



COI QUERY

Country of Origin	Democratic Republic of the Congo (DRC)
Question(s)	<ol style="list-style-type: none">1. Background on the current political situation in the DRC2. Current security situation in Kinshasa, control of territory, presence and activities of state and non-state armed groups therein3. Information on civilian casualties in security related incidents in Kinshasa in the period of March 2018 - September 2019
Date of completion	26 November 2019
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The target audience is caseworkers, COI researchers, policy makers, and decision making authorities. The answer was finalised on the 26 November 2019. Any event taking place after this date is not included in this answer.



COI QUERY RESPONSE

1. Background on the current political situation in the DRC

From January 2001 until January 2019, Joseph Kabila served as a head of state of the DRC, taking the office after his assassinated father.¹ Although his term was supposed to expire in December 2016, Kabila stayed in power and the elections were postponed until December 2018.²

After two years of unconstitutional delays, the Democratic Republic of the Congo (DRC) held general elections, including presidential, legislative and provincial elections, on 30 December 2018.³ Main candidates included Emmanuel Ramazani Shadary, backed by the ruling party People's Party for Reconstruction and Democracy (PPRD), and two opposition candidates, Félix Tshisekedi and Martin Fayulu.⁴

On 10 January 2019, the authorities announced the provisional results of the presidential elections and declared opposition candidate Félix Tshisekedi to be the winner.⁵ Martin Fayulu and his supporters challenged the results of the elections at the constitutional court shortly afterwards. The claim was rejected and Felix Tshisekedi was sworn in as a new president on 24 January 2019.⁶ Sources indicate that the elections were marred by irregularities and Martin Faylu may have actually won.⁷

Results of the presidential and legislative elections created 'a new political balance' in the country, according to an international human rights NGO International Federation for Human Rights (FIDH)⁸.

¹ BBC News, DR Congo country profile, 10 January 2019, [url](#); FIDH, Democratic Republic of the Congo: Five priorities for a State that respects human rights, March 2019, [url](#), p. 4

² FIDH, Democratic Republic of the Congo: Five priorities for a State that respects human rights, March 2019, [url](#), p. 4; France24, DR Congo presidential election delayed until December 30, 20 December 2018, [url](#), accessed 19 November 2019; The World Bank, The World Bank in DRC, Political context, 20 April 2019, [url](#)

³ Global Center for the Responsibility to Protect, R2P Monitor, Issue 45, 15 May 2019, 15 May 2019 [url](#), p. 14; France24, DR Congo presidential election delayed until December 30, 20 December 2018, [url](#); ACCORD, Elections in the Democratic Republic of the Congo, 2 September 2019, [url](#)

⁴ France24, DR Congo presidential election delayed until December 30, 20 December 2018, [url](#), accessed 19 November 2019; ACCORD, Elections in the Democratic Republic of the Congo, 2 September 2019, [url](#)

⁵ UN Security Council, The situation in Central Africa and the activities of the United Nations Regional Office for Central Africa, 24 May 2019, [url](#), para. 14; BBC News, DR Congo presidential election: Outcry as Tshisekedi named winner, 10 January 2019, [url](#)

⁶ UN Security Council, The situation in Central Africa and the activities of the United Nations Regional Office for Central Africa, 24 May 2019, [url](#), accessed 20 November 2019, para. 14; BBC News, DR Congo election: African leaders congratulate Tshisekedi, 20 January 2019, [url](#)

⁷ CRG, Who really won the Congolese elections?, 16 January 2019, [url](#); CFR, Global Conflict Tracker, 19 November 2019, Violence in the Democratic Republic of Congo, [url](#); FT, FT analysis of two voting databases shows Martin Fayulu won the presidential election, 15 January 2019, [url](#); International Crisis Group, Need for International Unity as DR Congo Awaits Electoral Results, 8 January 2019, [url](#); Washington Post (The), Voters in Congo face suppression, irregularities and flooding in historic election, 31 December 2018, [url](#)

⁸ FIDH, Democratic Republic of the Congo: Five priorities for a State that respects human rights, March 2019 [url](#), p. 4



The DRC has a new president, but the party of former president Joseph Kabila, Parti du peuple pour la reconstruction et la démocratie (PPRD), dominate the National assembly.⁹

The UN described the election results as ‘the first peaceful transfer of power’ in the DRC since the country gained independence in 1960.¹⁰

On 26 August 2019, DW reported that DRC named a new government with a 7-month delay. The new executive power of the country consists mostly of ministers coming from the Common Front for Congo parliamentary group (French: Front commun pour le Congo or FCC) created by former president Joseph Kabila.¹¹ According to a report by the German political foundation Konrad-Adenauer-Stiftung (KAS), 43 out of 65 ministers come from the Kabila’s party.¹²

A report by the UN Secretary-General of May 2019 noted that ‘[w]hile armed groups in the Democratic Republic of the Congo continued to represent a challenge to broader regional stability, the country’s presidential, national and provincial legislative elections of 30 December took place in a relatively calm atmosphere and resulted in its first peaceful transfer of power.’¹³

2. Current Security situation in Kinshasa, control of territory, presence and activities of state and non-state armed groups

Information about the security situation in Kinshasa was scarce amongst used and consulted sources.

