



Home Office

Country Policy and Information Note

Democratic Republic of Congo:

Opposition to government

Version 3.0

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Preface

Purpose

This note provides country of origin information (COI) and analysis of COI for use by Home Office decision makers handling particular types of protection and human rights claims (as set out in [the basis of claim](#) section). It is not intended to be an exhaustive survey of a particular subject or theme.

It is split into two main sections: (1) analysis and assessment of COI and other evidence; and (2) COI. These are explained in more detail below.

Assessment

This section analyses the evidence relevant to this note – i.e. the COI section; refugee/human rights laws and policies; and applicable caselaw – by describing this and its inter-relationships, and provides an assessment on whether, **in general**:

- A person is reasonably likely to face a real risk of persecution or serious harm
- A person is able to obtain protection from the state (or quasi state bodies)
- A person is reasonably able to relocate within a country or territory
- Claims are likely to justify granting asylum, humanitarian protection or other form of leave, and
- If a claim is refused, it is likely or unlikely to be certifiable as ‘clearly unfounded’ under section 94 of the Nationality, Immigration and Asylum Act 2002.

Decision makers **must**, however, still consider all claims on an individual basis, taking into account each case’s specific facts.

Country of origin information

The country information in this note has been carefully selected in accordance with the general principles of COI research as set out in the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#), dated April 2008, and the Austrian Centre for Country of Origin and Asylum Research and Documentation’s (ACCORD), [Researching Country Origin Information – Training Manual, 2013](#). Namely, taking into account the COI’s relevance, reliability, accuracy, balance, currency, transparency and traceability.

The structure and content of the country information section follows a [terms of reference](#) which sets out the general and specific topics relevant to this note.

All information included in the note was published or made publicly available on or before the ‘cut-off’ date(s) in the country information section. Any event taking place or report/article published after these date(s) is not included.

All information is publicly accessible or can be made publicly available, and is from generally reliable sources. Sources and the information they provide are carefully considered before inclusion.

Factors relevant to the assessment of the reliability of sources and information include:

- the motivation, purpose, knowledge and experience of the source
- how the information was obtained, including specific methodologies used
- the currency and detail of information, and
- whether the COI is consistent with and/or corroborated by other sources.

Multiple sourcing is used to ensure that the information is accurate, balanced and corroborated, so that a comprehensive and up-to-date picture at the time of publication is provided of the issues relevant to this note.

Information is compared and contrasted, whenever possible, to provide a range of views and opinions. The inclusion of a source, however, is not an endorsement of it or any view(s) expressed.

Each piece of information is referenced in a brief footnote; full details of all sources cited and consulted in compiling the note are listed alphabetically in the [bibliography](#).

Feedback

Our goal is to continuously improve our material. Therefore, if you would like to comment on this note, please email the [Country Policy and Information Team](#).

Independent Advisory Group on Country Information

The [Independent Advisory Group on Country Information](#) (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to support him in reviewing the efficiency, effectiveness and consistency of approach of COI produced by the Home Office.

The IAGCI welcomes feedback on the Home Office's COI material. It is not the function of the IAGCI to endorse any Home Office material, procedures or policy. The IAGCI may be contacted at:

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Information about the IAGCI's work and a list of the documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector's pages of the [gov.uk website](#).

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Assessment

Updated: 11 November 2019

1. Introduction

1.1 Basis of claim

- 1.1.1 Fear of persecution or serious harm by the Congolese authorities because of the person's actual or perceived opposition to the government.

1.2 Points to note

- 1.2.1 Opposition to the government should be viewed broadly and includes persons who are, or who are perceived to be, members of political parties and armed opposition groups, journalists and media workers, bloggers, civil society activists, the church, human rights lawyers/defenders and students. Such persons may participate in activities inside and/or outside of the Democratic Republic of Congo (DRC).

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2. Consideration of issues

2.1 Credibility

- 2.1.1 For information on assessing credibility, see the instruction on [Assessing Credibility and Refugee Status](#).
- 2.1.2 Decision makers must also check if there has been a previous application for a UK visa or another form of leave. Asylum applications matched to visas should be investigated prior to the asylum interview (see the [Asylum Instruction on Visa Matches, Asylum Claims from UK Visa Applicants](#)).
- 2.1.3 Decision makers should also consider the need to conduct language analysis testing (see the [Asylum Instruction on Language Analysis](#)).

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2.2 Exclusion

- 2.2.1 Decision makers must consider each case on its individual facts and merits to determine whether one (or more) of the exclusion clauses applies.
- 2.2.2 If the person is excluded from the Refugee Convention, they will also be excluded from a grant of humanitarian protection.
- 2.2.3 For further guidance on the exclusion clauses and restricted leave, see the [Asylum Instruction on Exclusion: Article 1F of the Refugee Convention](#) and the [Asylum Instruction on Restricted Leave](#).

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2.3 Refugee convention reason

- 2.3.1 A person's actual or imputed political opinion.
- 2.3.2 Establishing a convention reason alone is not sufficient to be recognised as a refugee. The question to be addressed in each case is whether the particular person will face a real risk of persecution on account of their actual or imputed convention reason.

- 2.3.3 For further guidance on Convention reasons see the instruction on [Assessing Credibility and Refugee Status](#).

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2.4 Assessment of risk

a) Political opposition

- 2.4.1 There are hundreds of political parties in DRC, most of which are based in Kinshasa. Many of the parties are organised along ethnic, communal or regional lines, with no one party having national reach. While parties are generally able to operate and to recruit members they are subject to restrictions and interference by the state (see [Political groups](#), [Treatment of opposition groups](#)).
- 2.4.2 President Kabila, who had been president since 2001, was due to step down as head of state in December 2016 as he was, under the constitution, unable to stand for a third term. But he refused to do so, leading to widespread protests, civil unrest and a political crisis. Following demonstrations, the government reached an agreement with the opposition to share power; hold elections in 2017; and release political prisoners. However, the government reneged on these promises and postponed the elections to 2018 (see [Political landscape in 2018](#)).
- 2.4.3 Presidential, national and provincial legislative elections finally took place on 30 December 2018. Felix Tshisekedi of the opposition Union pour la Démocratie et le Progrès Social (UDPS) was declared the winner of the presidential race. The ruling party alliance, the Common Front for Congo (FCC), led by former President Joseph Kabila, won a majority in both the parliament and the provincial assemblies (see [Elections: 2018](#)).
- 2.4.4 Before and during the electoral campaign state forces used threats and intimidation against voters, human rights defenders and other civil society activists, journalists and opposition candidates. Excessive force was used to disperse political gatherings and demonstrations against the government in various parts of the country. The beating of demonstrators and use of tear gas, rubber and live bullets resulted in injuries and the killing of numerous protesters. The government has also arbitrarily arrested, ill-treated, tortured, forcibly disappeared opposition members and demonstrators with impunity (see [Political groups](#) and [Treatment of opposition groups](#)).
- 2.4.5 While election day passed relatively peacefully the process was criticised for its lack of transparency and reports of irregularities. The Episcopal Conference of the Democratic Republic of the Congo (CENCO) claimed that the official results did not tally with data gathered by its 40,000 election observers and Martin Faylulu, candidate of the Lamuka opposition coalition, claimed that he had won and presented a legal challenge. This was rejected by the Constitutional Court and, on 24 January 2019, Felix Tshisekedi was sworn in as President. However, Mr Fayulu continued to contest the results. Sources speculate that the unpredicted election results were the product of a deal between former President Kabila and Mr Tshisekedi, a rumour that has since been denied by both parties (see [Political landscape](#), [Elections: 2018](#), [Overview of groups](#) and [Election results and aftermath](#)).

- 2.4.6 Since taking office President Tshisekedi has committed to making a number of reforms, including to the security sector, opening up the political space and allowing greater freedom of expression. In March 2019 President Tshisekedi announced a presidential pardon for 700 political prisoners including opposition figures Franck Diongo, Diomi Ndongala and Firmin Yangambi. However, at the time of drafting, it was unclear how many of the 700 have been released. Additionally, the president has invited those in political exile to return: in May 2019 Moise Katumbi a prominent opponent of former president Kabila returned to the DRC following 3 years in self-imposed exile and opposition leader Antipas Mbusa Nyamwisi, a member of the Lamuka coalition, returned after seven years in exile (see [Treatment of opposition groups](#), [Tshisekedi government - 2019](#) and [Political prisoners](#)).
- 2.4.7 The build-up to the December 2018 elections were marred by widespread violence and human rights violations. Since the elections however the political space has opened up and violent incidents have decreased. The UN observed a positive trend in the first quarter of 2019 with regard to freedom of expression and assembly, reporting a 13% decrease in human rights violations when compared to the last quarter of 2018 but freedom of the press and the intimidation of civil society activists remained a cause for concern in the second quarter of 2019. Even so, while some peaceful demonstrations were held without incident others were suppressed by the authorities resulting in arbitrary arrests, violence, beatings and injuries (see [Freedom of assembly: demonstrations](#), [Freedom of expression and association](#)) and [Elections: 2018](#)).
- 2.4.8 In the country guidance case of [AB and DM \(Risk Categories Reviewed – Tutsis Added\) DRC CG \[2005\] UKIAT 00118, \(21 July 2005\)](#) (heard 25 February 2005) the Upper Tribunal (UT) held that:
- ‘We confirm that there continues to be a real risk for those with a political or military profile ... We would emphasise first of all that use of the word "profile" highlights the fact that this category is intended to mark out those whose actual or perceived military or political activities or involvements are likely to have brought them or to bring them to the adverse attention of the Kabila regime. Mere membership of an opposition political party will not demonstrate that a person has such a profile.’ (paras 44-45).
- 2.4.9 The Tribunal in the country guidance case of [MM \(UDPS members, Risk on return\) Democratic Republic of Congo CG \[2007\] UKAIT 00023](#) (13 March 2007, heard 11 March 2007) held that:
- ‘Looking at the objective situation as a whole, and mindful of the past history of the DRC, we have concluded that despite what appears to be a dramatic change in the political landscape, that carries with it the hope that it will result in much needed stability in this vast and previously divided country, it would be premature to hold that these prospects have yet translated to adequate improvements on the ground, so as to justify a revision at this stage of the Tribunal's view of risk to UDPS members, as held in AB and DM, endorsed in MK and which we thus re-affirm.
- ‘It follows that we continue to believe that low level members/sympathisers of the UDPS [Union for Democracy and Social Progress] for that reason alone,

will not be at real risk on return to the DRC in the current climate, but conclude that it is too early in the process of the transition of the DRC to democratic rule, to find that there is no continuing threat on the part of the current Kabila regime to persecute UDPS activists. As the Tribunal in [AB and DM](#) rightly observed, the risk category to those having or being perceived to have a military or political profile in opposition to the government is one that "fluctuates in accordance with the political situation." (See paragraph 51(iii)) of their determination).' (Paras 201 - 202).

- 2.4.10 If someone is considered to be (or would be perceived to be) a person of interest (in an opposition group), then likely adverse consequences could include imprisonment. In the country guidance case of [BM and Others \(returnees – criminal and non-criminal\) DRC CG \[2015\] 293 \(IAC\)](#) (2 June 2015) (heard in March and April 2015), the Home Office acknowledged, amongst other things, that, owing to the poor prison conditions, a period of detention of more than approximately one day would result in a breach of Article 3. The UT accepted this assessment as 'clearly warranted by substantial and compelling evidence' (paragraph 13). Conditions in detention centres and prisons continue to be very poor, with ill-treatment reportedly commonplace. It therefore remains the case that a person detained for more than a day, even for short period of time, is likely to face conditions that breach Article 3 (see [Conditions and treatment in detention](#)).
- 2.4.11 During the build up to the elections in December 2018 the DRC was in a state of heightened political tensions and political opponents were at an increased risk of intimidation and arbitrary arrest.
- 2.4.12 However, since the election of President Tshisekedi the political space has opened up and the overall situation for opposition parties has improved, with the government showing increased tolerance and acceptance of opposition groups. Although President Tshisekedi has committed to change it is unclear what power he will have in practice to achieve this while parliament and the provincial assemblies continue to be controlled by former President Kabila. Moreover there is not clear evidence that significant reform has been made, including to the security forces. While there has been a slight decline in human rights violations since the end of the election campaign in December 2018, particularly in the west of the country, these continue and security forces remain able to act with impunity (see [Political prisoners](#) and [Treatment of opposition groups](#)).
- 2.4.13 Although the country guidance case of [MM](#) was heard over 12 years ago, the current country information does not establish that there is very strong grounds supported by cogent evidence to depart from the Tribunal's findings. In general, supporters or sympathisers of opposition groups are unlikely to be of interest to the government for that reason alone.
- 2.4.14 Whether a person is at risk of persecution or serious harm will depend on the nature and frequency of their activities in opposition to the government and to what extent these are or likely to become known about by the authorities. Factors to take into account include:
 - the profile of the person within the group

- the role, nature and profile of their activities and the organisation they represent
- whether the person has come to the attention of the authorities previously
- if so, the nature of this interest
- the person's activities critical of government since leaving the DRC (see [Sur place activities](#) below)
- position of the person's party and their own stance towards the Tshisekedi government
- profile and activities of family members in the DRC or outside of the country (see [Sur place activities](#) below).

2.4.15 Decision makers need to consider each case on its facts. The onus is on the person to demonstrate that, based on their profile, political activities, past experiences including any arrests (and the timing of those arrests), they will be at risk of persecution or serious harm on return. Each case must be considered on its own facts.

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b) Journalists, media workers and bloggers

2.4.16 The constitution and law provide for freedom of speech and the press. However, in practice freedom of the press is restricted with political harassment of journalists common. While there is an active media in the DRC with radio being the dominant medium, journalists, in the build up to the elections, faced arbitrary arrests, threats and violence. Since the election of President Tshisekedi attacks, disconnections, intimidation and harassments have been reported on media outlets and journalists and notably in March 2019 a journalist was arrested at a protest and subsequently jailed for 1 year (see [Journalists and media workers and bloggers](#)).

