

**COI QUERY**

<b>Country of Origin</b>	<b>Democratic Republic of Congo (DRC)</b>
<b>Question(s)</b>	<ol style="list-style-type: none"><li>1. What is the current security situation in Kinshasa since the demonstration against the government on 31 December 2017?</li><li>2. Are there specific actors who organise demonstrations such as political parties, movements or any other groups?</li><li>3. Is it common for a person with no political involvement to be persecuted by the government for his/her participation in a demonstration?</li><li>4. Is there any information regarding the persecution of relatives of political parties' members? If so, in which way family members can be affected by the political involvement of their relatives? Is there any information on the targeting of children of political opponents?</li><li>5. Is it a common practice for a political party to publish a list with the names or the position of the members who were killed or arrested during demonstrations? If so, where can such lists be found?</li><li>6. Socio-economic situation and potential problems for people belonging to specific minorities/ethnic groups such as people from Kasai in Kinshasa</li></ol>
<b>Date of completion</b>	<b>16 March 2018</b>
<b>Query Code</b>	<b>Q61</b>
<b>Contributing EU+ COI units (if applicable)</b>	BE



### ***Disclaimer***

*This response to a COI query has been elaborated according to the [Common EU Guidelines for Processing COI](#) and [EASO COI Report Methodology](#).*

*The information provided in this response has been researched, evaluated and processed with utmost care within a limited time frame. All sources used are referenced. A quality review has been performed in line with the above mentioned methodology. This document does not claim to be exhaustive neither conclusive as to the merit of any particular claim to international protection. If a certain event, person or organisation is not mentioned in the report, this does not mean that the event has not taken place or that the person or organisation does not exist. Terminology used should not be regarded as indicative of a particular legal position.*

*The information in the response does not necessarily reflect the opinion of EASO and makes no political statement whatsoever.*

*The target audience is caseworkers, COI researchers, policy makers, and decision making authorities. The answer was finalised on the **16 March 2018**. Any event taking place after this date is not included in this answer.*



## COI QUERY RESPONSE

### Introduction

Various sources note that, since the onset of the electoral crisis in 2016, in the Democratic Republic of Congo (DRC), the democratic space has been restricted and the human rights situation has deteriorated, in the west of the country and in the main urban centers, including Kinshasa<sup>1</sup>.

Summarising the context at the **end of the year 2017**, International Crisis Group noted:

‘To a large degree, DRC is already in a de facto state of emergency. Rule of law has been deeply eroded through the political use of the justice system. Legal permission to stage political protests is nearly impossible to obtain. International journalists and researchers find it increasingly difficult to operate in the country and many have been expelled or had their visa requests denied. In the evening, Republican Guard troops man roadblocks in Gombe, the capital’s political and business centre, while the police and military patrol other parts of the city’<sup>2</sup>.

In addition to the above, International Crisis Group notes a considerable increase in urban insecurity in 2017:

‘Urban insecurity also increased considerably following several major prison breaks in 2017. The biggest occurred in Kinshasa’s Makala prison from which approximately 4,600 prisoners escaped on 17 May [2017] (..). In both cases the prisons were attacked by armed groups presumably attempting to free their comrades’<sup>3</sup>.

Furthermore, insecurity related to gang criminality (‘*Kuluna*’)<sup>4</sup> has remained an issue in the capital.

In October 2017, Radio Okapi, the UN radio in DRC, reported on the persistence of the ‘*Kuluna*’ criminality in Kinshasa<sup>5</sup>.

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<sup>1</sup> FIDH, *Democratic Republic of Congo: Confronting outbreaks of violence and political unrest in order to safeguard democratic*, March 2017, ([url](#)), accessed 16 March 2018; World Report 2018 (Events of 2017), *Democratic Republic of Congo*, 18 January 2018, ([url](#)); BCNUDH, *Rapport sur les violations des droits de l’Homme en République Démocratique du Congo dans le contexte des événements du 19 Décembre 2016*, February 2017, ([url](#)); AI, *Amnesty International Report 2017/18, The State of the World’s Human Rights, Democratic Republic of Congo*, 22 February 2018, ([url](#)); UN Security Council, *Report of the Secretary-General on the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo [S/2018/16]*, 5 January 2018 ([url](#)).

<sup>2</sup> International Crisis Group, *Time for Concerted Action in DR Congo, Africa Report N°2574*, December 2017 ([url](#)).