In its overview of the security situation in the DRC updated in August 2019, the Rule of Law in Armed Conflicts project (RULAC) of the Geneva Academy of International Humanitarian Law and Human Rights noted that ‘[t]he regions that have been most affected by the armed conflicts [in the DRC] are Kivu, Kasai, and Ituri, although violence is widespread and affects the whole country.’ The source has not mentioned any non-state armed groups which would be active in Kinshasa.¹⁴

Sources indicate that more than a hundred armed groups operate in the DRC, however, they are mainly concentrated in the eastern provinces of the country.¹⁵

A report by the Congo Research Group (CRG), an independent, non-profit research project dedicated to understanding the violence in the DRC, stated that: ‘In general, armed violence is concentrated in

⁹ FIDH, Democratic Republic of the Congo: Five priorities for a State that respects human rights, March 2019 [url](#), p.4; KAS, Die nächste Etappe, 28 August 2019, [url](#), pp. 3-4; UN Security Council, The situation in Central Africa and the activities of the United Nations Regional Office for Central Africa, 24 May 2019 [url](#), para. 14

¹⁰ UN News, First peaceful transfer of power in DR Congo ‘an extraordinary opportunity’ for advancing rights, 19 March 2019, [url](#)

¹¹ DW, DR Congo names new government after 7-month delay, 26 August 2019, [url](#)

¹² KAS, Die nächste Etappe, 28 August 2019, [url](#), p. 3

¹³ UN Security Council, The situation in Central Africa and the activities of the United Nations Regional Office for Central Africa, 24 May 2019, [url](#), para. 14

¹⁴ RULAC, Non-international Armed Conflicts in Democratic Republic of Congo, 5 August 2019, [url](#)

¹⁵ CFR, Global Conflict Tracker, 19 November 2019, Violence in the Democratic Republic of Congo, [url](#); The Roméo Dallaire Child Soldiers Initiative, Democratic Republic of the Congo, Country Report: Children & Security, October 2018, [url](#), p. 13; CRG, Congo, Forgotten, The Numbers Behind Africa’s Longest Humanitarian Crisis, August 2019, [url](#), p. 4



the densely populated highlands in the far east of the Kivu provinces, close to the Ugandan, Rwandan, and Burundian borders.’ The same source noted that ‘all Congolese armed groups are based in rural areas’.¹⁶ In August 2019, sources indicated that in the eastern DRC, some armed groups have strengthened their position also in urban centres.¹⁷

Sources indicate that in the capital city Kinshasa, urban criminality is high.¹⁸

Criminal gangs known as *kuluna* are held responsible for serious crimes such as armed robbery and violent assaults in the country, including in Kinshasa.¹⁹ In its 2017 report, Immigration and Refugee Board of Canada (IRB), referring to a variety of sources, listed the following crimes as being most commonly committed by *kuluna*: robberies, injuries, rapes and murders. The IRB further noted that *kuluna* are an ‘urban phenomenon’, with presence ‘in particular’ in Kinshasa.²⁰ According to an article by a local news provider L’Observateur dating August 2017, *kuluna* were present in Masina, Kimbanseke, Ndjili, Kisenso, Makala, Barumbu, Kinshasa, Nsele and Ngaliema communes in Kinshasa.²¹

In April 2018, minister of interior and security presented a plan to fight against urban criminality in the DRC, but mainly in Kinshasa, which included adoption of several measures aimed at elimination of the ‘kuluna phenomenon’ in the country, including an increase of police presence officers in Kinshasa.²²

The first police operation against these gangs, called ‘Operation Likofi’, lasting from November 2013 to February 2014, caused the death of at least 51 persons and the forced disappearance of 33 others in Kinshasa, according to the Human Rights Watch (HRW).²³ Between May and September 2018, security forces killed at least 27 persons and disappeared 7 others during another anti-crime campaign called ‘Operation Likofi IV’. These ‘extrajudicial executions and enforced disappearances’ documented by the HRW took place in the Kalamu, Kisenso, and Limete communes in Kinshasa. The same source noted that this campaign took place in ‘in the context of broader repression against political

¹⁶ CRG, Congo, Forgotten, The Numbers Behind Africa’s Longest Humanitarian Crisis, August 2019, [url](#), p. 5

