



**Democratic Republic of the Congo – Researched and compiled by the
Refugee Documentation Centre of Ireland on 4 March 2013**

**Information on Presidential Elections in DRC 28/11/2011 - Any records of
witnesses of UPDS beaten and /or killed?**

A report published by the UK Foreign & Commonwealth Office, in a section titled “Elections”, states:

“Presidential and parliamentary elections were held in the DRC on 28 November. The run-up to the elections was marked by a rise in threats to freedom of expression, delays in the process, reports of irregularities and unrest as opposition supporters clashed with the Congolese security forces. The Congolese Electoral Commission (CENI) was accused of bias by the main opposition parties, who also alleged that President Kabila used state resources to boost his campaign. There were concerns over access to media space for opposition candidates and the effectiveness of the new media regulatory body. The EU and Carter Center observation missions both praised the good turnout and largely peaceful conduct of polling day, but raised serious concerns over reports of irregularities.” (UK Foreign & Commonwealth Office (29 April 2012) *Human Rights and Democracy: The 2011 Foreign & Commonwealth Office Report - Democratic Republic of Congo*)

This report also states:

“The Congolese police clashed with opposition supporters on several occasions, which led to a number of deaths. One of the most serious incidents occurred on the weekend before polling day when 18 people, including bystanders, were killed when the presidential guard opened fire on demonstrators. Polling day itself was largely peaceful, though NGOs have reported that the security forces were responsible for further casualties in the following days.” (ibid)

A report from the International Crisis Group states:

“Last week tens of millions of Congolese cast ballots in only the second elections since the country's brutal civil war. The vote marked the culmination of a troubled year of preparations, with the playing field gradually skewed towards incumbent president Joseph Kabila. Constitutional changes dropped the requirement for a run-off, which, with opposition leaders failing to unite behind a candidate, effectively split their vote. Kabila loyalists were appointed to the election commission and the Supreme Court, which settles electoral disputes. Despite discrepancies in registration figures, opposition parties and observers were unable to audit voter rolls. The state-run media drummed up support for the president. Nonetheless, considerably less popular than when he won the 2006 polls, Kabila faced stiff competition, especially from veteran opposition leader Etienne Tshisekedi. With another candidate, Vital Kamerhe,

threatening to sap Kabila's votes in the Kivus vital to his win five years ago the president's re-election was far from secure. The vote itself was plagued by chaotic management and reports of localised violence and rigging including voter intimidation and pre-marked ballots. Scheduled on November 28, it was extended for two days as materials arrived late and many names were missing from voter lists. International observers, including from the EU and the Carter Center, reported widespread irregularities though as few ventured outside major towns they may have missed the worst abuses. Counting has been as unruly as voting, and dangerously opaque. Criteria for disqualifying ballots are unclear, with Kinshasa an opposition stronghold disproportionately affected. Most significantly, the electoral commission has refused to publish results by polling station, which would permit their verification by opposition parties and observers. Election day flaws were bad enough; but perceptions that results are fiddled behind closed doors would spell disaster." (International Crisis Group (8 December 2011) *Democratic Republic of the Congo: Saving the Elections*)

A report published by the Open Society Initiative for Southern Africa states:

"By the time polling stations closed on 28 November 2011, it was clear to political analysts and observers that the DRC was headed for a major electoral crisis. Across the country, voting had been marred by irregularities and deficiencies. A substantial number of registered voters were turned away from their assigned polling stations because their names were missing from the voter list, and many polling stations did not receive enough presidential ballots, making it impossible to hold the vote on the appointed day. In parts of Kinshasa, as in other areas of the country, violence erupted as voters protested various irregularities that they perceived to be part of a concerted effort by electoral officials to deny them their civic right and to exclude them from the process. In other areas, such as Masisi and Rutshuru in North Kivu Province, armed militiamen intimidated voters into casting their ballots for Kabila and for legislative candidates affiliated with his Alliance pour la Majorité Présidentielle, a grouping of thirty or so parties, including the PPRD, which held more than 300 seats in the 500-seat National Assembly (Parliament's lower house) going into the election." (Open Society Initiative for Southern Africa (23 July 2012) *DRC's crumbling legitimacy*)

This report also states:

"For several days, as both sides awaited the results scheduled to be announced on December 6, tensions between Kabila supporters and opposition partisans escalated. From compilation centres across the country came reports of improprieties—including threats to exclude ballots that had been torn or that came from polling stations that been burned down, as well as rumours of more ballots being flown in from abroad. Thus counting took place as opposition charges of massive fraud echoed through local and international media. In light of the fraud allegations and the lack of a credible explanation from the Independent National Electoral Commission (CENI), the opposition rejected the preliminary tallies. As the questionable compilation of ballots further discredited the process, Tshisekedi became convinced that he had won the election and signalled that the only outcome he would accept was his victory over the incumbent. When CENI chairman Daniel Ngoy Mulunda, a long-time Kabila friend and supporter, finally declared Kabila the winner three days after the announcement was scheduled, Tshisekedi

rejected the results, calling Mulunda's statement a "provocation of the people" and declaring himself president-elect. The main opposition parties rallied behind Tshisekedi and called on the international community to help resolve the impasse, but the international community shirked its responsibility, instead urging the Congolese to accept the official outcome. Yet the opposition had a strong case. A day after Mulunda declared Kabila the winner, the Carter Center's election-monitoring mission issued an unequivocal statement charging that the official results lacked credibility. The observers noted that the mismanagement of the vote tabulation process compromised the integrity of the election, which had been fraught with legal, technical, and logistical deficiencies from the outset." (ibid)

A post-election press release from the Carter Centre states:

"The Carter Center finds the provisional presidential election results announced by the Independent National Election Commission (CENI) on Dec. 9 in the Democratic Republic of the Congo to lack credibility. CENI results point to the re-election of incumbent President Joseph Kabila with 49 percent of the vote followed by Etienne Tshisekedi with 32 percent and Vital Kamerhe with 7.7 percent. Voter turnout was 58 percent. Carter Center observers reported that the quality and integrity of the vote tabulation process has varied across the country, ranging from the proper application of procedures to serious irregularities, including the loss of nearly 2,000 polling station results in Kinshasa. Based on the detailed results released by CENI, it is also evident that multiple locations, notably several Katanga province constituencies, reported impossibly high rates of 99 to 100 percent voter turnout with all, or nearly all, votes going to incumbent President Joseph Kabila. These and other observations point to mismanagement of the results process and compromise the integrity of the presidential election." (Carter Center (10 December 2011) *Carter Center: DRC Presidential Election Results Lack Credibility*)

In a section titled "Tabulated Results Lack Credibility" this document states:

"The tabulation process in Kinshasa and Lubumbashi proved to be especially problematic. The lack of preparation evident in these two major cities resulted in serious irregularities and produced a tabulation process that lacks credibility. The generalized deficiencies described above prevailed in the extreme in both locations. Sensitive materials arrived by various means of transport, both official and private, were handled haphazardly, sometimes with bags and results envelopes opened, were stockpiled outside with insufficient or no protection from the elements (after a rain storm results forms were found hanging on sticks to dry), heads of polling centers were observed opening sealed envelopes with results forms and completing or altering paperwork in breach of procedure. Coupled with the general disorganization of these centers, a significant number of polling station results were lost. In Kinshasa, nearly 2,000 polling station results have been lost (representing as many as 350,000 voters) and hence will never be tallied. Another 1,000 polling station results have been lost elsewhere in the country (representing 500,000 voters)." (ibid)

A detailed report on the November 2011 elections published by the Carter Center, in a section titled "Campaigns", states:

“The right of assembly was not consistently respected by Congolese authorities in regard to political parties. Under the constitution’s Articles 25 and 26 and Article 81 of the electoral law, parties are only required to issue a notice of plans to congregate or march. UDPS’s weekly Thursday protests outside CENI headquarters in Kinshasa were repressed by police and sometimes escalated into violence that involved excessive use of force by police. Carter Center observers were present at the weekly rallies in Kinshasa and described the use of tear gas and live ammunition fired in the air to control and disperse UDPS crowds.” (Carter Center (28 November 2011) *Presidential and Legislative Elections in the Democratic Republic of the Congo – Final Report*, pp.37-38)

In a section titled “Election-Related Violence” this report states:

“Clashes between supporters of UDPS and PPRD occurred on several occasions, starting just after the submission of Etienne Tshisekedi’s presidential application. The violence damaged the headquarters of both parties as well as the RLTV, a television station linked to UDPS, which was set on fire. Details on who started the fire and how it happened are not known.” (ibid, 46)

See also section titled “Security Situation” which states:

“Disputes between PPRD and UDPS in Kinshasa have resulted in violence and damage to party resources. On September 5 and 6, UDPS and PPRD exchanged reciprocal attacks in the Limete district of Kinshasa after Tshisekedi submitted his presidential candidate application to the CENI. PPRD party supporters set fire to the headquarters of UDPS, while UDPS party supporters attacked PPRD headquarters and vehicles. Station RLTV (a private station considered to favor the opposition in its programming) was set on fire during these events.” (ibid, p.104)

A report published by the UN Office of the High Commissioner for Human Rights, in the Introduction (paragraph 1), states:

“On 28 November 2011, the DRC held its second presidential and parliamentary elections since the end of the transition period in 2006. The election campaign for these ballots started on 28 October 2011 and ended on 26 November 2011. The Commission électorale nationale indépendante (CENI) announced the provisional results of the presidential election¹ on 9 December 2011. The Supreme Court of Justice validated the results on 16 December 2011, and the elected president, Mr. Joseph Kabila, was inaugurated on 20 December 2011. Mr. Etienne Tshisekedi, presidential candidate for the Union pour la démocratie et le progrès social (UDPS) and main opponent of Mr. Joseph Kabila, rejected the results announced by the CENI, based on reports of both national and international observers which reported irregularities.² Mr. Etienne Tshisekedi proclaimed himself President and organized his own inauguration ceremony on 23 December 2011, at his residence located in the commune of Limete in Kinshasa.” (UN Office of the High Commissioner for Human Rights (March 2012) *Report of the United Nations Joint Human Rights Office on Serious Human Rights Violations Committed by Members of the Congolese Defense and Security Forces in Kinshasa in the Democratic Republic of the Congo between 26 November and 25 December 2011*, p.6)

Paragraph 2 of this Introduction states:

“These elections, which were intended to be peaceful, transparent and to be illustrative of the country’s democratic progress, took place in an atmosphere of high tension and were marked with acts of political intolerance and violence that claimed many lives. Each of the stages of the electoral process was actually marked by fierce tensions that degenerated into clashes between members and supporters of opposition political parties and the security forces, as well as fights between members and supporters of rival political parties.” (ibid, p.6)

In a section titled “Violations of the right to life” (paragraph 16), this report states:

“On 9 December 2011 and in the days that followed the publication by CENI of the provisional results for the presidential election, 13 people in total were killed in Kinshasa; eight of them were shot, including three minors. Following the announcement by CENI of the provisional results declaring the victory of Mr. Joseph Kabila, young people came out in large numbers in the streets of some areas of Kinshasa to protest against these results and erected barriers, burned tires and threw stones at the members of the defense and security forces. Some members of the GR and PNC officers responded by firing in most cases live ammunitions at demonstrators and passers-by, in particular in the communes of Bandalungwa, Kalamu, Kasa Vubu, Kimbanseke, Limete and Ngaliema. People killed on 9 December 2011 and over the following days were, in some cases, killed while they were home and were not taking part in any protest. For example, on 10 December 2011, a woman died after being shot in the back while she was in her yard in the commune of Ngaliema. People who were demonstrating in the main street entered her yard after being dispersed by PNC officers. The police officers who chased them also entered the said yard and fired at close range at the victim, killing her instantly.” (ibid, p.10)

See also paragraph 17 in this section which states:

“On 23 December 2011 and over the following days, three people were killed, one of them shot and two others after being mistreated by members of the defense and security forces during the rallies organised by UDPS and its allies on the occasion of the self-nomination of Mr. Etienne Tshisekedi at the Martyrs Stadium.” (ibid, p.10)

A report from the Inter Press Service states:

“Addie Kitona, a mother of three, was personally caught up in violence that took place in Kinshasa’s Bandalungwa commune following the challenging of provisional results of the presidential elections. ‘The police fired teargas at us, paying no attention to bystanders, who included children. As I was running away, I tripped and fell on top of my four-year-old. She broke her collarbone,’ said Kitona. ‘After I fell, the police chasing after youth who had attacked them, trampled on me with their boots and struck me several times on the back and stomach.’ Annie Botendi, a law student at the University of Kinshasa, recalls seeing at least three bodies riddled with bullets lying on the ground along the road from Kimwenza, a neighbourhood in the Mont Ngafula commune where

she lives.” (Inter Press Service (23 March 2012) *DRC Elections – U.N. Condemns Rights Violations*)

A Human Rights Watch report states:

“At least 24 people were killed by security forces between December 9 and 14, including 20 in Kinshasa, two in North Kivu, and two in Kasai Occidental province. Human Rights Watch also documented an incident in which local youth in Kinshasa threw rocks at a priest who later died from his injuries. Police and other security forces appear to be covering up the scale of the killings by quickly removing the bodies. Several sources informed Human Rights Watch that the government had instructed hospitals and morgues not to provide information about the number of dead or any details about individuals with bullet wounds to family members, human rights groups, or United Nations personnel, among others. Some family members have found the bodies of their loved ones in morgues far outside of Kinshasa, indicating that bodies are being taken to outlying areas. The security forces have also forcibly blocked attempts by opposition groups to organize peaceful protests against election irregularities and arrested a number of the organizers on spurious charges of threatening state security, Human Rights Watch found. The Republican Guard, which is not empowered to arrest civilians, has apprehended opposition supporters and detained them in illegal places of detention at Camp Tshatshi, the guard’s Kinshasa base, and at the Palais de Marbre, a presidential palace. Some of the detainees were mistreated.” (Human Rights Watch (21 December 2011) *DR Congo: 24 Killed since Election Results Announced*)

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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