2.4.17 In general, being a journalist, media worker or blogger is not likely to lead to a person facing treatment that amounts to persecution or serious harm. However, some persons who are critical of the authorities may face a risk of serious harm and each case must be considered on its facts taking into account the following factors:

- the subject matter of the published material
- the language and tone of the material
- the level of involvement of the journalist in the production of the material
- the method of communication
- the reach and frequency of the publication
- the publicity attracted / reports about the work; and any past adverse interest by the authorities

2.4.18 The onus is on the person to show that their profile, work or their activities are such that the authorities are likely to view them adversely and subject them to treatment amounting to persecution or serious harm.

c) Civil society activists, human rights defenders and members of the Church

- 2.4.19 Before and during the elections political divisions and intolerance led to numerous cases of threats and intimidation against human rights defenders and other civil society activists, including members of the Church. There have been instances of judicial harassment and some members of civil society have been arrested, detained and subjected to acts of torture or ill-treatment. Despite a decrease in violations compared with 2018, as observed by the UN Security Council, several 2019 peaceful demonstrations were suppressed by the authorities and resulted in arrests, violence, ill-treatment, beatings and injuries of civil society activists (see [Civil society, human rights defenders and the Church](#)).
- 2.4.20 Simply being a member of the Church, a human rights defender or of civil society group is not likely to result in the person being at risk of serious harm or persecution. The onus is on the person to show that their profile, activities and/or past treatment at the hands of the state are such that the authorities are likely to view them adversely and subject them to treatment amounting to persecution or serious harm.

d) Sur place activities

- 2.4.21 In the country guidance case of [BM and Others \(returnees – criminal and non-criminal\) DRC CG \[2015\] 293 \(IAC\) \(2 June 2015\)](#), (hearing date 28 April 2015) the Upper Tribunal made findings on the treatment of members of the political group, Alliance de Patriotes pour la Refondation du Congo (Alliance of Patriots for the Re-establishment of the Congo) (APARECO) – one of a number of diaspora political groups that operate in the UK and other countries outside of the DRC.
- 2.4.22 The UT considered, on the facts before it, that:
- ‘(i) APARECO is a cohesive, structured organisation which has its main base in France and strong basis in certain other European countries, including the United Kingdom. It also operates in Canada and the United States.
 - ‘(ii) APARECO is implacably opposed to the regime of President Kabila which has governed DRC during the past decade. Its overarching aims are the defeat of this regime and the re-establishment of the state on a different basis.
 - ‘(iii) APARECO has no overt presence in DRC, where it operates underground.
 - ‘(iv) The external opposition of APARECO to the governing regime of DRC is overt and visible. Its highest profile activities unfold in public places, accessible to all. Activities of this nature are accompanied by advance publicity.
 - ‘(v) In common with many comparable regimes throughout the world, both present and past, the DRC Government has a strong interest in opposition organisations, including APARECO. Such organisations are monitored, and

data is recorded. This includes information about the identities of the most prominent members of such organisations, that is to say their leaders, office holders and spokespersons.

‘(vi) The monitoring of APARECO (UK) is likely to be undertaken by and on behalf of the DRC Embassy in London. This is the agency with the most obvious motivation to carry out and co-ordinate such scrutiny. Such scrutiny is likely to generate periodic reports to the DRC Government, in particular its ANR and DGM agencies.

‘(vii) It is likely that the leaders, office bearers and spokespersons of APARECO (UK) are known to the DRC UK Embassy and the DRC Government, in particular ANR and DGM.’ [para 87]

2.4.23 APARECO, on the available evidence has no overt presence in DRC (see [Opposition groups outside the DRC](#)). The Upper Tribunal in [BM](#) went on to find that:

‘Persons who have a significant and visible profile within APARECO (UK) are at real risk of persecution for a Convention reason or serious harm or treatment proscribed by Article 3 ECHR by virtue of falling within one of the risk categories identified by the Upper Tribunal in MM. Those belonging to this category include persons who are, or are perceived to be, leaders, office bearers and spokespersons. As a general rule, mere rank and file members are unlikely to fall within this category. However, each case will be fact sensitive, with particular attention directed to the likely knowledge and perceptions of DRC state agents.’ (Paragraph 88 (iii)).

2.4.24 Since [BM and Others](#) was promulgated former President Kabila has been replaced by Felix Tshisekedi, leader of the main opposition party, the UDPS. President Tshisekedi has committed to improve human rights, opened up political space and encouraged political exiles to return to the country. However, it is not clear, yet, whether there has been a significant and durable change in the government’s stance and actions towards its critics, including those in diaspora (see [Tshisekedi government - 2019](#)).

2.4.25 Therefore there are not very strong grounds supported by cogent evidence to depart from the UT’s finding’s in BM. Decision makers must consider each case on its facts to determine if there is a risk of persecution or serious harm. Factors to take into account include:

- The profile, size, and organisation of the group / organisation the person belongs
- its aims and activities and stance towards the new government;
- whether it has a presence in the DRC as well as outside of the country and any evidence that it is monitored by the government
- The person’s profile and political activities (including those online) and relevant documentary or other evidence
- The profile and activities of family members
- Past treatment – harassment, discrimination, arrest and ill treatment, release, and reason for release

- 2.4.26 The onus will be on the person to demonstrate that they are of interest to the government because of profile and activities and are at risk of serious harm or persecution.:
- 2.4.27 For further guidance on assessing risk, see the instruction on [Assessing Credibility and Refugee Status](#).

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2.5 Protection

- 2.5.1 Where the person has a well-founded fear of persecution from the state, they are unlikely to be able to avail themselves of the protection of the authorities.
- 2.5.2 For further guidance on assessing the availability of state protection, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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2.6 Internal Relocation

- 2.6.1 Where the person has a well-founded fear of persecution from the state, it is unlikely that they will be able to relocate to escape that risk.
- 2.6.2 For further guidance on internal relocation and factors to consider, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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2.7 Certification

- 2.7.1 Where a claim is refused, it is unlikely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002.
- 2.7.2 For further guidance on certification, see the [Certification of protection and human rights claims under section 94 of the Nationality, Immigration and Asylum Act 2002 \(clearly unfounded claims\)](#).

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Country information

Section 3 updated: 11 November 2019

3. Political landscape in 2018

3.1.1 The US State Department (USSD) human rights report for 2018 observed:

'The Democratic Republic of the Congo (DRC) is a nominally centralized constitutional republic. Voters popularly elect the president and the lower house of parliament (National Assembly). Under the constitution, President Joseph Kabila's second and final term in office expired in 2016. The government, however, failed to organize elections in 2016 in accordance with constitutional deadlines, and the president remained in office. In 2016 the government and opposition parties agreed to a power-sharing arrangement that paved the way for elections, the release of political prisoners, and an end to politically motivated prosecutions. The government failed to implement the agreement as written, however, and in November 2017 it scheduled presidential, legislative, and provincial elections for December 23, 2018. In August the president announced that he would abide by his constitutionally mandated term limit and not seek an illegal third term. Presidential, legislative, and provincial elections were held on December 30; however, presidential elections were cancelled in Beni, Butembo, and Yumbi with those legislative and provincial elections postponed to March 2019. President Kabila did not run as a candidate and announced he would hand power over to the winner, which would mark the first civilian transfer of power resulting from elections.'¹

3.1.2 Freedom House in their report covering events in 2018 considered that:

'The political system in the Democratic Republic of Congo (DRC) has been paralyzed in recent years by the repeated postponement of elections, though highly problematic balloting was finally held at the end of 2018. Citizens are unable to freely exercise basic civil liberties, and corruption is endemic throughout the government. Physical security is tenuous due to violence and human rights abuses committed by government forces as well as armed rebel groups and militias that are active in many areas of the country.'²

3.1.3 The Central Intelligence Agency (CIA) World Factbook observed:

'... provincial legislatures took place in 2006, with Joseph KABILA elected to office. 'National elections were held in November 2011 and disputed results allowed Joseph Kabila to be re-elected to the presidency. While the DRC constitution barred President Kabila from running for a third term, the DRC Government delayed national elections originally slated for November 2016, to 30 December 2018. This failure to hold elections as scheduled fuelled significant civil and political unrest, with sporadic street protests by Kabila's opponents and exacerbation of tensions in the tumultuous eastern DRC regions.'³

¹ USSD, 'Human rights report 2018', (section 1a), March 2019, [url](#)

² FH, 'World report 2018 (DRC)', (section overview), circa March/April 2019, [url](#).

³ CIA, 'World Factbook (DRC)', (section Intro) updated 21 August 2019, [url](#)

4. Elections: 2018

4.1 Electoral process, build-up to elections and election day

4.1.1 The USSD human rights report for 2018 stated:

'The constitution provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage. Although CENI [Commission électorale nationale indépendante] organized elections during the year [2018], more than a million voters were disenfranchised by CENI's decision to cancel elections in the Ebola-affected areas of Beni and Butembo in eastern DRC ostensibly for public health and security reasons. Elections were also cancelled in the western town of Yumbi after intercommunal violence killed nearly 1,000 persons from December 16 to 18 [2018]. Unknown numbers of voters were also disenfranchised on election day due to CENI's failure to produce accurate voter lists or publicize the location of polling stations.'⁴

4.1.2 The electoral laws and framework in the DRC were also reported by Freedom House in its report for 2018:

'The country's electoral framework does not ensure transparent elections. Opposition parties and civil society frequently criticize CENI and the Constitutional Court for lacking independence and for bias in favor of Kabila and the [Presidential Majority political alliance] PPRD. In 2018, CENI failed to meet a legal obligation to publish the voter lists at least 90 days before elections to allow verification. Opposition parties alleged that there were some 10 million "ghost" voters on the rolls. An independent inquiry found discrepancies that could affect millions of voters, including the fact that 500,000 blank electoral cards and voter registration kits were missing. The political opposition repeatedly protested that the electoral process was unfair and alleged government tampering with voting machines. Separately, internally displaced people throughout the country faced practical obstacles to participating in the elections.'⁵

4.1.3 The United Nations Human Rights Council (UNHRC) in their report on the situation of human rights in the Democratic Republic of the Congo before, during and after the elections of December 2018, dated 18 March 2019, stated that:

'... the Commission électorale nationale indépendante [CENI] published an electoral calendar which scheduled the holding of presidential, national and provincial assembly elections for 23 December 2018, sparking fresh protests that were again violently repressed. The pre-election period, before the campaign started, was marked by numerous protests led by civil society organizations, mostly against the use of voting machines and against irregularities in the electoral register. Members of the opposition were concerned that the use of voting machines could lead to fraud and called for a review of the electoral register alleging that it included millions of voters

⁴ USSD, 'Human Rights Report 2018 – DRC', (section 3), 13 March 2019, [url](#).

⁵ FH, 'World report 2018 (DRC)', (section A3), circa March/April 2019, [url](#)

with incomplete registration, notably without fingerprints. This period was also marred by a lack of inclusive dialogue and a climate of mistrust vis-à-vis the Commission électorale nationale indépendante, with civil society leaders and the general population questioning its independence. Moreover, throughout the electoral process, the United Nations Joint Human Rights Office observed politically motivated restrictions on freedom of the press and violations of the right to freedom of expression and opinion.’⁶

4.1.4 The report went on to state:

‘The presidential and legislative elections were held on 30 December 2018, in a predominantly peaceful atmosphere. Polling operations were monitored by party observers, present in most polling stations, and by other national and international observers at many locations.

‘Most of the polling stations were secured by unarmed or lightly armed police agents, except in North Kivu, South Kivu, Tanganyika and Kongo Central, where FARDC soldiers and Congolese National Police agents securing polling stations were armed with rifles. It was noted though that, in general, the behaviour and intervention of defence forces and security services on polling day was restrained, particularly as compared to their behaviour during the electoral campaign. This appears to be partly due to intense advocacy by the Joint Human Rights Office and MONUSCO [The United Nations Organization Stabilization Mission in the Democratic Republic of the Congo] with defence forces and security services at various levels. Before election day, the national police commissioner publicly emphasized the neutral and apolitical character of the police. In at least six different locations in Lubero territory, armed group combatants took over polling stations and, in some cases, impeded the vote, notably in Masisi territory.’

‘Most of the incidents reported during election day included violations of the right to vote, including failure to put in place measures to guarantee an inclusive, non-discriminatory election. Moreover, the Joint Human Rights Office documented 16 election-related human rights violations on that day. State agents were responsible for 14 of these violations and combatants of Nyatura Delta and of Nduma défense du Congo-Rénové for two. Most of the violations were documented in the provinces that saw the most human rights violations during the pre-election period (Haut-Katanga, Kasai, Maniema, North Kivu, South Kivu and Tanganyika).’⁷

4.1.5 The USSD Human rights report observed:

‘Presidential, legislative, and provincial elections were held on December 30 but widely criticized due to irregularities and a lack of transparency... The government stated it accredited 270,000 domestic observers but denied accreditation to many international election observers and media outlets. Election observers reported significant irregularities on election day due to delays opening some voting stations, confusion regarding the use of electronic voting machines, the location of polling stations, and the posting of voter lists.’⁸

⁶ UNHRC – ‘Report on the situation of human rights in the DRC’, (p4), 18 March 2019, [url](#).

⁷ UNHRC – ‘Report on the situation of human rights in the DRC’, (p9), 18 March 2019, [url](#).

⁸ USSD, ‘Human rights report 2018’, (section 5), 13 March 2019, [url](#).

4.1.6 The Foreign Office noted in its annual report on human rights and democracy covering events in 2018, published 5 June 2019, that:

‘... The electoral campaign itself included incidents of violence across the country, the suspension of campaigning in Kinshasa for several days, and a decision from the electoral commission to suspend elections in Beni, Butembo and Yumbi until March 2019, meaning that approximately 1.2 million people were not able to vote in presidential elections. International observers outlined that although election day itself passed with an atmosphere of relative calm, there were incidents of violence in several areas of the country, and there were a number of reported technical and procedural delays, incidents of assisted voting, and congested polling stations. ...’⁹

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4.2 Election results and aftermath

4.2.1 The UNHRC in its May 2019 report on the situation of human rights in the Democratic Republic of the Congo before, during and after the elections of December 2018 stated that: ‘On 30 December 2018, the Democratic Republic of the Congo held presidential elections and national and provincial legislative elections. The Independent National Electoral Commission [CENI] announced partial and provisional results on 10 January 2019, which the Constitutional Court confirmed on 20 January 2019.’¹⁰

4.2.2 The 3 lead contenders for the presidency were:

- Felix Tshisekedi (opposition, UDPS and Cap pour la Changement platform)
- Martin Fayulu (opposition, Lamuka coalition)
- Emmanuel Ramazani Shadary (Minister of Interior, ruling Front commun pour le Congo (FCC) platform)^{11 12}

4.2.3 The May 2019 report of the Secretary General to the UN Security Council, ‘The situation in Central Africa and the activities of the United Nations Regional Office for Central Africa’, stated:

‘... the country’s [DRC] presidential, national and provincial legislative elections of 30 December [2018] took place in a relatively calm atmosphere and resulted in its first peaceful transfer of power. On 10 January, the Independent National Electoral Commission announced the provisional results of the presidential election and declared the opposition candidate, Félix Tshisekedi, the winner. A legal challenge presented by the runner-up, Martin Fayulu, was rejected by the Constitutional Court and, on 24 January [2019], Mr. Tshisekedi was sworn in as President.’¹³

⁹ FCO, ‘Human rights report 2018’, (DRC section), 5 June 2019, [url](#).