¹⁷ CRG, Congo, Forgotten, The Numbers Behind Africa’s Longest Humanitarian Crisis, August 2019, [url](#), accessed 20 November 2019, p. 5; Rift Valley Institute, Rebels and the City: Urban dimensions of armed mobilization in the eastern Congo, 22 August 2019, [url](#)

¹⁸ IRB, Democratic Republic of Congo: “Kuluna” gangs, including areas where they have influence; government efforts against them, including effectiveness and resources available; state protection available to victims and its effectiveness (2013-August 2017), 21 August 2017, [url](#); HRW, DR Congo: Police Killed, ‘Disappeared’ 34 Youth, 21 February 2019 [url](#), accessed 20 November 2019; OSAC, Crime and Safety Report, 4 April 2019, [url](#); ACTUALITE.CD, RDC: Mova s’attaque à la criminalité urbaine [Mova tackles urban crime], 11 April 2018, [url](#)

¹⁹ HRW, DR Congo: Police Killed, ‘Disappeared’ 34 Youth, 21 February 2019 [url](#), accessed 20 November 2019; ACTUALITE.CD, RDC: Mova s’attaque à la criminalité urbaine [Mova tackles urban crime], 11 April 2018, [url](#)

²⁰ IRB, Democratic Republic of Congo: “Kuluna” gangs, including areas where they have influence; government efforts against them, including effectiveness and resources available; state protection available to victims and its effectiveness (2013-August 2017), 21 August 2017, [url](#)

²¹ L’Observateur, Le général Kasongo dévoile son plan: La traque de Kuluna, priorité des priorités, 7 August 2017, [url](#)

²² ACTUALITE.CD, RDC: Mova s’attaque à la criminalité urbaine, 11 April 2018, [url](#); Democratic republic of Congo, FRENCH Henri Mova declares war on crime, 10 April 2018, [url](#); HRW, DR Congo, Police Operation Kills 51 Young Men and Boys, 18 November 2014, [url](#)

²³ HRW, DR Congo, Police Operation Kills 51 Young Men and Boys, 18 November 2014, [url](#)



opposition and pro-democracy activists in the country' ahead of upcoming elections, and specified that targeted *kulunas* were known to be used to mobilize opposition demonstrations.²⁴

On 12 December 2018, a warehouse storing voting material was burned down in Kinshasa.²⁵ Citing security concerns, the governor of Kinshasa decided to suspend campaign activities in the province on 19 December 2018.²⁶

A report by the UN Secretary-General on developments in the DRC from 8 March to 28 June 2019 noted that the overall security situation was 'relatively stable' in the DRC, and the situation in the western provinces was assessed as 'generally stable'. The source also added that '[o]verall, despite localized tensions, the security situation was calm in most western and central areas'.²⁷

In another report, the source reported that between 1 March and 31 August 2019, the security situation in the DRC 'remained fragile, as illegal armed groups continued to commit atrocities against the civilian population and attack the Armed Forces of the Democratic Republic of the Congo (FARDC)'.²⁸

A 2018 Overseas Security Advisory Council (OSAC) report on crime in the DRC found that:

'The ability of the DRC government to respond to emergency/crisis situations is limited, even in major cities. The police force in Kinshasa, and throughout most of the country, is generally ineffectual and dysfunctional. There is no reliable way to summon police assistance in Kinshasa. When the police do intervene, it is apparent that they are ill-equipped and poorly trained. Many lack a basic understanding of the law. Consistency in the administration of laws and regulations is absent. In cases of crime including theft/robbery, police intervention, judicial recourse, and bureaucratic capabilities are limited. Many interactions with the police include demands for money; corruption is rampant.'²⁹

Sources indicate that state agents, including the Congolese National Police (PNC), were responsible for the majority of human rights violations in the country in 2018 and 2019.³⁰

²⁴ HRW, DR Congo: Police Killed, 'Disappeared' 34 Youth, 21 February 2019, [url](#)

²⁵ ACLED, Regional overview – Africa, 18 December 2018, [url](#); USDOS, Country Report on Human Rights Practices 2018 - Congo, Democratic Republic of the, 13 March 2019, [url](#)

²⁶ UN Security Council, United Nations Organization Stabilization Mission in the Democratic Republic of the Congo, 4 January 2019, [url](#), para. 5

²⁷ UN Security Council, United Nations Organization Stabilization Mission in the Democratic Republic of the Congo, 17 July 2019, [url](#), para. 21, 35

²⁸ UN Security Council, Implementation of the Peace, Security and Cooperation Framework for the Democratic Republic of the Congo and the Region, 1 October 2019, [url](#), para. 2

²⁹ OSAC, Crime and Safety Report, 4 April 2019, [url](#)

³⁰ UNJHRO, Note du BCNUDH sur les principales tendances des violations des droits de l'Homme en avril 2019, 24 May 2019, [url](#); UN Security Council, United Nations Organization Stabilization Mission in the Democratic Republic of the Congo, 4 January 2019 [url](#), accessed 21 November 2019, para. 40-41