<sup>3</sup> International Crisis Group, *Time for Concerted Action in DR Congo, Africa Report N°2574*, December 2017 ([url](#)).

<sup>4</sup> ‘*Kuluna*’ constitute mobile young armed bands, present in Kinshasa and other parts of the country, and responsible for numerous serious crimes against the population, including murder, armed robbery, and other violent offenses. For more information on the *kuluna*, see: OFPRA, *Rapport de mission en République démocratique du Congo (RDC) – 30 juin – 7 juillet 2013*, April 2014, pp. 36-38, ([url](#)).

<sup>5</sup> Radio Okapi, *RDC : la répression du phénomène “kuluna” ou criminalité urbaine en droit congolais*, 17 October 2017, ([url](#)).

## 1. Security situation in Kinshasa since the 31 December 2017 demonstration<sup>6</sup>

Since the 31 December 2017 protests, the following incidents have taken place in Kinshasa:

**12 January 2018:** The police intervened during an improvised march organised by Vital Kamerhe's<sup>7</sup> followers in Kinshasa. Two persons were injured<sup>8</sup>.

**21 January 2018:** Anti-government demonstrations took place in Kinshasa (and in other parts of the country). Police used tear gas to disperse protesters<sup>9</sup>. Amnesty International reports that dozens of protesters were injured and killed. The United Nations (UN) Security Council reports that six people were killed in Kinshasa<sup>10</sup>. Hundreds of protestors were also arrested according to some sources<sup>11</sup>. The Congolese non-governmental organisation (NGO) 'l'Association congolaise pour l'accès à la justice' (ACAJ or the Congolese association for access to justice) estimates that more than 250 persons were arrested during the protest. The NGO reports that the police forced many family members to pay in order for their relatives to be released<sup>12</sup>. The Congolese authorities had banned the marches and cut internet access the day before the demonstrations<sup>13</sup>.

**25 February 2018:** After a call for peaceful protests by the 'Comité Laïc de Coordination' (CLC or Lay Coordination Committee), people had planned to march in the streets after church services. In some areas of Kinshasa, protesters were stopped by security forces who surrounded the churches and used teargas and gunfire against them<sup>14</sup>. The BBC reports that one protester was killed by security forces, while others were injured and arrested<sup>15</sup>. Other sources provide estimates of two to three protesters killed in Kinshasa<sup>16</sup>. Reporters Without Borders notes that the entire country was deprived of internet on the day of the demonstration<sup>17</sup>.

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<sup>6</sup> On 31 December 2017, demonstrations took place in Kinshasa, and in other cities, to protest against President Joseph Kabila's refusal to step down. See: BBC News, Congo: Deaths at anti-Kabila protest, 31 December 2017, ([url](#)).

<sup>7</sup> Vital Kamerhe is a Congolese politician. He is the president of the 'Union pour la nation congolaise' (UNC or Union for the Congolese nation).

<sup>8</sup> Radio Okapi, Kinshasa : la police disperse une marche improvisée par les partisans de Vital Kamerhe, 12 January 2018 ([url](#)); France24, RD Congo : un rassemblement violemment dispersé à Kinshasa après une messe, 13 Janvier 2018 ([url](#)).

<sup>9</sup> AI, DRC: Brutal crackdown on anti-government protests must be investigated, 22 January 2018, ([url](#)); BBC News, DR Congo: Several deaths in anti-Kabila protests, 21 January 2018 ([url](#)).

<sup>10</sup> UN Security Council, Report of the Secretary-General on progress in the implementation of the political agreement of 31 December 2016 [S/2018/128], 15 February 2018, ([url](#)).

<sup>11</sup> Guardian (The), Congo steps up deadly crackdown as church joins anti-Kabila protests, 23 January 2018, ([url](#)); AI, DRC: Brutal crackdown on anti-government protests must be investigated, 22 January 2018, ([url](#)); BBC News, DR Congo: Several deaths in anti-Kabila protests, 21 January 2018 ([url](#)).

<sup>12</sup> RFI, RDC: des familles assurent avoir dû payer pour la libération des prisonniers, 26 January 2018, ([url](#)).

<sup>13</sup> BBC News, DR Congo: Several deaths in anti-Kabila protests, 21 January 2018 ([url](#)); RSF, RSF condemns DRC's latest Internet blackout, 27 February 2018, ([url](#)).