¹⁰ UNHRC – ‘Report on the situation of human rights in the DRC’, (p3) 18 March 2019, [url](#).

¹¹ CIA, ‘World Factbook (DRC)’, (government section) updated 21 August 2019, [url](#)

¹² UN Security Council, ‘Letter from Secretary General’, (para 5), 15 February 2019, [url](#)

¹³ UN Security Council: ‘Report of the Secretary-General’, [S/2019/430], (p3-4), 24 May 2019, [url](#).

- 4.2.4 The CIA Factbook, updated 21 August 2019, observed: 'Opposition candidate Felix Tshisekedi was announced the election winner on 10 January 2019 and inaugurated two weeks later. This was the first transfer of power to an opposition candidate without significant violence or a coup since the DRC's independence.'¹⁴
- 4.2.5 The same source also reported the presidential and parliamentary election results: '[Presidential election] Felix Tshisekedi elected president; percent of vote - Felix Tshisekedi (UDPS) 38.6%, Martin Fayulu (Lamuka coalition) 34.8%, Emmanuel Ramazani Shadary (PPRD) 23.9%, other 2.7%...' ¹⁵

	Senate seats - by party	National Assembly – seats by party
PPRD – Peoples Party for Reconstruction and Democracy (ruling)	22	62
MLC – Movement for the Liberation of the Congo	14	22
UDPS – Union for the Congolese Nation	-	41
PPPD	-	29
FR - Forces of Renewal	7	-
RCD - Congolese Rally for Democracy	7	-
PDC - Christian Democrat Party	6	-
CDC - Convention of Christian Democrats	3	-
MSR - Social Movement for Renewal	3	27
PALU - Unified Lumumbist Party	2	19
UNC - Union for the Congolese Nation	-	17
ARC	-	16
AFDC	-	15
ECT	-	11
RRC	-	11
Other	18	214 (includes numerous political parties that won 10 or fewer seats)

¹⁴ CIA, 'World Factbook (DRC)', (Intro & government section) updated 21 August 2019, [url](#)

¹⁵ CIA, 'World Factbook (DRC)', (Intro & government section) updated 21 August 2019, [url](#)

		and 2 constituencies where voting was halted)
Independent	26	16
Total men	103	456
Total women	5 (4.6%)	44 (8.8%)

16

- 4.2.6 The UN Human Rights Council in their report on the situation of human rights in the Democratic Republic of the Congo before, during and after the elections of December 2018, dated 18 March 2019, stated that:
- ‘In the immediate aftermath of the announcement, peaceful celebratory demonstrations were violently repressed by defence forces and security services, notably in Kasai and Tshopo Provinces. After Mr. Fayulu publicly contested the results, protests were organized by civil society groups, notably in Équateur, Haut-Katanga, Kinshasa, Kwilu and Tanganyika Provinces. The inauguration ceremony of Mr. Tshisekedi as President, on 24 January 2019, closed the presidential election period.’¹⁷
- 4.2.7 Chatham House in an introduction for a talk by Martin Fayulu in April 2019 stated:
- ‘Felix Tshisekedi was declared the winner of the December 2018 presidential elections in the Democratic Republic of Congo, with 38.5 per cent of the vote, to fellow opposition candidate Martin Fayulu’s 34.8 per cent. Though heralded as the country’s first democratic transfer of power, the outcome of the election has faced a formal challenge and significant contestation particularly in light of doubts raised by the National Episcopal Conference of Congo (CENCO). With his victory upheld by the Constitutional Court, President Tshisekedi has subsequently moved to agree a power-sharing deal with the Common Front for Congo (FCC) coalition led by former president Joseph Kabila and further intensifying speculation around the election result in an already deeply divisive political context.’¹⁸
- 4.2.8 A Brookings event about the elections in the Democratic Republic of the Congo, on 1 February 2019, introductory blurb noted ‘... despite losing the presidency [Joseph Kabila’s Common Front for Congo (FCC)], the FCC won a supermajority in both the parliament and the senate, leading many to speculate that the surprising election results were the product of a deal between Kabila and the opposition.’¹⁹
- 4.2.9 The Congressional Research Service (CRS) paper of April 2019 observed:
- ‘... Opposition figure Felix Tshisekedi unexpectedly won the presidential contest, though his ability to assert a popular mandate may be undermined by allegations that the official results were rigged to deny victory to a more hardline opposition rival [Martin Fayulu]. Many Congolese nonetheless

¹⁶ CIA, ‘World Factbook (DRC)’, (Intro & government section) updated 21 August 2019, [url](#)

¹⁷ UNHRC – ‘Report on the situation of human rights...’ 40th session, (p12), 18 March 2019, [url](#).

¹⁸ Chatham House, ‘Elections in the DRC...’, 15 April 2019, [url](#)

¹⁹ Brookings, ‘Assessing the DRC...’, 1 February 2019, [url](#)

reacted to the outcome with relief and/or enthusiasm, noting that Kabila would step down and that voters had soundly defeated his stated choice of successor, a former Interior Minister. Kabila's coalition nonetheless won sweeping majorities in simultaneous legislative and provincial-level elections, ensuring enduring influence for the former president and his supporters. Whether President Tshisekedi will make durable progress toward spurring inclusive economic growth, reforming state institutions, or ending security force abuses remains to be seen.'²⁰

4.2.10 The same source also noted:

'Whether the election was "democratic" is debatable, however, as is the degree to which Tshisekedi's presidency represents a "transfer of power." Former President Kabila—whose decision to cling to power past the end of his two constitutionally permitted terms in 2016 sparked a national political crisis and widespread protests—appears poised to retain significant political influence. Kabila, who first assumed the presidency in 2000, now holds the title of "Senator-for-Life," while his Common Front for Congo (FCC) coalition won sweeping majorities in parliament and provincial assemblies, and in subsequent indirect elections for the Senate and provincial governors. Tshisekedi's Union for Democracy and Social Progress (UDPS) won very few sub-national contests, and it has agreed to form a coalition government with the FCC. These factors, along with evidence that a more hardline opposition figure won more votes than Tshisekedi, have led many observers to speculate that the official election results reflected a power-sharing deal between Tshisekedi and Kabila...' ²¹

4.2.11 The CRS paper also noted:

'... Kabila appears poised to retain influence over state decision-making, including, potentially, over the security apparatus and lucrative mining sector. An electoral data leak and a parallel vote tabulation overseen by the widely respected Congolese Conference of Catholic Bishops (CENCO) reportedly each showed him losing by a wide margin to rival opposition candidate Martin Fayulu, who was backed by key exiled opposition figures and ran a campaign that was more ardently critical of Kabila. Fayulu has refused to recognize the official results.'²²

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4.3 Tshisekedi government – 2019

4.3.1 The UN Security Council in the report 'The situation in Central Africa and the activities of the United Nations Regional Office for Central Africa' by the Secretary General 24 May 2019 reported:

'In the Democratic Republic of the Congo, the volatile security situation in parts of the country was conducive to an environment of violence and human rights violations, in particular sexual violence. Between the beginning of the electoral campaign on 22 November and the inauguration of President Tshisekedi on 24 January, the United Nations Joint Human Rights Office

²⁰ CRS, 'DRC background', (Summary), April 2019, [url](#)

²¹ CRS, 'DRC background', (Introduction), April 2019, [url](#)

²² CRS, 'DRC background', (p5), April 2019, [url](#)

documented 304 human rights violations related to the electoral process, including 21 fatalities due to the disproportionate use of force. In addition, 203 people were injured, and 656 others detained, by State agents across the country. In his inaugural speech, President Tshisekedi cited human rights as a priority and later announced that all political prisoners would be rapidly released.’²³

4.3.2 A Security Council report in their June 2019 monthly forecast for the DRC said:

‘It has now been over 100 days since Félix Tshisekedi became president of the DRC, and work to form a government continues. Disagreements between Tshisekedi’s coalition and former President Joseph Kabila’s party have seemed to stall the process [to form a government], since the two groups have agreed to work together in government. On 20 May, Sylvestre Ilunga Ilukamba was announced as the new prime minister. This marked a compromise between Tshisekedi and Kabila, as Ilukamba is considered a Kabila ally. In the past, he served as the head of the DRC’s national railway company and as finance minister for former President Mobutu Sese Seko.

‘The Council met to discuss MONUSCO and [the Secretary-General’s report](#) on 18 March, during which briefings were provided by Special Representative and head of MONUSCO Leila Zerrougui and Anny Tenga Modi, executive director of Afia Mamaa, a civil society organisation. Zerrougui commended the involvement of the Council in the DRC during the past year, especially in regard to elections. She said the situation was far calmer than in December and January, and highlighted Tshisekedi’s efforts in support of peace, rule of law, democracy, and the protection and promotion of human rights, such as the release of political prisoners.’²⁴

4.3.3 France24 reported on 20 May 2019 that:

‘Sworn in on January 24, Tshisekedi has struggled to push ahead with his declared programme of reform. His choice of prime minister is expected to be acceptable to Kabila, who amassed extensive political clout after 18 years in power...

‘Kabila’s political allies retain the upper hand in parliament, provincial assemblies across the vast and unstable country and the posts of governors.’²⁵

4.3.4 The International Crisis Group commenting post December 2018 elections noted that:

‘Under Tshisekedi, the DRC’s political space is opening up. In his inaugural speech he pledged to free political prisoners, close the secret police’s detention centres and allow exiled politicians to return. He has made some progress toward fulfilling all these promises. Katumbi [Moïse Katumbi - prominent opposition leader and businessman] has been one beneficiary: in late April [2019], the Court of Cassation, the DRC’s supreme court of

²³ UN Security Council: ‘Report of the Secretary-General’, [S/2019/430], (p8), 24 May 2019, [url](#).

²⁴ Security Council, ‘Monthly forecast June 2019’, 31 May 2019, [url](#).

²⁵ France 24, ‘Exiled political heavyweight Moïse Katumbi returns to DR Congo’, 20 May 2019, [url](#).

appeals, overturned the property fraud conviction. In May [2019], prosecutors also dropped the coup plot investigation, paving the way for Katumbi's return.'²⁶

- 4.3.5 The United Nations Security Council, report of the Secretary General, UN Organization Stabilization Mission in the Democratic Republic of the Congo, 17 July 2019 noted that:

'Following the peaceful transition of power in the Democratic Republic of the Congo on 24 January 2019, national and provincial legislative and executive institutions were installed in accordance with the Constitution. The return of opposition leaders to the Democratic Republic of the Congo contributed to evolving dynamics in the emerging balance of power among the country's political forces. The President, Félix Tshisekedi, pursued his initiatives aimed at strengthening bilateral and regional cooperation, implementing the national emergency programme, opening the political space and improving the security situation in the country.

'On 20 May [2019], Sylvestre Ilunga was appointed Prime Minister by the President. The new Prime Minister served in various senior capacities under former President Mobutu Sese Seko and was, until his appointment, the Director General of the Société nationale des chemins de fer du Congo... At the time of reporting, Mr. Ilunga had yet to assume his functions as Prime Minister.

'By 18 May [2019], indirect elections for the posts of senators were held in all 26 provincial assemblies. The polls were surrounded by allegations of corruption and triggered demonstrations and sporadic violence, mainly by supporters of the Union pour la démocratie et le progrès social. Some demonstrators were angry that the Front commun pour le changement won the majority of senate seats, including in provincial assemblies in Kasai Oriental and Kinshasa, where the Union pour la démocratie et le progrès social holds the majority. The senators were installed on 2 April but have yet to elect their President and Bureau.'²⁷

- 4.3.6 In a briefing on 24 July 2019 to the UN Security Council by the Secretary General's special representative (SR) to DRC and of the UN mission in the DRC, Ms. Leila Zerrougui, observed:

'President Tshisekedi has clearly expressed his intention to initiate bold reforms, which, if fully implemented, should lead to strengthening Congolese institutions and improving the living conditions of the Congolese people.

'We have also noted a gradual improvement in relations between the Democratic Republic of the Congo and its neighbours since the inauguration of President Tshisekedi... Although the Prime Minister was appointed on 20 May, we are still awaiting the formation of a new Government. Painstaking negotiations on that subject are continuing between the two platforms of the ruling coalition — the Cap pour le changement of President Tshisekedi and the Front commun pour le Congo of former President Joseph Kabila. We understand that the process is unprecedented for the country. Nevertheless, I call on stakeholders to overcome their differences so that they can quickly

²⁶ ICG, 'Moïse Katumbi's Return Portends Shifting Alliances in Congolese Politics', 23 May 2019, [url](#).

²⁷ UN Security Council: 'Report of the Secretary-General', (Section 2,3,5), 17 July 2019, [url](#)

meet the expectations of the Congolese people. The absence of an operational Government is detrimental to the establishment of strong relationships with partners and the implementation of important governance and institutional reforms that could contribute to the consolidation of a transitional process that remains fragile.

'In recent months, I have met with key stakeholders in the process and urged them to preserve the gains made during the elections and the peaceful transfer of power and to make the necessary concessions to finalize the composition of the Government.'²⁸

- 4.3.7 Africanews reported on the 27 July 2019 that Kabila's FCC and Tshisekedi's CACH (Direction for Change Coalition) coalitions both announced publicly in July 2019 that an agreement had been reached after six months of negotiations over the formation of a new government, but no details were confirmed²⁹. Both Kabila and Tshisekedi's camps deny the vote was rigged or that they struck any deal before the results were announced³⁰.

- 4.3.8 The Financial Times reported on 26 August 2019 that:

'The Democratic Republic of Congo's prime minister finally named a new government, seven months after Felix Tshisekedi replaced Joseph Kabila as president of the central African country. Mr Kabila stepped down in January, but his political group won a huge majority in parliament, giving it substantial influence over the appointment of government ministers. The unusual balance of power led to months of negotiations, underpinned by an alleged backroom deal between Mr Tshisekedi and Mr Kabila that saw Mr Tshisekedi take office after a discredited election.

'The new cabinet includes 23 members of Mr Tshisekedi's Direction for Change Coalition (CACH) and 42 appointees from Mr Kabila's Common Front for Congo (FCC). Three quarters of the cabinet are serving in government for the first time, which prime minister Sylvestre Ilunga Ilukamba described as an "important innovation." The rest held positions in previous administrations, like Aime Ngoy Mukena who served as minister of defence and then minister of oil under Mr Kabila and was appointed to head the defence ministry once again.