The OSAC report on crime in the DRC listed ‘opportunistic crimes’ such as breaking into cars and thefts, kidnappings and pickpocketing as the most common crimes in Kinshasa in 2018.³¹

3. Information on civilian casualties in security related incidents in Kinshasa in the period of March 2018 - September 2019

Uppsala Conflict Data Program (UCDP), a provider of data on organized violence in the world, reported on 38 deaths in Kinshasa (close to the Gombe commune) in the DRC in 2018, with 3,000 documented deaths in the whole country in the same period. For comparison, the source documented 67 deaths in Kinshasa (close to the Gombe commune) in 2017, compared to 5,916 deaths in the whole country.³²

The Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD), using the Armed Conflict Location & Event Data Project (ACLED) data, reported on 80 deaths in the Kinshasa City in 2017³³ and on 15 deaths in the first three quarters of 2018.³⁴

According to the Report of the Secretary-General of 4 January 2019, during October and November 2018, MONUSCO documented 1,157 human rights violations in the country, which represents a decrease in comparison with the same period in 2018 with 1,405 documented violations. Some 20% of the violations took place in the provinces not affected by the conflict.³⁵

Since the beginning of electoral campaigns in November 2018 until the inauguration of the new president in January 2019, the United Nations Joint Human Rights Office documented ‘304 human rights violations related to the electoral process, including 21 fatalities due to the disproportionate use of force’.³⁶

International Crisis Group’s Crisis Watch did not report on any civilian casualties in security related incidents in Kinshasa in the period of March 2018 - September 2019.³⁷

³¹ OSAC, Crime and Safety Report, 4 April 2019, [url](#)

³² UCDP, DR Congo (Zaire), n.d., [url](#)

³³ ACCORD, Demokratische Republik Kongo, Jahr 2017: Kurzübersicht über Vorfälle aus dem Armed Conflict Location & Event Data Project (ACLED), 18 June 2018, [url](#)

³⁴ ACCORD, Democratic Republic of Congo, first quarter 2018: Update on incidents according to the Armed Conflict Location & Event Data Project (ACLED) - Updated 2nd edition, 20 December 2018, [url](#); ACCORD, Democratic Republic of Congo, second quarter 2018: Update on incidents according to the Armed Conflict Location & Event Data Project (ACLED) - Updated 2nd edition, 20 December 2018, [url](#); ACCORD, Democratic Republic of Congo, third quarter 2018: Update on incidents according to the Armed Conflict Location & Event Data Project (ACLED) - Updated 2nd edition, 20 December 2018, [url](#)

³⁵ UN Security Council, United Nations Organization Stabilization Mission in the Democratic Republic of the Congo, 4 January 2019, [url](#), para. 40-41

³⁶ UN Security Council, The situation in Central Africa and the activities of the United Nations Regional Office for Central Africa, 24 May 2019, [url](#), para. 40

³⁷ International Crisis Group, Crisis Watch, Tracking Conflict Worldwide, Democratic Republic of Congo, n.d., [url](#)



In April 2019, the United Nations Joint Human Rights Office in the DRC (UNJHRO) documented 95 human rights violations in provinces not affected by conflict in the DRC, of which 16 took place in Kinshasa. No further information on the kind of violations was mentioned.³⁸

In the second quarter of 2019, the UN Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) documented human rights violations in 1,479 cases, out of which 85 % took place in the 'conflict-affected' provinces of North Kivu, South Kivu, the Kasais and Tanganyika. 56 % of the violations were committed by the state actors, while remaining 44 % were attributed to the armed groups, according to the source.³⁹

Human Rights Watch reported in July 2019 that the police '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.'⁴⁰

On 30 October 2019, the head of a health centre in the Kinshasa City was shot dead by a police officer, who was later arrested, according to Insecurity Insight quoting several local sources.⁴¹ Actualite.cd, a Congolese media company, reported on the event, noting that '[t]his is the third time, in less than a week, that a police officer has shot a civilian after an altercation' [informal translation].⁴²

³⁸ UNJHRO, Note du BCNUDH sur les principales tendances des violations des droits de l'Homme en avril 2019, 24 May 2019, [url](#)

³⁹ UN Security Council, United Nations Organization Stabilization Mission in the Democratic Republic of the Congo, 27 September 2019, [url](#), para. 54

⁴⁰ Human Rights Watch, DR Congo: Police Fire on, Beat Protesters, 4 July 2019, [url](#)

⁴¹ Insecurity Insight, Attacks on Ebola Response 15 - 31 October 2019, 31 October 2019, [url](#), p. 1

⁴² Actualite.cd, RDC : Pour la 3me fois en moins d'une semaine, un policier tue à bout portant un civil à Kinshasa, 11 April 2018, [url](#)



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