<sup>14</sup> Reuters, At least two killed in crackdown on march against Congo's Kabila, 25 February 2018, ([url](#)); BBC News, DR Congo protests: Anti-Kabila protestors killed, 25 February 2018, ([url](#)); Radio Okapi, RDC : la marche du CLC dispersée dans plusieurs paroisses de Kinshasa, 25 February 2018, ([url](#)).

<sup>15</sup> BBC News, DR Congo protests: Anti-Kabila protestors killed, 25 February 2018, ([url](#)).

<sup>16</sup> RFI, Marches des chrétiens en RDC: la majorité dénonce une «manipulation», 26 February 2018, ([url](#)).

<sup>17</sup> RSF, RSF condemns DRC's latest Internet blackout, 27 February 2018, ([url](#)).

Following an investigation led by a mixed commission, on the 31 December 2017 and 21 January 2018 demonstrations in Kinshasa, it was estimated that a total of 14 people were killed<sup>18</sup>. The mixed commission announced a number of recommendations, following this investigation, amongst which the launch of judicial investigations, and the renunciation of the use of the Republican Guard and the army during public gatherings<sup>19</sup>. In a report dated 15 February 2018, the UN Security Council notes that in the period under review (5 January - 15 February 2018) 25 political prisoners had been released while at least 90 remained in detention<sup>20</sup>.

In a press release dated 16 January 2018, the UN Security Council called on the Congolese authorities to respect the right of peaceful assembly and to 'exercise maximum restraint in their response to protests'<sup>21</sup>.

## **2. Specific actors organising demonstrations (political parties, movements or any other groups)**

The demonstration which took place on 31 December 2017 was called by the CLC and opposition groups on 17 December 2017, after the demand that Kabila steps down was not met<sup>22</sup>.

On 13 January 2018, the CLC also called for a day of nationwide pacific marches to take place on 21 January 2018<sup>23</sup>. According to the UN, the CLC was supported by the Catholic Church, opposition parties and civil society groups in this call<sup>24</sup>.

The popular protest on 25 February 2018 was also initiated by the CLC<sup>25</sup>.

On other occasions, demonstrations have been organised by the political opposition, such as l'Union pour la démocratie et le progrès social (UDPS or Union for Democracy and Social Progress)<sup>26</sup>.

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<sup>18</sup> Radio Okapi, *Marches à Kinshasa : le PGR et l'auditeur de l'armée appelés à engager des poursuites contre les auteurs des violations des droits humains*, 11 March 2018, ([url](#)).

<sup>19</sup> Radio Okapi, *Marches du CLC : la MONUSCO prête à soutenir l'application des recommandations de la commission sur les violations des droits de l'homme*, 14 March 2018 ([url](#)).

<sup>20</sup> UN Security Council, *Report of the Secretary-General on progress in the implementation of the political agreement of 31 December 2016 [S/2018/128]*, 15 February 2018, ([url](#)).

<sup>21</sup> UN Security Council, *Security Council Press Statement on Democratic Republic of the Congo, SC/13163*, 16 January 2018 ([url](#)).

<sup>22</sup> BBC News, *Congo: Deaths at anti-Kabila protest*, 31 December 2017, ([url](#)); Human Rights Watch, *DR Congo: Security Forces Fire on Catholic Churchgoers*, 19 January 2018 ([url](#)); Global Centre for the Responsibility to Protect, R2P Monitor, Issue 37, *Democratic Republic of the Congo*, 15 January 2018, ([url](#)); UN Security Council, *Report of the Secretary-General on progress in the implementation of the political agreement of 31 December 2016 [S/2018/128]*, 15 February 2018, ([url](#)).

<sup>23</sup> Journal de Kinshasa, *Le CLC appelle les congolais à une marche pacifique dimanche 21 janvier*, 19 January 2018 ([url](#)); BBC News, *DR Congo: Several deaths in anti-Kabila protests*, 21 January 2018 ([url](#)).

<sup>24</sup> UN Security Council, *Report of the Secretary-General on progress in the implementation of the political agreement of 31 December 2016 [S/2018/128]*, 15 February 2018, ([url](#)); BBC News, *DR Congo protests: Anti-Kabila protestors killed*, 25 February 2018, ([url](#)).