'Patrick Muyaya, a member of parliament for the Palu party allied to Mr Kabila's FCC, said the cabinet appointments were good news and included many new faces. "Forming this government was the first true test and they succeeded by giving rightful place to women, to youth and to experience," Mr Muyaya said. Willy Kitobo Samsoni was appointed to head the important mines ministry. Congo is Africa's biggest producer of copper and the world's largest source of cobalt, a key ingredient in rechargeable batteries.'³¹

- 4.3.9 BBC News on 26 August 2019 commented on Kabila's choices dominating the new DRC cabinet:

²⁸ UN Security Council, 'Briefing by SR to the DRC', (p2), 24 July 2019, [url](#)

²⁹ Africanews, 'DRC president to split key cabinet posts with Kabila's coalition', 27 July 2019, [url](#)

³⁰ Africanews, 'DRC president to split key cabinet posts with Kabila's coalition', 27 July 2019, [url](#)

³¹ The Financial Times, 'Congo forms government...', 26 August 2019, [url](#).

'The new cabinet in the Democratic Republic of Congo, announced on Monday morning seven months after the inauguration of President Félix Tshisekedi, reflects the continued influence of former leader Joseph Kabila, reports the BBC's Gaius Kowene from the capital, Kinshasa.

'Forty two of the 65 members of the cabinet come from the FCC, his coalition which holds the majority in both houses of parliament. This leaves President Tshisekedi's side holding just one-third of ministerial posts.

'Key ministries like defence, interior and finance have been split 50/50 between the two coalitions:

- 'Interior and security - Gilbert Malaba, a member of Mr Tshisekedi's party
- 'Defence - Ngoy Mukena, a close ally of Mr Kabila
- 'Mining - Willy Samsoni, a member of Mr Kabila's coalition and an ex-mines minister in Haut Katanga province
- 'Finance - Sele Yalaghuli, also a Kabila stalwart, and an ex-director general of taxes
- 'Budget - Jean-Baudouin Mayo Mambeke, an ally of Mr Tshisekedi, takes a more junior role.

'Just 17% of the ministerial appointees are women, including the ministers of foreign affairs and planning. One of the five vice prime ministers is also a woman.

'For the first time there is a person living with a disability in the government - part of efforts by Mr Tshisekedi to show that everybody is being represented in his cabinet, our reporter says.

'Around three-quarters of the ministers are serving in government for the first time.

'The new cabinet must be confirmed by parliament and is set to be inaugurated before the end of next week.'³²

4.3.10 Deputy Prime Ministers are listed on the BBC monitoring website as:

- 'Deputy Prime Minister, Minister of Budget, MAYO MAMBEKE - Jean-Baudouin (CACH)
- 'Deputy Prime Minister, Minister of Interior, Security and Customary Affairs - KANKONDE MALAMBA, Gilbert (CACH)
- 'Deputy Prime Minister, Minister of Justice and Keeper of the Seals - TUNDA YA KASENDE, Celestin (FCC)
- 'Deputy Prime Minister, Minister of Planning - MUNEMBWE TAMUKUMWE, Elysee (f) (FCC)
- 'Deputy Prime Minister, Minister of Public Works and Infrastructure - NGOOPOS SUNZHEL, Willy (FCC)'.³³

³² BBC News, 'Kabila's choices dominate DRC's new cabinet', 26 August 2019, [url](#).

³³ BBC Monitoring, 'Political party – Cap for change (CACH)', 29 August 2019, subscription only.

5. Political groups

5.1 Overview of groups

5.1.1 Freedom House in its report for 2018 noted: 'People have the right to organize political parties. Hundreds of parties exist, with many configured along ethnic, communal, or regional lines. However, most lack national reach, and their ability to function is limited in practice.'³⁴

5.1.2 The CIA Factbook listed significant political parties and coalitions, and their leaders, as follows:

- 'Christian Democrat Party or PDC [Jose Endundo]
- Congolese Rally for Democracy or RCD [Azarias Ruberwa]
- Convention of Christian Democrats or CDC
- Engagement for Citizenship and Development or ECiDe [Martin Fayulu]
- Forces of Renewal or FR [Mbusa Nyamwisi]
- Lamuka coalition [Martin Fayulu] (includes ECiDe, MLC, Together for Change, CNB, and, Nouvel Elan)
- Movement for the Liberation of the Congo or MLC [Jean-Pierre Bemba]
- Nouvel Elan [Adolphe Muzito]
- Our Congo or CNB ("Congo Na Biso") [Freddy Matungulu]
- People's Party for Reconstruction and Democracy or PPRD [Henri Mova Sakanyi]
- Social Movement for Renewal or MSR [Pierre Lumbi]
- Together for Change (Ensemble") [Moise Katumbi]
- Unified Lumumbist Party or PALU [Antoine Gizenga]
- Union for the Congolese Nation or UNC [Vital Kamerhe]
- Union for Democracy and Social Progress or UDPS [Felix Tshisekedi]'³⁵

5.1.3 The International Crisis Group stated on 23 May 2019:

'With Katumbi [Moïse Katumbi - prominent opposition leader and businessman] now serving as its rotating head, Lamuka [opposition coalition] is still projecting a united front. But it is unclear how long this can hold. The coalition featured Katumbi's return prominently on Twitter, and in interviews announcing his return he reaffirmed his commitment to the opposition coalition. He likewise has made clear that he would not join the government. Still, when he spoke to Crisis Group, Katumbi said he has advised Fayulu to forget the past and move forward, because his demand for new elections is untenable. He cited this stance as evidence that he is "un homme pragmatique (a pragmatic man)".

'Lamuka's other major figure is Jean-Pierre Bemba, Kabila's vice president from 2003-2006. Bemba was also barred from running in 2018 and likely continues to harbour presidential ambitions. On 13 May, with Fayulu by her side, Eve Bazaiba, secretary general of Bemba's Movement for the Liberation of the Congo, announced that Bemba would also be returning to

³⁴ FH, 'World report 2018 (DRC)', (section B), circa March/April 2019, [url](#)

³⁵ CIA, 'World Factbook (DRC)', (Government section), updated 21 August 2019, [url](#)

the DRC within three weeks. His homecoming may further strain the coalition. Like Katumbi, he will tour the DRC's 26 provinces in the coming months. Whether he will do so with Katumbi or with Fayulu has not been confirmed.

'The DRC's political landscape remains fractured, with shifting alliances and ongoing tactical manoeuvring. This presents the president with a dilemma: enjoying only a relatively weak base of support, he will need to look to the opposition to bolster his presidency's stability; yet the main opposition figures also have their own ambitions and, if given significant space, could quickly become powerful contenders in the 2023 election.'³⁶

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5.2 UDPS / Cap pour la Changement (Cape for Change) / Change Coalition (Cach)

- 5.2.1 The UDPS is headed by the President of the DRC, Félix Tshisekedi³⁷. The UDPS / Cap pour le changement platform holds 49 seats in the National assembly³⁸.
- 5.2.2 Africanews reported in January 2019 that Felix Tshisekedi had named his coalition partner, Vital Kamerhe [Leader of Union for the Congolese Nation or UNC], as his chief of staff³⁹.
- 5.2.3 The Cap for Change (CACH) is an electoral coalition formed following the agreement reached by Felix Tshisekedi and Vital Kamerhe to run for president on a joint ticket⁴⁰. On 29 July 2019 CACH reached an agreement with the Common Front for the Congo (FCC) to form a union cabinet⁴¹. The union cabinet is expected to comprise of 65 members, including 48 ministers and 17 deputy ministers⁴². The CACH coalition is allocated 23 cabinet posts out of a total of 65 cabinet posts⁴³.

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5.3 Front commun pour le Congo (Common Front for Congo) [FCC]

- 5.3.1 Freedom House in its report for 2018 stated: 'In June 2018, Kabila and his party, the PPRD, formed the Common Front for Congo (FCC) coalition, which included parliamentary leaders, governors, and some civil society members and journalists.'⁴⁴
- 5.3.2 The UN Security Council reported that the FCC holds an overwhelming predominance in the National Assembly and holds 361 seats [out of the 500-member] National Assembly⁴⁵.

³⁶ ICG, 'Moïse Katumbi's Return Portends Shifting Alliances in Congolese Politics', 23 May 2019, [url](#).

³⁷ FH, 'World report 2018 (DRC)', (section B1), circa March/April 2019, [url](#)

³⁸ UN Security Council: 'Report of the Secretary-General', (Section 2), July 2019, [url](#)

³⁹ Africanews, 'DRC president Tshisekedi names coalition ally as Chief of Staff', 29 January 2019, [url](#).

⁴⁰ BBC Monitoring, 'Political party – Cap for change (CACH)', 29 August 2019, subscription only.

⁴¹ BBC Monitoring, 'Political party – Cap for change (CACH)', 29 August 2019, subscription only.

⁴² BBC Monitoring, 'Political party – Cap for change (CACH)', 29 August 2019, subscription only.

⁴³ BBC Monitoring, 'Political party – Cap for change (CACH)', 29 August 2019, subscription only.

⁴⁴ FH, 'World report 2018 (DRC)', (section B1), circa March/April 2019, [url](#)

⁴⁵ UN Security Council: 'Report of the Secretary-General', (Section 2), July 2019, [url](#)

- 5.3.3 The United Nations Security Council, report of the Secretary General, UN Organization Stabilization Mission in the Democratic Republic of the Congo, 17 July 2019 noted that: ‘The new Prime Minister [Sylvestre Ilunga] ...is a member of the Parti du peuple pour la reconstruction et la démocratie, one of the main parties making up the Front commun pour le changement [FCC] of former President Joseph Kabila’.⁴⁶
- 5.3.4 The Common Front for the Congo (FCC) is the largest political coalition in DR Congo⁴⁷. Made up of individuals, political parties and coalitions who supported former President Joseph Kabila. The FCC retained the majority in the parliament, Senate, provincial and local governments despite losing the elections overall⁴⁸. Consequently the coalition was created when the FCC joined with Cap for Change (CACH)⁴⁹. President Joseph Kabila is the co-founder and the honorary president of the platform⁵⁰.

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5.4 Lamuka coalition

- 5.4.1 The Lamuka (Wake Up) coalition, chose Martin Fayulu as its presidential candidate⁵¹, the coalition was created to support Martin Fayulu as the common candidate for the 2018 presidential elections⁵². The opposition Lamuka coalition holds 90 seats in the National Assembly⁵³.
- 5.4.2 The United Nations Security Council, report of the Secretary General, UN Organization Stabilization Mission in the Democratic Republic of the Congo, 17 July 2019 noted that:
- ‘The dynamics within the opposition evolved during the reporting period [8 March to 28 June 2019]. Following a meeting of its founding members in Brussels in late March [2019], the Lamuka electoral platform was transformed into a political platform, with Moïse Katumbi appointed as its first coordinator, a position that will rotate every three months. Amid allegations of internal dissensions, Lamuka’s presidential candidate in the elections of 30 December 2018, Martin Fayulu, continued to demand that the “truth of the ballot” be upheld and held well-attended rallies in Kisangani and Kinshasa. On 20 May [2019], Mr. Katumbi returned to the Democratic Republic of the Congo after two years in exile. His return followed the annulment of a three-year prison sentence for property fraud and the dropping of all pending legal proceedings against him. Mr. Katumbi welcomed the progress achieved by President Tshisekedi, especially in opening the political space, and pledged to take a pragmatic approach, promote national cohesion and work constructively as a member of the “republican opposition”. However, he warned against alleged attempts to change the Constitution. On 31 May [2019], opposition leader Antipas Mbusa Nyamwisi, a member of the

⁴⁶ UN Security Council: ‘Report of the Secretary-General’, (Section 2), July 2019, [url](#)

⁴⁷ BBC Monitoring, ‘Political party – Cap for change (CACH)’, 29 August 2019, subscription only

⁴⁸ BBC Monitoring, ‘Political party – Cap for change (CACH)’, 29 August 2019, subscription only

⁴⁹ BBC Monitoring, ‘Political party – Cap for change (CACH)’, 29 August 2019, subscription only

⁵⁰ BBC Monitoring, ‘Political party – Cap for change (CACH)’, 29 August 2019, subscription only

⁵¹ FH, ‘World report 2018 (DRC)’, (section B1), circa March/April 2019, [url](#)

⁵² CIRB, ‘Treatment of opposition members since the 2018 election...’, 15 July 2019, [url](#).

⁵³ UN Security Council: ‘Report of the Secretary-General’, (Section 2), July 2019, [url](#)

Lamuka coalition, returned to the Democratic Republic of the Congo after seven years in exile. On 17 June [2019], he pulled out of the coalition, citing the need to devote all his energy to supporting the Government's efforts to address the Ebola outbreak and insecurity in Beni territory, North Kivu. On 23 June [2019], Jean-Pierre Bemba, another member of Lamuka and the president of the political party Mouvement de libération du Congo, returned to the Democratic Republic of the Congo.⁵⁴

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Section 6 updated: 11 November 2019

6. Treatment of opposition groups

6.1 Overview of human rights violations

- 6.1.1 The Human Rights Council in their report on the situation of human rights in the Democratic Republic of the Congo before, during and after the elections of December 2018 (18 March 2019) stated that:

'Most of the human rights violations documented during the campaign period [2018] were related to the excessive use of force by State defence forces and security services to disperse political gatherings and peaceful protests, predominantly those organized by opposition parties.

