for weeks or months in secret detention, without charge and without access to families or lawyers. Some allege that they were mistreated or tortured and some are suffering serious health complications. Many were put on trial on trumped-up charges. (Amnesty International (26 September 2017) *DRC: Free rights activists, halt crackdown on peaceful assembly, freedom of expression*)

A report from Human Rights refers to the treatment of Catholic churchgoers on 31 December 2017 as follows:

“Security forces in the Democratic Republic of Congo used excessive force, including teargas and live ammunition, against peaceful protesters at Catholic churches in the capital, Kinshasa, and other cities on December 31, 2017, Human Rights Watch said today. When confronted by the heavily armed police and soldiers, some protesters, dressed in white, sang hymns or knelt on the ground. At least eight people were killed and dozens injured, including at least 27 with gunshot wounds, but the actual number killed and wounded may be much higher.” (Human Rights Watch (19 January 2018) *DR Congo: Security Forces Fire on Catholic Churchgoers*)

This report also states:

“On the morning of December 31, security forces surrounded at least 134 Catholic parishes in Kinshasa and erected roadblocks across the city, the church reported. Many Kinshasa residents were forced to show their voter registration cards, which serve as identity cards in Congo, to pass the roadblocks and continue to church. Some people, including those wearing or holding visible religious symbols – such as crosses, bibles, rosaries, and palms – were blocked from crossing the roadblocks. Security forces told some that there would be no Mass that day and they should return home.

Despite the heavy intimidation tactics, churches were packed, according to priests and congregants. Worshipers and others attempted to demonstrate following services in the cities and towns of Beni, Bukavu, Butembo, Goma, Idjwi, Kindu, Kamina, Kananga, Kisangani, Lubumbashi, Matadi, and Mbandaka, as well as in the capital. Across the country, the security forces quickly and often violently dispersed the protesters.

In Kinshasa, security forces fired teargas into church buildings in at least three parishes. In numerous other parishes, they fired teargas, rubber bullets, and in some cases live ammunition within the parish grounds, just outside the church buildings.” (ibid)

Referring to events which occurred on 21 January 2018 a report from the Vatican news agency Agenzia Fides states:

“The arrested priests could even be 12 in addition to the two nuns’, sources from the Congolese Church told Agenzia Fides. ‘Unlike December 31, this time the protests affected many cities throughout the DRC’ say our sources.’ ‘In the capital, Kinshasa, from where it was launched, the call for demonstration was accepted in all the municipalities. In Goma (the capital of North Kivu), where on 31 December the call for demonstration had not been re-launched at a local level, this time instead a demonstration took place after Mass in the cathedral, which was repressed by the police. In the capital of South Kivu, Bukavu, the police stopped the protest by preventing people from gathering. In Mbuji-Mayi, capital of Eastern Kasai, churches had been surrounded by the military since the early morning. The local Bishop had to publish a statement to ask priests to have the courage to carry out religious services. But in the cathedral of Mbuji-Mayi the military interrupted the Mass, preventing the consecration of the Eucharist’ say Fides sources. ‘5 people have died so far, but the number could be higher, maybe 6 or 7.’” (Agenzia Fides (22 January 2018) *Africa/DR Congo - Violent repression of demonstrations: at least 6 dead, a dozen priests kidnapped*)

The 2018 Human Rights Watch annual report for the DRC, in a section titled “Freedom of Expression and Peaceful Assembly” states:

“Throughout 2017, government officials and security forces repeatedly and systematically banned opposition demonstrations, shut media outlets, and prevented opposition leaders from moving freely. They jailed more than 300 opposition leaders and supporters, journalists, and human rights and pro-democracy activists, most of whom were later released. Many were held in secret detention facilities, without charge or access to family or lawyers. Others have been tried on trumped-up charges.” (Human Rights Watch (18 January 2018) *World Report 2018: Democratic Republic of Congo*)

In a section titled “Attacks on Civilians by Armed Groups and Government Forces” this report states:

“Between August 2016 and September 2017, violence involving Congolese security forces, government-backed militias, and local armed groups left up to 5,000 people dead in the country’s southern Kasai region. Six hundred schools were attacked or destroyed, and 1.4 million people were displaced from their homes, including 30,000 refugees who fled to Angola. Nearly 90 mass graves have been discovered in the region, the majority of which are believed to contain the bodies of civilians and militants killed by government security forces using excessive force against alleged militia members or sympathizers.” (ibid)

An article from the pan-African news platform African Arguments states:

“Over the last couple of years, scores of activists have died protesting against President Joseph Kabila’s refusal to step down. In the latest bout of nationwide demonstrations on 31 December 2017, at least seven more were killed as they took the streets. Many more were arrested.