<sup>25</sup> MONUSCO, *Statement of the Special Representative of the United Nations Secretary-General in the Democratic Republic of Congo*, 25 February 2018, ([url](#)); RFI, *Marches des chrétiens en RDC: la majorité dénonce une «manipulation»*, 26 February 2018, ([url](#)); BBC News, *DR Congo protests: Anti-Kabila protestors killed*, 25 February 2018, ([url](#)).

<sup>26</sup> Jeune Afrique, *RDC : 132 personnes arrêtées lors des manifestations anti-Kabila de lundi, selon l'ONU*, 13 April 2017 ([url](#)); BBC, *RDC: l'opposition appelle à manifester mardi*, 18 December 2017, ([url](#)).

### 3. Situation for non-political demonstrators (arrest, detention)

Although covering protests in 2015, 2016 and early 2017 in Kinshasa, a report by the Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD) provides relevant information on the situation of individuals who are perceived to have political affiliations in Kinshasa<sup>27</sup>. The report is available at: [url](#).

In reports dated **2016** and **2017**, Human Rights Watch observes that peaceful protesters, activists, journalists, political opposition leaders and supporters, as well as 'people suspected of having links to the political opposition' were subject to security forces repression<sup>28</sup>. Reporting on the 31 December 2017 demonstration in Kinshasa, the same source mentions that bystanders had also been targeted by security forces<sup>29</sup>. Human Rights Watch and Amnesty International both specify, in their annual reports covering the **year 2017**, that authorities had used teargas and, in some cases, live bullets against civilians during demonstrations<sup>30</sup>.

In its annual report (covering the year 2017), Human Rights Watch notes that **in the course of 2017**, government officials and security forces 'jailed more than 300 opposition leaders and supporters, journalists and human rights and pro-democracy activists, most of whom were later released'<sup>31</sup>.

According to the UN Security Council reporting on the general human rights context in DRC for the period **2 October 2017 to 5 January 2018**:

'The trend of restrictions on the political space continued, with 482 violations linked to fundamental freedoms and political rights documented, almost double compared with 247 such violations in the previous reporting period. Almost all were committed by State agents (477, including 272 by the Congolese National Police and 91 by FARDC [Forces armées de la RDC]. Over 98 per cent of the perpetrators of these violations enjoyed impunity. Journalists, political opponents and civil society activists were the main targets of such violations'<sup>32</sup>.

It should be noted that during the 25 February 2018 demonstration in Kinshasa, Rossy Mukendi, an assistant university professor who had set up a citizens action group called 'Collectif 2016', was killed by the police<sup>33</sup>.

The organisation 'Front Line Defenders'<sup>34</sup> reports that a number of human rights defenders were arrested in connection with the 31 December 2017 and 21 January 2018 protests, some of them while

<sup>27</sup> ACCORD, *Democratic Republic of the Congo: Information on the Political Situation in Kinshasa*, 31 April 2017 ([url](#)).

<sup>28</sup> Human Rights Watch, "Special Mission" - Recruitment of M23 Rebels to Suppress Protests in the Democratic Republic of Congo, 4 December 2017, ([url](#)).

<sup>29</sup> Human Rights Watch, *DR Congo: Security Forces Fire on Catholic Churchgoers*, 19 January 2018 ([url](#)).

<sup>30</sup> Human Rights Watch, *World Report 2018 (Events of 2017), Democratic Republic of Congo*, 18 January 2018, ([url](#)).

<sup>31</sup> Human Rights Watch, *World Report 2018 (Events of 2017), Democratic Republic of Congo*, 18 January 2018, ([url](#)).

<sup>32</sup> UN Security Council, *Report of the Secretary-General on the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo [S/2018/16]*, 5 January 2018 ([url](#)).

<sup>33</sup> Reuters, *At least two killed in crackdown on march against Congo's Kabila*, 25 February 2018, ([url](#)); Front Line Defenders, *Killing of pro-democracy defender Rossy Tshimanga Mukendi during protest in Kinshasa*, 26 February 2018, ([url](#)).

<sup>34</sup> Front Line Defenders is an organisation aiming at protecting human rights defenders at risk. For more information, see: <https://www.frontlinedefenders.org/en/who-we-are>





informing the public about the upcoming demonstrations<sup>35</sup>. According to an article by the online magazine 'Le Souverain', dated 13 March 2018, 'l'Association Africaine de Défense des Droits de l'Homme' (ASADHO or African association for the defense of human rights) had been informed by a number of young activists from citizen movements that they had been the targets of death and arrest threats, as well as intimidation acts by security services if they did not cease their activities to support the CLC<sup>36</sup>.