'During the electoral campaign, the Congolese National Police and the Forces armées de la République démocratique du Congo (FARDC), including the Republican Guard, resorted to lethal weapons for crowd control purposes and, in many instances, opened fire to disperse demonstrations, in contravention of international norms and standards. The behaviour of State defence forces and security services varied significantly between different regions, with most cases of excessive use of force documented in Haut-Katanga, Kinshasa, Kwilu, Maniema, North Kivu, Tanganyika and Tshopo Provinces and in the three provinces of the Kasai region. For example, on 11 December 2018, in Lubumbashi (Haut-Katanga), agents of the Congolese National Police violently dispersed supporters of opposition presidential candidate Mr. Fayulu who had gathered at the airport to welcome him. They used live ammunition, killing three people by gunshots, and wounding seven others. In other locations where the Congolese National Police was policing campaign activities, such as in Mbuji-Mayi (Kasai Oriental), no violations of the rights to life or physical integrity by the Congolese National Police were documented. This was partly the result of consistent Joint Human Rights Office and MONUSCO advocacy and capacity-building and sensitization sessions organized throughout the country since July 2017.'⁵⁵

- 6.1.2 The same report commenting on human rights violations post-election [2019] stated:

'The Joint Human Rights Office documented 141 human rights violations between 31 December 2018 and 24 January 2019, mostly as a result of actions by State defence forces and security services to disperse demonstrations, particularly in Kasai, North Kivu and Tshopo Provinces. These incidents involved 19 violations of the right to life, including the

⁵⁴ UN Security Council: 'Report of the Secretary-General', (Section 16), 17 July 2019, [url](#)

⁵⁵ UNHRC – 'Report on the situation of human rights in the DRC', (p6), 18 March 2019, [url](#).

arbitrary killing of 20 persons (among whom there were three women and three children); 32 violations of the right to liberty and security of person, affecting 371 persons, including at least 19 women and 50 children; and 23 violations of the right to physical integrity, affecting 62 persons, including 14 women and two children. The high number of victims is explained by the numerous incidents of mass arrest. For example, on 11 January 2019, in Lubumbashi, at least 32 persons, including 27 children, were arrested arbitrarily by agents of the Congolese National Police during a peaceful celebration following a radio announcement of the results of the election. At least six incidents of mass arrest were documented, with the numbers of victims ranging from 30 to 79.⁵⁶

- 6.1.3 In a response to FCO enquiries about the treatment of returnees to the DRC in June 2019, the UNJHRO observed that:

‘Despite a slight opening up of democratic space observed since the December 2018 elections, overall, the human rights situation in the DRC has only slightly improved. Between January and May 2019, UNJHRO documented a 12% decrease in the number of violations documented as compared to the five previous months (August-December 2018). This is largely explained by a slight decrease both in the number of violations committed by State agents, particularly from the national police, and in the number of abuses committed by armed groups. However, the number of violations and abuses documented remains high. Of the total number of violations, 60% are attributable to State agents, particularly FARDC soldiers (29%), and 40% to armed group combatants.

‘Following the December 2018 elections and commitments made by President Tshisekedi to improve the human rights situation, there has been a slight opening up of the democratic space. The most visible signs of this positive development were the release of some political prisoners and prisoners of opinion, the return of political exiles and the holding of several peaceful demonstrations.

‘However, obstacles to freedom of the press, attacks and threats against human rights defenders and other civil society actors and the repression of several peaceful protests, including through lethal force, continued to be observed. The vast majority of these violations were committed by State agents, mainly from the national police.’⁵⁷

- 6.1.4 The United Nations Security Council, report of the Secretary General, UN Organization Stabilization Mission in the Democratic Republic of the Congo, 17 July 2019, noted that:

‘While incidents of human rights violations and abuses generally remained high, positive trends regarding freedom of expression and assembly were observed during the reporting period. In the first quarter of 2019, MONUSCO documented 1,560 human rights violations and abuses throughout the country, a 10 per cent decrease compared with the last quarter of 2018. Most of the violations and abuses took place in conflict-affected provinces, mainly in Kasai, Maniema, North Kivu and South Kivu. State agents, mainly

⁵⁶ UNHRC – ‘Report on the situation of human rights in the DRC’, (p12), 18 March 2019, [url](#).

⁵⁷ UNJHRO, ‘Response to FCO query’, June 2019, see UAS CPIN or copy available on request

FARDC soldiers and members of the Congolese National Police, were responsible for 63 per cent of human rights violations and abuses. The remaining 37 per cent of cases were committed by members of armed groups. State actors were responsible for the majority of documented violations of fundamental freedoms and restrictions on democratic space. Furthermore, a high number of violations resulted from the presence and operations of national security forces in conflict-affected areas.’⁵⁸

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6.2 Freedom of expression and association

6.2.1 The Human Rights Council in their report on the situation of human rights in the Democratic Republic of the Congo before, during and after the elections of December 2018 (18 March 2019) reported that during the Kabila regime and in the lead up to the elections of December 2018 there were numerous cases of intimidation and threats against voters, human rights defenders, civil society activists, journalists and opposition candidates by State authorities, State defence forces and the security services. In December 2018, and without criticism by the party or authorities, two Front commun pour le Congo provincial assembly members and two Front commun pour le Congo candidates threatened to kill or harm anyone campaigning for opposition candidates in the presidential election⁵⁹. Furthermore, civilians faced reprisal for voicing critical political reviews in public which grew worse during the political crisis and delayed elections of 2018. Government interference with the internet and telecommunications services led to a temporary shutdown in early 2018 and December 2018, thereby preventing the public from sharing information and election observers from reporting findings⁶⁰.

6.2.2 The Human Rights Council in their report on the situation of human rights in the Democratic Republic of the Congo before, during and after the elections of December 2018 (18 March 2019) stated that:

‘The Joint Human Rights Office documented 32 violations of the rights to freedom of opinion and expression, including freedom of the press, and freedom of peaceful assembly, related to the violent suppression of protests by State defence forces and security services. For example, in Kinshasa, on 12 January 2019, as Lamuka activists accompanied Mr. Fayulu to file his complaint at the Constitutional Court, at least three persons participating in a demonstration were beaten by agents of the Congolese National Police, who violently dispersed the crowd.

‘In different parts of the country, notably in Bunia (Ituri), Kisangani (Tshopo), and Uvira and Fizi (South Kivu), the rights to freedom of opinion and expression and freedom of peaceful assembly were violated by a general prohibition by provincial authorities on demonstrations related to the provisional election results. In Bunia, the provincial police commissioner

⁵⁸ UN Security Council: ‘Report of the Secretary-General’, (Section 16), 17 July 2019, [url](#)

⁵⁹ UNHRC – ‘Report on the situation of human rights in the DRC’, (p7), 18 March 2019, [url](#).

⁶⁰ FH, ‘World report 2018 (DRC)’, (section Civil Liberties), circa March/April 2019,

announced on 4 January 2019 that the opposition party leaders were being watched, and threatened to arrest them in case of trouble.’⁶¹

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6.3 Freedom of assembly: demonstrations

6.3.1 Sections 6.3.1 – 6.3.7 refer to 2018 events under the Kabila government and in the lead up to the December 2018 elections.

6.3.2 The UN Human Rights Council in their report on the situation of human rights in the Democratic Republic of the Congo before, during and after the elections of December 2018 (18 March 2019) stated that:

‘During the official electoral campaign period, from 22 November to 21 December 2018, the Joint Human Rights Office documented 147 election-related human rights violations, notably the use of excessive force by defence forces and security services during demonstrations, leading to killings and injuries; threats against and intimidation of political parties’ representatives and candidates; and undue restrictions on the rights to liberty and security of person, to freedom of opinion and expression, and to freedom of peaceful assembly and of association.

‘Election-related human rights violations during the campaign period were recorded in 21 provinces, with significant variations. Approximately 75 per cent of human rights violations were documented in seven provinces, namely Haut-Katanga, Kasai, Maniema, North Kivu, South Kivu, Tanganyika and Tshopo. In some of these provinces, inter-ethnic dynamics exacerbated tensions and were in some cases fuelled by inflammatory speech by some authorities and some candidates and their supporters.

‘The Joint Human Rights Office documented eight incidents of arbitrary killing, affecting 15 persons, including two women and one child; 42 violations of the right to liberty and security of person, affecting 316 victims, including at least 12 women and six children; and 27 violations of the right to physical integrity, affecting 137 victims, including at least three women and seven children.

‘Such infringements of fundamental rights and freedoms did not contribute to an environment conducive to electoral campaign activities.’⁶²

6.3.3 The same report continues: ‘Most of the human rights violations documented during the campaign period were related to the excessive use of force by State defence forces and security services to disperse political gatherings and peaceful protests, predominantly those organized by opposition parties.’⁶³

6.3.4 Freedom House in its report for 2018:

‘...demonstrations are held regularly, but those who participate risk arrests, beatings, and lethal violence in practice. The government repeatedly banned opposition demonstrations and used force against protesters during 2018. Among numerous other incidents over the course of the year, in January

⁶¹ UNHRC – ‘Report on the situation of human rights in the DRC’, (p13), 18 March 2019, [url](#).

⁶² UNHRC – ‘Report on the situation of human rights in the DRC’, 18 March 2019, [url](#).

⁶³ UNHRC – ‘Report on the situation of human rights in the DRC’, 18 March 2019, [url](#).

security forces arrested church-led protesters calling for elections across the country. In July, police arrested peaceful protesters from two youth organizations who were demanding the release of fellow activists detained in Kinshasa. In August, government forces used tear gas and live ammunition to disperse opposition protests. Protest-related violence continued as the December elections approached, and more than a dozen people were reportedly killed at various demonstrations in the final weeks before the balloting.⁶⁴

6.3.5 The USSD Human Rights report for 2018 noted:

‘The constitution provides for freedom of peaceful assembly, but the government frequently restricted this right and prevented those critical of the government from exercising their right to peaceful assembly. The law requires organizers of public events to notify local authorities in advance of the event. The government maintained that public events required advance permission and regularly declined to authorize public meetings or protests organized by opposition parties or civil society groups critical of the government. The government did, however, authorize protests and assemblies organized by progovernment groups and political parties. During the year the SSF [State security forces] beat, detained, or arrested persons participating in protests, marches, and meetings. The SSF also used tear gas, rubber bullets, and at times live ammunition, resulting in numerous civilian deaths and injuries.’⁶⁵

6.3.6 Human Rights Watch World Report 2019 stated:

‘Throughout 2018, government officials and security forces banned peaceful demonstrations; used teargas and in some cases live ammunition to disperse protesters; restricted the movement of opposition leaders; and arbitrarily detained hundreds of pro-democracy and human rights activists, opposition supporters, journalists, peaceful protesters, and others, most of whom were eventually released.

‘During three separate protests led by the Lay Coordination Committee (CLC) of the Catholic Church in December 2017, and January and February 2018, security forces used excessive force, including teargas and live ammunition, against peaceful protesters within and around Catholic churches in the capital, Kinshasa, and other cities. Security forces killed at least 18 people, including prominent pro-democracy activist Rossy Mukendi. More than 80 people were injured, including many with gunshot wounds.’⁶⁶

6.3.7 The Human Rights Council in their report on the situation of human rights in the Democratic Republic of the Congo before, during and after the elections of December 2018 (18 March 2019) stated that:

‘In many locations, campaign activities were restricted by local administrative authorities, as well as by the Congolese National Police and FARDC, in clear violation of the rights to freedom of expression and freedom of peaceful assembly. For example, on 19 December 2018, the Governor of Kinshasa issued an official statement forbidding political campaign activities that

⁶⁴ FH, ‘World report 2018 (DRC)’, (section E), circa March/April 2019, [url](#)

⁶⁵ USSD, ‘Human Rights Report 2018 – DRC’, 13 March 2019, [url](#).

⁶⁶ HRW: ‘World Report 2019 – DRC’, events of 2018, 17 January 2019 [url](#)

involved public demonstrations in the capital, alleging a threat to public order and security. The announcement was made shortly before the arrival of Mr. Fayulu, as thousands of his supporters were waiting for a public meeting with him. Consequently, police officers interrupted the construction of podiums and stopped the convoy of Mr. Fayulu, who was subsequently escorted by the police to his residence and not to the place of the meeting. In Boma (Kongo Central), the mayor prohibited political meetings and processions, allegedly to prevent potential noise and traffic disruptions. In Tshuapa, while candidates of the Front commun pour le Congo conducted campaign activities without restrictions, agents of the Congolese National Police and local authorities prevented opposition candidates from doing the same.’⁶⁷

- 6.3.8 In the Human Rights and Democracy: The 2018 Foreign and Commonwealth report, published 5 June 2019 (Democratic Republic of Congo section) it was reported that ‘The Restrictions to democratic space, freedom of expression and the right to peaceful assembly remained a concern. On 21 January and 25 February [2019], peaceful demonstrations by the Lay Coordination Committee of the Catholic Church were responded to violently by state officials, resulting in at least 7 deaths. The authorities regularly suspended internet and SMS access across the country in response to demonstrations.’⁶⁸

- 6.3.9 The German Information Centre, Asylum and Migration Briefing Notes, 17 June 2019, reported that:

‘On 12 June 2019, violent clashes erupted in Kinshasa between supporters of the UDPS, whose leader Felix Tshisekedi had been sworn in as President in January 2018, and supporters of the PPRD party founded by former President Joseph Kabila. The clashes were reported from 12th Avenue, from Boulevard Sendwe and from Boulevard Lumumba. For examples, fights erupted in front of the headquarters of PPRD’s youth league in the 6th Street in Kinshasa’s Limete district. Several party offices of the pro-Kabila ‘Common Front for Congo’ FCC were looted. Police dispersed the fighters with tear gas and warning shots.

‘The clashes had been proceeded by a protest march of militant PPRD youths (the so-called ‘Red Berets’) in front of the people’s palace (seat of the national assembly) in the morning of 12 June 2019 in response to a rally by UDPS youths on the same location two days before. Apparently, some UDPS supporters attacked several parliamentary members of the Kabila faction, accusing them to have insulted President Tshisekedi.’⁶⁹

- 6.3.10 The German Information Centre, Asylum and Migration Briefing Notes, 1 July 2019, reported that

‘The largest opposition alliance, Lamuka, had called for a protest march in Kinshasa on 30 June 2019 that had been banned by the police. About 50 police blocked the progress of the car of presidential candidate Martin Fayulu and former Prime Minister Adolphe Muzito. The police dispersed the

⁶⁷ UNHRC – ‘Report on the situation of human rights in the DRC’, p7, 18 March 2019, [url](#).

⁶⁸ FCO, ‘Human Rights and Democracy: The 2018 FCO report’, (DRC section), 5 June 2019, [url](#).

⁶⁹ BAMF, ‘German Information Centre Asylum and Migration Briefing Notes’, 17 June 2019, [url](#).

rally of several hundred people using tear gas. The police had prohibited the protest march to be held on 30 June 2019, the anniversary of Congo's independence, but Lamuka had insisted on the date. The protest was directed against the constitutional court's annulment of the election of 21 Lamuka parliamentarians and two senators in mid-June 2019. Their seats were awarded to candidates of the coalition Common Front for Congo (FCC) which supports former President Joseph Kabila. In another protest march held also on 30 June 2019 despite a police ban in Goma (North Kivu province) one protester was shot dead by the police when dispersing the rally. On 29 June 2019 President Felix Tshisekedi said in an interview for French media that "we are under the impression that there are some who confuse democracy and anarchy".⁷⁰

- 6.3.11 Reporting on the same incidents, Human Rights Watch (HRW) noted that 'Police in the Democratic Republic of Congo fired live ammunition, killing one person, in dispersing opposition protests on June 30, 2019. They also used teargas, beatings, and arbitrary arrests against protesters in Kinshasa, the capital, and the eastern city of Goma... The police in Goma dispersed demonstrators with teargas and live ammunition... Police arrested at least four Lamuka supporters in Goma on June 30... "At the [Munzenze] police station, they beat us up and tore our clothes. When we entered [the cell], the police ordered the detainees who were there to beat us up too." At least two men among those arrested were beaten. Human Rights Watch spoke with them and saw their wounds. Later that day, five Lamuka supporters were arrested and held overnight with the others. Another opposition activist was arrested on July 1 after asking about the detention of protesters. They were all released later that day, after paying fines.'⁷¹
- 6.3.12 The United Nations Committee against Torture in their 'Concluding observations on the second periodic report of the Democratic Republic of the Congo' June 2019 observed that 'The Committee is deeply concerned about the many consistent reports of repeated attacks on political opponents and human rights defenders seeking to exercise their right to freedom of association or expression. The Committee is also concerned that many members of civil society have experienced judicial harassment, have sometimes been subjected to acts of torture or ill-treatment and have been arbitrarily arrested and detained.'⁷²
- 6.3.13 An African regional overview published June 2019 by the Armed Conflict Location and Events Dataset (ACLED) stated:
- '... other parts of the country experienced protests and violent demonstrations after the constitutional court ruled on several electoral disputes [in June 2019], in which opposition candidates were ruled against and replaced with members of the People's Party for Reconstruction and Democracy (PPRD), former-president Joseph Kabila's party. The court ruling has again called into question the extent to which the PPRD maintains political control and influence in Congo.'⁷³

⁷⁰ BAMF, 'German Information Centre Asylum and Migration Briefing Notes', 1 July 2019, [url](#).