However, it is not just the Democratic Republic of Congo’s (DRC) towns and cities that have witnessed violence as a result of the country’s deepening political crisis. Kabila’s determination to stay in power despite his term

officially ending in December 2016 has also aggravated more localised conflicts, causing widespread death and displacement.” (African Arguments (16 January 2018) *The Congo’s political crisis is stirring deadly violence in Kasai and beyond*)

In a section titled “Conflict in Kasai” this article states:

“One such conflict has devastated the Kasai region since mid-2016, leading to the displacement of 1.4 million people internally and 35,000 across the border with Angola.

The conflict first started as a dispute between a local customary leader and central authorities in Kinshasa. But events escalated when the local chief was killed by the Congolese military. His followers formed a militia known as the Kamuina Nsapu and fighting quickly spread throughout a region roughly the size of the UK.

Refugees in Angola told International Refugee Rights Initiative (IRRI), which released a report on the violence today, that members of the militia entered their villages and beheaded state officials. They committed horrific violence, but most witnesses said the fighters did not target ordinary citizens.

In response, the Congolese army employed heavy force against the poorly-armed militia, which was mostly made up of children. After neutralising the group, they reportedly turned on the civilian population.” (ibid)

A BBC news report on violence in the Kasai region states:

“More than 3,300 people have been killed in the violence in the Democratic Republic of Congo’s Kasai region since last October, the Catholic Church says. The figure, reported by Reuters, is from Church sources in the country. The deaths are the result of clashes between the army and a rebel group, but civilians have also been caught up in the violence. The UN has reported on the discovery of more than 20 mass graves but has put the death toll so far at about 400. According to the Church, 20 villages have been completely destroyed, half of them by government troops. The UN human rights chief, Prince Zeid Ra’ad al-Husseini, said investigators in Kasai province had identified dozens of mass graves along with harrowing evidence of people being shot, burned or hacked to death. Atrocities were being carried out by the security forces and a government-backed militia, known as the Bana Mura, which was set up to help fight a rival group known as the Kamuina Nsapu, Prince Zeid said.” (BBC News (20 June 2017) *DR Congo Kasai conflict: ‘Thousands dead’ in violence*)

See also article from UK newspaper The Guardian which states:

“Thousands of people have been killed and more than a million displaced in the most severe outbreak of violence in the Democratic Republic of Congo in recent years, raising fears of a return to the bloody civil wars of the 1990s and increasing pressure on President Joseph Kabila to step down or hold elections. The violence in the vast, resource-rich central African country has been concentrated in the central Kasai region, where local communities formed a militia in support of a local leader who opposed the government and was killed by the police last summer. The authorities have been battling

insurgents ever since, and there have been reports of dozens of massacres, ambushes and attacks on villagers. On Monday local officials announced the discovery of 10 mass graves, bringing the total found in Kasai since the outbreak of violence to about 50.” (The Guardian (30 June 2017) *Congo violence fuels fears of return to 90s bloodbath*)

An article published by the independent, not-for-profit media outlet The Conversation states:

“For the Democratic Republic of Congo (DRC) 2017 was a disaster. Presidential and legislative elections were delayed, the violence in Kasai intensified, a long-standing opposition leader died and violence in eastern Congo continued.” (The Conversation (3 December 2017) *2017: the year the Democratic Republic of Congo would like to forget*)

In a section headed “Violence in Kasai” this article states:

“As political deadlock between the president and the opposition ensued, the humanitarian crisis in Kasai intensified. Some reports have suggested that more than 3,000 people have been killed since the start of 2017. More than 33,000 Kasai residents have fled into Angola. The violence in Kasai was perhaps 2017’s biggest news story. There were reports that it got so bad that little children were being hacked to pieces with machetes. It is widely believed that the Bana Mura - a government sponsored militia - perpetuated this violence. The government fears that if left unchecked a rebel movement in Kasai could seriously undermine its sovereignty in the province. But local rebels known as the Kamwina Nsapu (‘black ant’ in English), also played a big part in the violence. The Kamwina Nsapu militia were suspected of decapitating 40 police officers in March. The UN has accused the DRC army of digging mass graves for those they have killed. It has attempted to investigate the atrocities in Kasai but the investigations have been marred by tragedy.” (ibid)