#### **4. Situation for the relatives of political parties' members**

Although not referring to the situation of the relatives of political parties' members, the below sources indicate that the families of 'activists' and human rights defenders have been threatened on some occasions.

Human Rights Watch notes that several activists who had supported the 'Ville Morte' (Dead City) in February 2016 had received threats which targeted their family members<sup>37</sup>.

According to the International Federation for Human Rights (FIDH), in February 2017, Paul Nsapu, President of 'La Ligue des Electeurs' (the League of Electors) and FIDH's Deputy Secretary General, was threatened with assassination. One of the anonymous and threatening text messages he received targeted his family (children, brothers and sisters)<sup>38</sup>.

In March 2018, the World Organisation Against Torture (OMCT) reports that several witnesses to the killing of Rossy Mukendi Tshimanga, including his brother, were threatened not to testify<sup>39</sup>. As mentioned in section 1 of this Query response, Rossy Mukendi Tshimanga, founder and member of 'Collectif 2016' was killed during the 25 February 2018 demonstration in Kinshasa.

#### **5. Existence of lists of persons arrested or killed during demonstrations and published by opposition parties**

Amongst all sources consulted, and within the timeframe allocated for this response, no information could be found on the existence of lists of persons arrested or killed during demonstrations and published by opposition parties.

Although not directly related to the topic, it should be noted that a Congolese human rights organisation (Association Africaine de Défense des Droits de l'Homme/ASADHO) announced, in March 2018, that the 'Agence nationale des renseignements' (ANR) detained a list of 419 wanted persons<sup>40</sup>.

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<sup>35</sup> Front Line Defenders, *Human rights defender Roger Katanga Mwenyemali released and acquitted, others remain in detention*, 8 March 2018, ([url](#)).

<sup>36</sup> Le Souverain, RDC: 419 cibles des services de renseignement "ANR", 13 March 2018, ([url](#)).

<sup>37</sup> Human Rights Watch, *DR Congo: Youth Activists Rounded Up at Strike*, 23 February 2016, ([url](#)).

<sup>38</sup> FIDH, *Democratic Republic of Congo: Confronting outbreaks of violence and political unrest in order to safeguard democratic*, March 2017, ([url](#)).

<sup>39</sup> OMCT, *Congo, Democratic Republic: Menaces contre les témoins de l'assassinat de M. Rossy Mukendi Tshimanga*, 2 March 2018 ([url](#)).

<sup>40</sup> RFI, RDC: l'Asadho rend publique une liste de noms de personnes recherchées, 6 March 2018, ([url](#)); Le Souverain, RDC: 419 cibles des services de renseignement "ANR", 13 March 2018, ([url](#)).



This list would contain the names of activists, members of civil society and human rights organisations, and persons who were considered as the leaders of demonstrations<sup>41</sup>. The name of Rossy Mukendi, killed during the 25 February 2018 demonstration, would appear on such list<sup>42</sup>. According to one of the sources referring to this list, the persons mentioned in this document would be mainly residents of the Ngaba and Lemba communes in Kinshasa<sup>43</sup>. A copy of the above mentioned list could not be found however.

#### **6. Socio-economic situation and potential problems for people belonging to specific minorities/ethnicities such as people from Kasai in Kinshasa**

Amongst all sources consulted, and in the timeframe allocated to respond to this query, no information could be found on the situation of people belonging to specific minorities or ethnicities in Kinshasa, and in particular on the situation of people from Kasai.

In its annual report for the year 2016, Freedom House notes that 'Ethnic discrimination, including against Kinyarwanda-speaking minority populations, remains a significant problem in some areas of the country'<sup>44</sup>.

<sup>41</sup> RFI, *RDC: l'Asadho rend publique une liste de noms de personnes recherchées*, 6 March 2018, ([url](#)); Le Souverain, *RDC: 419 cibles des services de renseignement "ANR"*, 13 March 2018, ([url](#)).

<sup>42</sup> Le Souverain, *RDC: 419 cibles des services de renseignement "ANR"*, 13 March 2018, ([url](#)).

<sup>43</sup> Le Souverain, *RDC: 419 cibles des services de renseignement "ANR"*, 13 March 2018, ([url](#)).

<sup>44</sup> Freedom House, *Freedom in the World 2017 - Congo, Democratic Republic of (Kinshasa)*, 8 June 2017, ([url](#)).



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