⁷¹ HRW, 'DR Congo: Police Fire on, Beat Protesters', 4 July 2019, [url](#)

⁷² UN, 'Concluding observations on the second periodic report of the DRC' p6, 3 June 2019, [url](#).

⁷³ ACLED – 'Regional Overview – Africa 17 June 2019', (p1), 18 June 2019, [url](#).

- 6.3.14 The UN Security Council, report of the Secretary General, UN Organization Stabilization Mission in the Democratic Republic of the Congo, 17 July 2019 observed that:

‘A positive trend was observed regarding freedom of expression and assembly, with a 13 per cent decrease in related violations when comparing the first quarter of 2019 to the last quarter of 2018. However, freedom of the press and the intimidation of civil society activists remained a cause for concern in the second quarter of 2019. While several peaceful demonstrations were held without incident, others were suppressed by the authorities and resulted in demonstrators being arbitrarily arrested or injured. For instance, in demonstrations between 8 and 10 April in Tshikapa (Kasai), Lubumbashi (Haut-Katanga) and Kinshasa, 38 demonstrators, including 1 boy, were arbitrarily arrested and at least 17 others, including 1 boy, were ill-treated by members of the Congolese National Police during or following the dispersal of peaceful protests related to the gubernatorial elections of 10 April.’⁷⁴

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6.4 Arbitrary arrest and detention

- 6.4.1 The Human Rights Council in their report on the situation of human rights in the Democratic Republic of the Congo before, during and after the elections of December 2018 (18 March 2019) stated that:

‘During the [2018] electoral campaign... FARDC soldiers, agents of the Congolese National Police or the Agence nationale de renseignements arbitrarily arrested 271 people, including 12 women and six children, during the repression of protests (some of which were partially violent) against the use of voting machines and against irregularities on the electoral register, or against the postponement of elections in Beni, Butembo and Yumbi. Most of these violations were linked to attempts to intimidate members of the political opposition, civil society or demonstrators in order to restrain or discourage their activities.

‘North Kivu was the province where the Joint Human Rights Office documented the highest number of human rights violations. One man was executed extrajudicially by FARDC soldiers who used live ammunition to disperse a crowd of protesters, and 172 people, including 11 women and four children, were arrested arbitrarily by State defence forces and security services. Most of the violations occurred in Beni and Butembo, in the context of demonstrations against the deferral of elections in part of the province. Civil society and youth groups protested intensely in Beni, Isale, Bulambo, Bunyuka, Bulongo and Kasindi (Beni territory) and in the city of Butembo. In Beni, agents of the Congolese National Police shot live bullets into the air to disperse protesters. These demonstrations led to the arbitrary arrests of 151 people (including four women and eight children) between 26 and 29 December 2018. At least 133 of them had been released at the time the present report being finalized, following advocacy by the Joint Human Rights Office...’⁷⁵

⁷⁴ UN Security Council: ‘Report of the Secretary-General’, Section 64, 17 July 2019, [url](#)

⁷⁵ UNHRC – ‘Report on the situation of human rights in the DRC’, (p6), 18 March 2019, [url](#).

- 6.4.2 Continuing to comment on the 2018 election period the same report stated: 'Additionally, the Joint Human Rights Office documented the arbitrary arrest of six men, two by FARDC soldiers and four by Congolese National Police agents, as well as one violation of the right to freedom of opinion and expression by FARDC soldiers who threatened a man in order to influence his vote. Most of those arrested were involved in the elections, including Commission électorale nationale indépendante officials, electoral observers and political party workers. For instance, in Lubumbashi and Kindu, two electoral observers were arbitrarily arrested at the request of the manager of the voting centres, as they were gathering information on the elections.'⁷⁶
- 6.4.3 Referring to post election [2019] arrests by State defence forces and security services during attempts to disperse post-election demonstrations the Human Rights Council reported: 'The high number of victims is explained by the numerous incidents of mass arrest. For example, on 11 January 2019, in Lubumbashi, at least 32 persons, including 27 children, were arrested arbitrarily by agents of the Congolese National Police during a peaceful celebration following a radio announcement of the results of the election. At least six incidents of mass arrest were documented, with the numbers of victims ranging from 30 to 79.'⁷⁷

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6.5 Enforced disappearance and ill-treatment

- 6.5.1 There were 18 recorded violations of the right to life committed by State defence forces and security services in 2018 leading up to the December 2018 elections, including the arbitrary killing of nine people and the wounding of at least 119 people⁷⁸.
- 6.5.2 Freedom from Torture have published a briefing for the Home Office in which they document 'election-related detention and torture in the DRC between 2011 and 2016, providing evidence of the use of torture by state actors..., indicating the 'endemic nature of torture in the detention context in the DRC'.⁷⁹
- 6.5.3 The United Nations Committee against Torture in their 'Concluding observations on the second periodic report of the Democratic Republic of the Congo' June 2019 observed that:
- 'the Committee remains seriously concerned about consistent and credible reports that numerous people are being placed in police custody or pretrial detention by the civilian intelligence service (the National Intelligence Agency) and its military counterpart (military intelligence headquarters) in secret locations, including numerous National Intelligence Agency punishment cells, in Kinshasa and other provinces.'⁸⁰

⁷⁶ UNHRC – 'Report on the situation of human rights in the DRC', (p11), 18 March 2019, [url](#).

⁷⁷ UNHRC – 'Report on the situation of human rights in the DRC', (p12), 18 March 2019, [url](#).

⁷⁸ UNHRC – 'Report on the situation of human rights in the DRC', (p6), 18 March 2019, [url](#).

⁷⁹ Freedom from Torture, 'Briefing to the Home Office, June 2018, [url](#)

⁸⁰ UN, 'Concluding observations on the second periodic report of the DRC' (p3), 3 June 2019, [url](#)

The United Nations committee against torture in their June 2019 'Concluding observations on the second periodic report of the Democratic Republic of the Congo' commented that they were 'seriously concerned about reports of the very widespread use of torture in many places of detention [in the DRC] particularly against individuals suspected of belonging to the political opposition, by members of the Armed Forces of the Democratic Republic of the Congo, the National Police and the National Intelligence Agency.'⁸¹

6.5.4 They were also concerned that the lack of judicial oversight of the National Intelligence Agency's actions and the 'immunity granted to its officers and the effective lack of investigations and prosecutions in connection with acts of torture is helping to create and maintain a situation of generalized impunity'⁸².

6.5.5 The UN Committee also noted that

'... the practice of rape in custody is endemic, particularly where women have been detained on account of their participation, direct or indirect, in some form of political opposition or human rights defence activities. While taking note of the legislative, institutional and judicial measures taken by the State party in its efforts to combat this scourge, and the appointment of a personal representative of the Head of State on sexual violence, the Committee remains alarmed at the endemic nature of such violence, which continues to be used – in its most brutal forms – as a weapon of war against an extremely worrying and, it appears, growing number of women, young girls, men and children, by both government forces (the Armed Forces of the Democratic Republic of the Congo and the Congolese National Police) and non-State armed groups, acting in a climate of total impunity. It is also concerned about the lack of access to justice for victims, who must initiate a complex, drawn-out and costly procedure in order to secure the enforcement of remediation orders against the State, in a process that is distinct from the criminal prosecution and that, even if it is pursued, does not result in reparation being made.'⁸³

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6.6 Political prisoners

6.6.1 The USSD Human Rights report 2018 commenting on the situation in 2018 before the elections noted the numerous reports of political prisoners and detainees⁸⁴. Human rights organisations had access to some of these prisoners but there were not permitted access to facilities run by the National Intelligence Agency (ANR), military intelligence and Republican Guard (RG)⁸⁵. It was estimated at the end of 2018 at least 71 persons were held in detention for their political opinions or legitimate citizens' activities, although this figure could be higher⁸⁶. On 25 September 2018 four activists including Carbone Beni of the citizen movement FILIMBI were sentenced to 12

⁸¹ UN, 'Concluding observations on the second periodic report of the DRC' (p3), 3 June 2019, [url](#)

⁸² UN, 'Concluding observations on the second periodic report of the DRC' (p5), 3 June 2019, [url](#).

⁸³ UN, 'Concluding observations on the second periodic report of the DRC' (p7), 3 June 2019, [url](#).

⁸⁴ USSD, 'Human Rights Report 2018 – DRC', (section E), 13 March 2019, [url](#).

⁸⁵ USSD, 'Human Rights Report 2018 – DRC', (section E), 13 March 2019, [url](#).

⁸⁶ USSD, 'Human Rights Report 2018 – DRC', (section E), 13 March 2019, [url](#).

months in prison for offenses against the head of state, undermining state security, and distributing subversive material⁸⁷. Observers criticized the proceedings for presenting confessions obtained under duress and for fabricating evidence⁸⁸. On December 25, Beni and the three other Filimbi members were released for time served⁸⁹.

6.6.2 Reuters reported on 13 March 2019 that:

‘Congo’s new president, Felix Tshisekedi, pardoned three prominent political prisoners and 700 regular ones on Wednesday [13 March 2019], state TV reported, a good will gesture signalling a break with a predecessor who had scores of his opponents jailed.

‘The president freed opposition figures Franck Diongo, Diomi Ndongala and Firmin Yangambi, who had been imprisoned on charges such as insurrection against the Congolese state, under former president Joseph Kabila. Diongo had been sentenced to five years for detaining three soldiers during protests in 2016.’⁹⁰

6.6.3 Amnesty International reported on 14 March 2019:

‘Following last night’s presidential pardon of about 700 people, including many detained solely for expressing their political views or participating in peaceful protests over the period 1 January 2015 to 31 December 2018, Amnesty International’s Deputy Director for East Africa, the Horn and the Great Lakes Sarah Jackson said:

“President Tshisekedi’s decision to pardon prisoners of conscience and other people arbitrarily detained is to be applauded as a crucial first step towards restoration of human rights in the country. It must now be followed by their immediate and unconditional release from prison.’⁹¹

6.6.4 CIRB [Immigration and Refugee Board of Canada] in a response to a request for information on treatment of opposition members since the 2018 elections, dated 15 July 2019, and citing other sources (some translated from French) noted that on 13 March 2019 President Tshisekedi’s chief of staff Vital Kamerhe announced a presidential pardon to approximately 700 prisoners, including opposition figure Franck Diongo and lawyer and human rights advocate Firmin Yangambi [Yangabi].⁹² Prisoners arrested for political activities, had their sentences reduced or were collectively pardoned.⁹³ It was reported that Firmin Yangambi and Frank Diongo were released on 15 and 16 March 2019, respectively along with release on 21 March 2019 of another Congolese political opponent, [former member of parliament Eugène Diomi Ndongala].⁹⁴ According to Radio Okapi it was reported that three UDPS activist left Ndolo prison on 19 March 2019.⁹⁵ According to Forum

⁸⁷ USSD, ‘Human Rights Report 2018 – DRC’, (section E), 13 March 2019, [url](#).

⁸⁸ USSD, ‘Human Rights Report 2018 – DRC’, (section E), 13 March 2019, [url](#).

⁸⁹ USSD, ‘Human Rights Report 2018 – DRC’, (section E), 13 March 2019, [url](#).

⁹⁰ Reuters, ‘Congo president frees several political prisoners, 700 others’, 13 March 2019, [url](#).

⁹¹ Amnesty International, ‘DRC: Release of prisoners [...]’ website page, 14 March 2019, [url](#).

⁹² CIRB, ‘Treatment of opposition members since the 2018 election...’, 15 July 2019, [url](#).

⁹³ CIRB, ‘Treatment of opposition members since the 2018 election...’, 15 July 2019, [url](#).

⁹⁴ CIRB, ‘Treatment of opposition members since the 2018 election...’, 15 July 2019, [url](#).

⁹⁵ CIRB, ‘Treatment of opposition members since the 2018 election...’, 15 July 2019, [url](#).

des As, a Congolese daily newspaper, after the release of Eugène Diomi Ndongala “no other figures among the symbolic cases targeted by the 2016 Saint Sylvestre Political Agreement (Accord de la Saint Sylvestre) [2] were left in prison”.⁹⁶ CIRB also reported that there was some confusion in the media as to who remained in prison on the morning of 15 March 2019 and that human rights advocates were still waiting the release of the prisoners on 20 March 2019⁹⁷.

6.6.5 The United Nations Security Council, report of the Secretary General, UN Organization Stabilization Mission in the Democratic Republic of the Congo, 17 July 2019 noted that: ‘As part of his so-called 100-day emergency programme, and in line with the political agreement of 31 December 2016, President Tshisekedi pardoned some 700 political detainees, notably lawyer Firmin Yangambi and opposition leader Franck Diongo.’⁹⁸

6.6.6 The same report stated:

‘Upon taking office, President Tshisekedi made strong commitments to improve the human rights situation, including by releasing political prisoners and closing all secret detention centres. That was followed by the publication, in March, of four presidential and two ministerial orders on individual and collective measures of pardon. Those measures concerned detainees who had served a quarter of their sentence; those whose incarceration exceeded three months and who had shown good conduct; beneficiaries of the amnesty law of 11 February 2014 who had nevertheless been kept in custody; and those sentenced in connection with public protests or political meetings held between 1 January 2015 and 31 December 2018. The effective closure of prison cells at the Agence nationale de renseignements, announced by the President of the Conseil national de suivi de l’Accord et du processus électoral on 26 March, could not be verified.’⁹⁹

6.6.7 The United Nations Committee against Torture in their June 2019 ‘Concluding observations on the second periodic report of the Democratic Republic of the Congo’ observed that: ‘... While welcoming the recent release of several political prisoners, the Committee remains seriously concerned about the many ongoing cases of arbitrary detention.’¹⁰⁰

6.6.8 CPIT has been unable to find further information on the release of political prisoners following the presidential pardon among the sources consulted (see [Bibliography](#)).