A report from the International Crisis Group, in a section headed “Catastrophe in the Kasais”, states:

“As violence escalated, it became clear that complex and poorly understood local dynamics were becoming intertwined with the national crisis. Indeed, the incident came in the context of regime efforts to pressure traditional chiefs for support and thus broaden its reach. This politicisation of chieftainships proved particularly contentious in opposition-dominated Kasai region, where many resent the state’s attempts to control local chiefs.

By mid-2017, there appeared to be over 60 militia groups operating in the Kasai, some related to the Kamuina Nsapu, others allied with the government and still others who have emerged from the chaos. The government responded by reinforcing its military and police presence. Both government forces and militia have used extreme violence, including against civilians. The UN documented 87 mass graves; and in June, a hard-hitting report by the Catholic Church estimated that 3,383 people had been killed. As of April, another militia, the Bana Mura became particularly active south of Tshikapa. Several sources claim the Bana Mura are closely linked to local security officials.

Intense violence spread rapidly; at its height (March to July), the conflict covered parts of five provinces and affected wider areas. To date, the crisis has displaced roughly 1.4 million people (out of a total of 4.1 million displaced in the DRC). Approximately 35,000 Congolese fled to Angola as a result of the Kasai violence; in response, Luanda bolstered its military presence at the border. The government has come under considerable regional and international pressure due to this violence and associated human rights abuses.” (International Crisis Group (4 December 2017) *Time for Concerted Action in DR Congo*, pp.13-14)

A UN Human Rights Council report, in a section headed “Current situation and action taken by the Government” (paragraph 28), states:

“The deterioration in the human rights situation in the Kasai provinces during the reporting period is alarming. The appearance of the Kamuina Nsapu militia following the refusal of the Government to recognize Jean-Pierre Mpandi as customary chief has led, since July 2016, to violent confrontations between militiamen and the defence and security forces, accompanied by serious human rights violations and abuses committed by all parties. Since the death of their leader Jean-Pierre Mpandi, who was killed by soldiers in August 2016, the activities of the militiamen have spread through four provinces. The Kamuina Nsapu have carried out violent attacks on agents and symbols of the State. They have also used, including by force, hundreds of children as human shields or to carry out their attacks. They have summarily executed at least 48 civilians and customary chiefs, including three women, who had refused to join their cause. For example, between 8 and 15 April 2017, in several localities in the territory of Kamonia (Kasai), 13 customary chiefs, including one woman, were decapitated by Kamuina Nsapu militiamen.” (UN Human Rights Council (4 September 2017) *The human rights situation and the activities of the United Nations Joint Human Rights Office in the Democratic Republic of the Congo*, p.7)

See also paragraph 29 in this report which states:

“The defence and security forces seem to have responded disproportionately to the actions of this militia, targeting people suspected of being affiliated with the Kamuina Nsapu and causing at least 548 victims of extrajudicial executions, including 34 women and 153 children, according to the United Nations Joint Human Rights Office. In particular, between 28 and 30 March 2017 in Kananga (Kasai-Central), at least 50 people, including 15 women and 12 children, were executed by soldiers during operations to track down presumed militiamen. On 31 May 2017, the Joint Human Rights Office also confirmed the existence of 42 mass graves in Kasai-Central and Kasai-Oriental, most of which were apparently dug by soldiers after clashes with presumed militiamen.” (ibid, p.7)

In paragraph 33 this report states:

“The fighters of the Allied Democratic Forces (ADF) carried out violent attacks in the territory of Beni (North Kivu), including the summary execution of at least 180 civilians. For example, on 13 August 2016, during generalized planned attacks on the people of Mbelu village, fighters executed 46 civilians, including 14 women and two minors. The United Nations Joint Human Rights Office has noted a decrease in the attacks committed by this group since

January 2017, which may be explained by the joint operations of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) and the army aimed at neutralizing them.” (ibid, p.8)

Paragraph 34 states:

“The conflict between the Nande and Hutu communities in North Kivu intensified as a result of the support received by various armed groups: the Nduma Defence of Congo (NDC), sometimes associated with Mai-Mai Mazembe — born of the Union des patriotes pour la défense des innocents (UPDI) — supporting the former, and the Forces démocratiques de libération du Rwanda (FDLR), sometimes allied with the Mai-Mai Nyatura, supporting the latter. For example, on 27 November 2016, 29 civilians were killed by Mai-Mai Mazembe fighters during an attack on the village of Luhanga, the population of which is mainly Hutu. The intensification of this conflict resulted in numerous internal displacements. Restrictions on freedom of movement imposed by the provincial Governor of North Kivu since May 2016 have exacerbated the vulnerability of displaced Hutus.” (ibid, p.8)

Paragraph 35 states:

“The human rights violations committed by fighters of the Forces de résistance patriotique de l’Ituri (FRPI) continue, despite the operations carried out against them by the army and MONUSCO. In the eastern provinces, this is the armed group that committed the most violations during the reporting period (517), mainly in the territory of Irumu (Ituri), primarily during looting attacks on the local communities, often accompanied by physical violence (206 victims, including 63 victims of rape).” (ibid, p.8)

Paragraph 36 states:

“In the Province of Tanganyika, the interethnic conflict between Twa and Luba militias has led to serious human rights violations, with, in particular, a great many summary executions and rapes committed by both groups. In the territory of Kalemie, at least 36 people, including six minors, were raped by militiamen of both camps between November 2016 and January 2017. Between January and May 2017, the United Nations Joint Human Rights Office documented the summary execution of 12 men and the rape of 57 people (50 women, five children and two men) by Twa militiamen, and the summary execution of 46 people (including seven women and 13 children) and physical attacks on 66 victims perpetrated by Luba elements. The Office also received credible information to the effect that in some cases soldiers were associated with Luba elements and perpetrated several violations against Twa civilians.” (ibid, p.8)

A report from Al Jazeera states:

“People fleeing the eastern Democratic Republic of Congo (Congo) have reported a surge in arbitrary killings, rapes and abductions by unidentified armed groups. The violence has pushed more than 10,000 people into neighbouring Uganda since the beginning of December, according to the UN. Rebecca Salama, a refugee from Congo, told Al Jazeera in Uganda's Nyakabande refugee transit camp in western Uganda that armed groups kept attacking her village, forcing her to walk into neighbouring Uganda with her



husband and five children. 'When you go to pick your crops, or go to the forest for firewood, if you're a man, they kill you, and if you are a woman, they'll rape you. That is why we came here,' she said. Along with other new arrivals, Rebecca continued her journey in a UN truck. Everyone Al Jazeera spoke to said they did not know which armed group was attacking them, or why. They said the fighters carried guns, wore uniforms, and spoke languages from all over Congo and neighbouring Rwanda." (Al Jazeera (25 January 2018) *Thousands flee to Uganda as DRC violence surges*)

A report from the UN High Commissioner for Refugees states:

"Last week, over 22,000 Congolese crossed Lake Albert to Uganda in three days, bringing the total number of people from the DRC arriving in the country to about 34,000 since the beginning of the year. The refugees use small canoes or overcrowded and rickety fishing boats, often carrying more than 250 people and taking up to 10 hours to cross. UNHCR, the UN Refugee Agency, has said it is saddened by reports of four Congolese refugees feared to have drowned after their boat capsized." (UN High Commissioner for Refugees (13 February 2018) *Refugees flee fresh fighting in Congo to Uganda*)

This report also states:

"Increased fighting between ethnic groups has created a wave of displacement across the lake into Uganda. In the past week, more than 1,300 people have crossed to the Ugandan village of Sebagoro, where UNHCR has set up an emergency centre to receive those arriving.

'The situation is quite dire,' says Andrew Harper from UNHCR's Programme Support and Management Division. 'There's a lack of water, food, medical equipment and shelter.'

He says UNHCR's main objectives are to register arrivals, relocate them to areas allocated by the Ugandan government and to build infrastructure such as shelters.

Tens of people are reported to have been killed in the fighting and thousands have been displaced in the region. There are disturbing reports of whole villages being burned to the ground. Most of those displaced have limited assistance and access to basic needs such as food, water and relief supplies." (ibid)

This response was prepared after researching publicly accessible information currently available to the Research and Information Unit 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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