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6.7 Conditions and treatment in detention

6.7.1 Freedom House in its report for 2018 said: ‘Prison conditions are life threatening, and torture of detainees is common.’¹⁰¹

⁹⁶ CIRB, ‘Treatment of opposition members since the 2018 election...’, 15 July 2019, [url](#).

⁹⁷ CIRB, ‘Treatment of opposition members since the 2018 election...’, 15 July 2019, [url](#).

⁹⁸ UN Security Council: ‘Report of the Secretary-General’, (Section II,14), 17 July 2019, [url](#)

⁹⁹ UN Security Council: ‘Report of the Secretary-General’, (Section VII, 63), 17 July 2019, [url](#)

¹⁰⁰ UN, ‘Concluding observations on the second periodic report of the DRC’ p6, 3 June 2019, [url](#).

¹⁰¹ FH, ‘World report 2018 (DRC)’, (section F), circa March/April 2019, [url](#)

6.7.2 The USSD Human Rights report 2018 stated: ‘The law criminalizes torture, but there were credible reports that the SSF [State security forces] continued to torture civilians, particularly detainees and prisoners... Authorities often arbitrarily beat or tortured detainees.’¹⁰²

6.7.3 The same report describing prison conditions in 2018 stated:

‘Conditions in most prisons throughout the country worsened during the year, aggravating the already harsh and life threatening conditions due to food shortages, gross overcrowding, and inadequate sanitary conditions and medical care. Even harsher conditions prevailed in small detention centers run by the ANR, Republican Guard (RG), or other security forces, which often detained prisoners for lengthy pretrial periods without access to family or legal counsel. Some civil society activists arrested in Kinshasa were reportedly held in an underground cell operated by the RG at a military camp.’

‘Serious threats to life and health were widespread and included violence (particularly rape); food shortages; and inadequate potable water, sanitation, ventilation, temperature control, lighting, and medical care. Poor ventilation subjected detainees to extreme heat. Central prison facilities were severely overcrowded, with an estimated occupancy rate of 200 percent of capacity. For example, Makala Central Prison in Kinshasa, which was constructed in 1958 to house 1,500 prisoners, held as many as 8,500 inmates during the year. In September, Radio Okapi reported there were 7,400 inmates at Makala. Authorities generally confined men and women in separate areas but often held juveniles with adults. Women were sometimes imprisoned with their children. In July local NGO Rural Action for Development reported that 13 infants suffered from malnutrition and other diseases due to poor conditions while held with their mothers in Munzenze Prison in Goma. Authorities rarely separated pretrial detainees from convicted prisoners.’¹⁰³

6.7.4 The United Nations Committee against Torture in their ‘Concluding observations on the second periodic report of the Democratic Republic of the Congo’ June 2019 observed that:

‘The Committee is very concerned about conditions of detention in the majority of institutions in the country, which have led to numerous deaths in custody. In particular, the Committee is concerned about: (a) prison overcrowding, especially at the Makala prison in Kinshasa, which had an occupancy rate of 526 per cent in February 2019; (b) the insalubrity of the majority of prisons, the inadequate hygiene, lack of ventilation, poor quality and insufficient quantity of food, and the limited recreational and training activities to foster rehabilitation; (c) the limited access to quality health care in most places of detention; and (d) the lack of qualified prison staff, which means that inmates themselves are responsible for supervision, resulting in violence and corruption. The Committee is also concerned about allegations that international organizations and civil society visitors have been denied

¹⁰² USSD, ‘Human Rights Report 2018 – DRC’, (section C), 13 March 2019, [url](#).

¹⁰³ USSD, ‘Human Rights Report 2018 – DRC’, (section C), 13 March 2019, [url](#).

access to certain places of detention, notably those within the remit of the National Intelligence Agency (arts. 2, 11 and 16).'¹⁰⁴

- 6.7.5 The UN Security Council, report of the Secretary General, UN Organization Stabilization Mission in the Democratic Republic of the Congo, 17 July 2019 observed that:

'Detention conditions continued to give rise to concern. In the first quarter of 2019, at least 74 people died in detention, mainly due to malnutrition, lack of medical care and ill-treatment. Furthermore, during the reporting period, at least 899 people escaped from detention centres across the country, with the provinces of Bas-Uélé, Kwilu and Kasai Oriental being the most affected, compared with 801 escapes in 2018. Building on previous efforts, MONUSCO continued to provide support for reinforcing security and improving living conditions in 14 high-priority prisons.'¹⁰⁵

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6.8 Civil society, human rights defenders and the Church

- 6.8.1 Sections 6.8.2 – 6.8.5 refer to 2018 events under the Kabila government and in the lead up to the December 2018 elections.

- 6.8.2 Referring to events prior to the December 2018 elections, Phyllis Taoua an academic from The University of Arizona in an article titled 'Making sense of the DRC's struggle for democracy' 19 January 2019 stated:

'One important factor to bear in mind is that citizens' movements in the DRC are now more powerful than conventional political parties. They anticipated political and strategic issues and assisted political parties in raising public awareness in the run up to the elections.

'Also, the fact that during the 18-year struggle against outgoing leader Joseph Kabila several opposition leaders were bought by the regime further weakened political parties. Organisations in civil society didn't fall into this trap. The revival of civic engagement by the Comité laïc de coordination, a secular structure led by Catholic activists to demand Kabila respect the constitution and organise elections, was a lifeline for struggling political parties.

'Civic engagement during the past decade has cultivated a demanding citizenry in the country. This is evident in the extent of the collective rage against any manipulation of the election's results. This represents a qualitative shift from previous elections. The fact that voting was closely observed, and results reported, represents considerable courage in the face of violence and intimidation.'¹⁰⁶

- 6.8.3 The US SD Human Rights report 2018 reported that throughout 2018 and leading up to the December 2018 elections there were numerous reports of security forces using disproportionate and lethal force to stop protests led by Roman Catholic and Protestant church leaders who supported credible elections and the implementation of the December 2016 agreement. This

¹⁰⁴ UN, 'Concluding observations on the second periodic report of the DRC' (p4), 3 June 2019, [url](#).

¹⁰⁵ UN Security Council: 'Report of the Secretary-General', Section 66, 17 July 2019, [url](#)

¹⁰⁶ The Conversation, 'Making sense of the DRC's struggle for democracy' 19 January 2019, [url](#).

resulted in the death of 7 protesters on January 21 and two on February 25. The deaths included a 24-year-old studying to become a nun and a local human rights activist who was shot inside a church compound. Incidents in August 2018 included the SSF using tear gas and live bullets to disperse protests, resulting in the deaths of three persons, including two children, and the injury of at least two persons by police^{107 108}

6.8.4 The same source further noted that the disappearance of some civil society activists and civilians in 2018 was denied by the authorities and their whereabouts remained unknown for long periods¹⁰⁹. Detainees in police custody were beaten and tortured and detained without charges, this included seven members of the civil society group Les Congolais Debout! (Congolese Awake!) at the University of Kinshasha¹¹⁰.

6.8.5 Continuing to refer to events in 2018 the USSD Human Rights report 2018 stated:

‘Elements of the SSF continued to kill, harass, beat, intimidate, and arbitrarily arrest and detain domestic human rights advocates and domestic NGO workers, particularly when the NGOs reported on or supported victims of abuses by the SSF or reported on the illegal exploitation of natural resources in the east. In 2016 the government declined to renew the work permit of a Human Rights Watch researcher and revoked the visa of Congo Research Group director Jason Stearns, officially for reasons of “undesirability.” During the year the government declined to issue or renew visas for some international journalists and researchers. Representatives from the Ministry of Justice and the ANR met with domestic NGOs and sometimes responded to their inquiries.’¹¹¹

6.8.6 The UN Committee on the Elimination of Discrimination against Women noted in its concluding observations published in July 2019 that:

‘The Committee regrets that the draft bill on the protection of human rights defenders has not been adopted yet. It is concerned that women human rights defenders suffer double discrimination, violence and prejudice both in their family and in society, and are exposed to expulsion from work and divorce. The Committee is further concerned that some provisions in the draft laws related to non-profit organizations, human rights defenders, counter-terrorism, public demonstrations, freedom of the press, and access to information under review before the Parliament might negatively impact women’s civil and political rights.’¹¹²

The International Centre for Not for Profit Law in their introduction in ‘Civic Freedom Monitor: DRC’, updated 13 August 2019, stated:

‘Congolese civil society is comprised of a range of actors on the local, regional, and national levels. Most civil society organizations (CSOs) seek to advance the social and economic development of their communities, often

¹⁰⁷ USSD, ‘Human Rights Report 2018 – DRC’, (section 1A), 13 March 2019, [url](#).

¹⁰⁸ USSD, ‘2018 Report on International Religious Freedom: DRC’, 21 June 2019, [url](#).

¹⁰⁹ USSD, ‘Human Rights Report 2018 – DRC’, (section 1B), 13 March 2019, [url](#).

¹¹⁰ USSD, ‘Human Rights Report 2018 – DRC’, (section 1C), 13 March 2019, [url](#).

¹¹¹ USSD, ‘Human Rights Report 2018 – DRC’, (section 5), 13 March 2019, [url](#).

¹¹² CEDAW, Concluding observations on the eight periodic report of the DRC’, (p13), 22 July 2019, [url](#)

through the provision of goods and services for the public interest. The individuals who participate in CSOs come from a variety of ethnic, religious, political and national movements and include workers, students, women, and entrepreneurs...

‘Civil society today continues to operate in a complex social, economic, cultural, and political environment and struggles to ward off manipulation by various political forces, including the governing majority on the one side and the opposing minority on the other. The government has increasingly cracked down on criticism, including through the forced "disappearance" of journalists, and blocked opposition protests. The public authorities justify these crackdowns as necessary to preserve "public order". One consequence of these government actions has been that Congolese civil society has become increasingly divided into two political camps: some CSOs are aligned with opposition political parties that want political change through new elections, while other CSOs support existing political parties.’¹¹³

- 6.8.7 The United Nations Committee against Torture in their ‘Concluding observations on the second periodic report of the Democratic Republic of the Congo’ June 2019 observed that:

‘The Committee is deeply concerned about the many consistent reports of repeated attacks on political opponents and human rights defenders seeking to exercise their right to freedom of association or expression. The Committee is also concerned that many members of civil society have experienced judicial harassment, have sometimes been subjected to acts of torture or ill-treatment and have been arbitrarily arrested and detained.’¹¹⁴

- 6.8.8 The UN Security Council, report of the Secretary General, UN Organization Stabilization Mission in the Democratic Republic of the Congo, 17 July 2019 observed that:

‘Civil society and faith-based organizations continued to play a largely constructive role. While offering to work with President Tshisekedi towards the implementation of his agenda, members of the Conférence épiscopale nationale du Congo (CENCO) urged him to reach out to opposition leaders. In anticipation of the local and municipal elections, some organizations, including the Conseil national de suivi de l’Accord et du processus électoral, called for the reform of the Commission électorale nationale indépendante, whose mandate expires at the end of June. Although the elections are scheduled for the last quarter of 2019, no significant preparations have been observed.’¹¹⁵

- 6.8.9 The Human rights council in its report ‘Human rights situation and the activities of the United Nations Joint Human Rights Office in the Democratic Republic of the Congo’ 14 August 2019 stated:

‘After the change in State leadership, a degree of opening up of democratic space has been observed, evidenced in particular by the release of a significant number of political prisoners, the holding of peaceful demonstrations without incident and the return to the country of opposition

¹¹³ ICNL, ‘Civic Freedom Monitor: DRC’, updated 13 August 2019, [url](#).

¹¹⁴ UN, ‘Concluding observations on the second periodic report of the DRC’ (p6), 3 June 2019, [url](#).

¹¹⁵ UN Security Council: ‘Report of the Secretary-General’, (Section 17), 17 July 2019, [url](#)

figures. In addition, the Joint Office has documented a decrease in the number of human rights violations since February 2019. However, it has also noted a continuation of attacks and threats against human rights defenders and other civil society actors, the violent suppression of certain peaceful demonstrations and restrictions on fundamental freedoms... Since February 2019, several public demonstrations and rallies at which political and/or social demands have been made have taken place throughout the country without the intervention of the security forces. However, some demonstrations were suppressed by the police authorities, notably following the promulgation of blanket bans on demonstrations by local authorities such as the ban imposed by the Governor of Haut-Uélé on 4 April 2019. These policies are intrinsically disproportionate, as they are adopted without any consideration of the specific circumstances of each proposed meeting.’¹¹⁶

6.8.10 Referring to possible reforms within the Constitutional Court and the Independent National Electoral Commission to enable free and fair future elections the Institute for Security Studies reported on 12 September 2019 that:

‘Introducing such reforms – which must be passed by Parliament – will be seen as a challenge by Kabila and, because of his party’s overwhelming majority, success of such initiatives on the first try is doubtful. But the attempt will not go unnoticed by the population, which has made its desire for change clear.

‘If Tshisekedi wants to take this issue on, he can create longer-term pressure and channel the popular support for fundamental change that helped lead Kabila to back away from a third term. DRC civil society groups, including the Catholic Church, would be essential allies in such a push. International actors could help by supporting the DRC’s vibrant civil society to become effective watchdogs and advocates for reform.

‘Restoring political freedoms, including the right to criticise the government, is another priority issue. It goes hand in hand with the reform of key institutions and is an area where Tshisekedi has relatively free rein as it doesn’t require legislative changes or approval from the prime minister or government.’¹¹⁷

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6.9 Journalists, media workers and bloggers

6.9.1 Human Rights Watch in their 2019 report on events in 2018 noted that:

‘Although constitutionally guaranteed, freedom of the press is restricted in practice. Radio is the dominant medium, and newspapers are found in large cities. An estimated 80 percent of the country’s media outlets are controlled by politicians. While the media frequently criticized Kabila and his government, political harassment of reporters is common, and outlets encounter pressure to carry progovernment content. Journalists often face criminal defamation suits, threats, detentions, arbitrary arrests, and physical attacks in the course of their work.

¹¹⁶ UNHRC, ‘Human rights situation...in the DRC’ (Section II,5), 14 August 2019, [url](#).

¹¹⁷ ISS, ‘Time to test Felix Tshisekedi’s vision for the DRC’, 12 September 2019, [url](#).

‘Throughout 2018, there were numerous reported cases of intelligence and security services interfering with the media. Several journalists covering demonstrations or politics were detained, arrested, and beaten. Journalists in Danger and its partner organization, Reporters Without Borders, identified 121 attacks on journalists between November 2017 and November 2018, including 54 arrests, 37 cases of censorship, and threats against another 30 journalists. In July 2018, journalists who had worked on a documentary film examining land grabs by Kabila and his family were forced into hiding. A journalist was detained in Kinshasa in November for allegedly defaming the prime minister’s family.

‘In recent years, the government has closed media outlets linked to the political opposition, and such pressure affected election coverage in 2018. Five opposition outlets remained closed during the year while public stations aired pro-Shadary content. In September, journalist Hassan Murhabazi was abducted and held for nearly three days after he received threats for hosting a political program about Shadary. In late December, the government revoked the accreditation of a Radio France Internationale journalist who was reporting on the elections and subsequently cut the service’s FM broadcast signal.’¹¹⁸

6.9.2 The US SD Human Rights Report 2018 stated that:

‘The law provides for freedom of speech, including for the press. The press frequently and openly criticized public officials and public policy decisions. Individuals generally could criticize the government, its officials, and other citizens in private without being subject to official reprisals. Public criticism, however, of government officials, the president, or government policies regarding elections, democracy, and corruption sometimes resulted in intimidation, threats, and arrest. The government also prevented journalists from filming or covering some protests and refused to renew or grant visas for several foreign media correspondents.’¹¹⁹

6.9.3 The Human Rights Council in their report on the situation of human rights in the Democratic Republic of the Congo before, during and after the elections of December 2018 (18 March 2019) stated that:

‘The Joint Human Rights Office documented violations of the right to freedom of expression, including freedom of the press, throughout the electoral campaign period. It documented the closure by State authorities of a radio and television station in Haut-Lomami, and two radio stations in Mongala and one in South Kivu, all owned by members of the opposition. In Haut-Lomami, the radio station was closed because it was accused of mobilizing the audience for the campaign visit of a certain candidate. The Joint Human Rights Office also documented intimidation of a journalist working for a local radio and television station who was questioned by agents of the Agence nationale de renseignements on 5 December 2018, in Nioki (Mai-Ndombe). The previous day, during a broadcast, he had denounced police officers who had reportedly paid money in exchange for

¹¹⁸ HRW: ‘World Report 2019 – DRC’, 17 January 2019 [url](#)

¹¹⁹ USSD, ‘Human Rights Report 2018 – DRC’, section 2, 13 March 2019, [url](#).

other people's voting cards. Following advocacy by the Joint Human Rights Office, the journalist was released.'

'... While under article 33 of the electoral law as well as under international instruments and jurisprudence candidates in elections are provided with equal, non-discriminatory access to the media, the State media, particularly Radio-télévision nationale congolaise, focused its coverage on the activities of the ruling majority candidates and their allies during the electoral campaign, and provided limited coverage of opposition events, often appearing biased. Most media outlets were partisan, favouring one political party, and failed to broadcast objective, fact-based news of electoral developments. Pro-opposition journalists faced threats, harassment and intimidation by some authorities, candidates and their supporters, while journalists working for pro-ruling majority media who covered events criticizing the Government were increasingly subjected to harassment. Meanwhile, close collaborators of the President, such as the Government Spokesperson, Lambert Mende, shunned the United Nations radio station Radio Okapi over claims that it was not impartial. Women were generally given little access to the media, which consequently did not address specific concerns of women.'¹²⁰

6.9.4 The same report went on to state that:

'Starting on 31 December 2018, various restrictions were imposed on freedom of opinion and expression. From 31 December 2018 to 19 January 2019, the Government shut down Internet, mobile data and SMS services, stating that this was necessary in order to preserve public order and prevent the dissemination of inaccurate results through social media. Moreover, the signals of Radio France Internationale and of Canal Congo Télévision were blocked until 21 January 2019. During this time, intimidation and harassment of journalists, opposition candidates and human rights defenders continued.

'The blocking of Internet services hindered the capacity of electoral observers and witnesses to send information from rural polling stations for the compilation of results. It also hampered the ability of MONUSCO to communicate with community alert networks and other protection mechanisms in the field. Access to information is an essential tool for increasing accountability and transparency and reinforces the credibility of electoral processes. A general network shutdown hinders people's access to information and basic services and is a violation of international law. On 7 January 2018, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression issued a press release condemning the general network shutdown as unjustified and being in clear violation of international law, and called upon the Government to restore telecommunications services in the country.'¹²¹

6.9.5 Journalists in Danger (JED), the partner organization of Reporters Without Borders (RSF), reported in November 2018 that there were 121 cases of press freedom violations during the 12 months from November 2017 –

¹²⁰ UNHRC – 'Report on the situation of human rights in the DRC', (p7,8), 18 March 2019, [url](#).

¹²¹ UNHRC – 'Report on the situation of human rights in the DRC', (p13), 18 March 2019, [url](#).

November 2018 and attributed 77% of these attacks to state agents, including nearly half to state security forces. JED also reported that a total 15 journalists arrested remained in detention for more than the legal limit of 48 hours without being charged¹²².

- 6.9.6 Reporters Without Borders reported in March 2019 about the ‘ransacking of a community radio station in [Mbuji-Mayi, the capital of Kasai-Oriental province] on 16 March [2019] by members of the new president’s party, who were disputing the local results in the previous day’s senate elections’.¹²³
- 6.9.7 JED / RSF in a report dated 26 March 2019 covering the story of the imprisoned journalist Steve Mwanyo Iwewe, who was beaten by the governor’s bodyguards when they arrested him on the governor’s orders as he was covering a protest by disgruntled government employees in Mbandaka, the provincial capital, on 27 February 2019 stated: ‘... the past few weeks have seen attacks on media outlets and journalists, especially by the new president’s supporters. Iwewe is the first journalist to arbitrarily receive a prison sentence under the new president.’¹²⁴
- 6.9.8 In an article dated 3 July 2019, JED / RSF reported:
- ‘The signal of Radio Télévision par Satellite (RTVS1) was disconnected during the day on 29 June [2019] as it was broadcasting a programme in which guests were calling for participation in a demonstration banned by the authorities. The channel is owned by Adolphe Muzito, one of the leaders of the opposition to Tshisekedi.
- “This outright act of censorship is a complete contradiction of the new president’s promises to respect press freedom,” said Arnaud Froger, the head of RSF’s Africa desk. “Abuses against Congolese journalists and media outlets are down since the start of the year. We urge the new administration not to return to the past by using the censorship methods employed under Joseph Kabila’s regime.”¹²⁵
- 6.9.9 The Human rights council in its report ‘Human rights situation and the activities of the United Nations Joint Human Rights Office in the Democratic Republic of the Congo’ 14 August 2019 stated:
- ‘Overall, the Joint Office noted an improvement in press freedom, including the reopening of radio stations that had been closed. However, it has documented cases of intimidation and harassment of journalists by members of the armed forces of the Democratic Republic of the Congo, members of the Congolese national police, political and administrative authorities and armed groups, with 79 victims of violations between January and May 2019.’¹²⁶

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¹²² RSF, ‘RSF and JED decry Congolese government’s...’, 7 November 2018, [url](#).

¹²³ RSF, ‘Congolese community radio ransacked by president’s supporters’, 20 March 2019, [url](#)

¹²⁴ RSF, ‘Although injured, Congolese reporter denied release...’, 26 March 2019, [url](#).

¹²⁵ RSF, ‘Tshisekedi urged to reopen TV channel shut down last weekend’, 3 July 2019, [url](#).

¹²⁶ UNHRC, ‘Human rights situation...in the DRC’ (Section II,5), 14 August 2019, [url](#).

7. Opposition groups outside the DRC

7.1 Monitoring by the DRC Government in UK

- 7.1.1 There is no information in the sources consulted in this note on the nature and degree of monitoring undertaken by the DRC authorities in the UK (see [Bibliography](#)).
- 7.1.2 The DRC Embassy in the UK is a relatively small mission with 5 diplomatic staff, including the Ambassador¹²⁷.

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7.2 Diaspora

- 7.2.1 No recent source of information could be found in sources consulted about the size of the diaspora in the UK (see [Bibliography](#)). However, an IOM report published in 2006 attempted to map the profile and number of the Congolese population in the UK, it observed:

‘Official figures estimate that there are around 20,000 - 30,000 Congolese people in the UK but community leaders give higher estimates of between 30,000 to 40,000 people. None of these estimates is based on a reliable census nor do they stem from accurate projections...

‘The majority of Congolese people in the UK are refugees from war. They are people who have been, or are still involved in, the asylum application process.’¹²⁸

- 7.2.2 The same report noted:

‘The migration of Congolese people to the UK is a recent phenomenon. Most Congolese migrants arrived in the UK after passing through other African countries. They began arriving in the UK during the late 1980s and early 1990s, whilst a substantial second wave of migration occurred in the late 1990s. These periods correspond, respectively, to the last years of Mobutu’s reign and to the beginning of the war in the East.

‘Congolese people in the UK maintain close ties with their relatives back in the DRC. They often seek information about their native country. Most phone home regularly and often support the extended families they have left in the DRC financially. The men tend to gather informally in Congolese pubs and restaurants, where news is spread by word of mouth. The same can be said about food shops, which are frequented more by women. News is also spread in the Congolese community during community gatherings, such as funerals and cultural celebrations (mostly music events). Congolese people often rely on word of mouth rather than written materials.’¹²⁹

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¹²⁷ FCO, ‘Foreign Embassies in the UK (London Diplomatic List)’, updated August 2019, [url](#)

¹²⁸ IOM, ‘Mapping exercise’, (p4-5), circa 2006, [url](#)

¹²⁹ IOM, ‘Mapping exercise’, (p4), circa 2006, [url](#)

7.3 Opposition groups

- 7.3.1 There is limited information about the number, size, aims and activities of Congolese groups in the UK (see sources consulted in [Bibliography](#)). Information available is mostly that provided by the organisations themselves.
- 7.3.2 The UNJHRO noted, in a response to a FCO query, in June 2019 considered that ‘The Congolese abroad who may be of interest to Congolese authorities could be political opponents, journalists, human rights activists or those who were witnesses of human rights violations.’ Adding ‘The UNJHRO does not keep a list of persons abroad in this situation. It further explained that this assessment was based on: ‘[n]umerous documented incidents of attacks and threats against journalists, human rights defenders and other civil society actors in the country [DRC], as well as ill-treatment documented in some cases of illegal detention.’¹³⁰
- 7.3.3 The executive director of the DRC NGO Voix de sans of Voix (VSV) considered in a response to a query made by the FCO in July 2019, on the subject of which groups the DRC authorities are of the interest: ‘Old government: “Combattants”, political asylum seekers, ex-army forces. New regime: Not applicable. All we know is that the president asked all those people who are living illegally abroad to come back.’¹³¹ The director of another DRC NGO, Les Amis de Nelson Mandela pour le Defense des Droits Humains (AMNDH) observed in a response to an FCO query, in July 2019 that the government were interested ‘... in Kabila’s regime they were interested in groups of “Combattants”’ because of their ‘Hostility to the government’. The director claimed that ‘Cases were investigated with migration departments of France, Belgium, Spain, Japan.... They might have evidence.’ However, the source provided no evidence of individual cases or comment on what has happened since the change of government¹³².

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7.4 Groups in the UK

- 7.4.1 The [Congolese Support Group](#) (CSG) are based in London, Okito Tongomo is the president of the Congolese Support Group UK Their website suggests that the group hold regular meetings. The homepage declares that they are the ‘main DR Congolese organisation around the globe with well over 10.000 registered Members’ and that ‘We are also Social Justice and Diaspora New Political Movement for Change’ with the slogan ‘Power, Action, Accountabilities and Change’. Their website states that they also have representation in Africa, USA, Canada, Belgium, France, Germany, The Netherlands and Italy¹³³.
- 7.4.2 In an article published in January 2018 by The Guardian covering the legal action to remove human rights protesters from part of the London building used as the Congolese Embassy reported that: ‘Okito Tongomo, leader of

¹³⁰ UNJHRO, ‘Response to FCO query’, June 2019, see UAS CPIN or copy available on request

¹³¹ VSV, ‘Response to FCO query’, July 2019, see UAS CPIN or copy available on request

¹³² AMNDH, ‘Response to FCO query’, July 2019, see UAS CPIN or copy available on request

¹³³ Congolese Support Group, website, undated, [url](#).

the Congolese opposition and president of the Congo Support Group, [Tongomo] said he would continue protesting. “The situation on Congo is catastrophic and we are calling for regime change and respect for the constitution.”¹³⁴

- 7.4.3 [Alliance de Patriotes pour la Refondation du Congo \(APARECO's\) website](#), only available in French, contains background and current information on the treatment of its members.
- 7.4.4 CPIT has been unable to find any information in English about this group (see [Bibliography](#)).
- 7.4.5 CPIT has been unable to find any information regarding sur place activities / demonstrations in the UK since London protests held in 2011 [2011 elections] following the re-election of Joseph Kabila in the sources consulted (see [Bibliography](#)).
- 7.4.6 CPIT has been unable to find any information on how APARECO and similar diaspora political groups are currently viewed by the DRC authorities in the sources consulted (see [Bibliography](#)).

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¹³⁴ The Guardian, ‘Congolese government in rent arrears for London embassy’, 15 January 2018, [url](#).

Terms of Reference

A 'Terms of Reference' (ToR) is a broad outline of what the CPIN seeks to cover. They form the basis for the [country information section](#). The Home Office's Country Policy and Information Team uses some standardised ToRs, depending on the subject, and these are then adapted depending on the country concerned.

For this particular CPIN, the following topics were identified prior to drafting as relevant and on which research was undertaken:

- The Political system
 - Division of power (e.g. President/Prime Minister/Parliament(s))
 - The Electoral process (recent elections)
 - Political developments
- Political parties
 - Who are they/Structure/organisation
 - Aims/Ideologies
 - Key figures
- Political parties outside the DRC
- Treatment of opposition
- Political demonstrations and treatment of demonstrators
- The Church
- Political prisoners and detainees
- Treatment in detention
- HR Activists
- Civil society groups and NGO's
 - Numbers
 - Powers
 - Effectiveness
 - Limitations
- Freedom of speech and the media
 - Laws on free speech
 - Laws regarding the media
 - Journalists and media workers
 - Internet/Bloggers/social media (activists)

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Version control

Clearance

Below is information on when this note was cleared:

- version **3.0**
- valid from **12 November 2019**

Changes from last version of this note

Updated country information and assessment

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