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Refugee Documentation Centre (Ireland)
LEGAL AID BOARD

Democratic Republic of the Congo – Researched and compiled by the Refugee Documentation Centre of Ireland on 26 April 2013

Information on treatment of members of the UDPS party in DRC; electoral violence on day of results being published.

In a written statement to the UN Human Rights Council Amnesty International comments on the treatment of UDPS members as follows:

“In Kinshasa, several members of political opposition groups have been harassed, threatened and intimidated due to their political activities. During the last three months, local authorities have arbitrarily arrested several political opponents from the Union for Democracy and Social Progress (Union pour la Démocratie et le Progrès Social - UDPS) and released them few days later.” (Amnesty International (30 August 2012) *Democratic Republic of Congo: The Human Rights Council must act for better protection of civilians and an end to threats and intimidation against human rights defenders, journalists and political opponents*)

An Amnesty International press release states:

“Amnesty international has also learned that security agents were involved in the arbitrary arrests of at least two Union for Democracy and Social Progress (Union pour la Démocratie et le Progrès Social, UDPS) members in Katanga province. Both members of the main opposition party are still being detained, with one of them held incommunicado at the ANR holding cell.” (Amnesty International (19 December 2011) *DRC: Post-election intimidation through arrests must end*)

See also public statement from Amnesty International which states:

“Amnesty International has also collected information describing acts of torture, illtreatment and arbitrary and illegal arrests by the defence and security forces, carried out with the purpose of intimidating members of opposition parties, notably the UDPS and their actual and perceived supporters, as well as journalists, military personnel and police officers.” (Amnesty International (23 March 2012) *Democratic Republic of Congo. The Congolese government must put an end to impunity for serious human rights violations committed by the defence and security forces during the electoral process*)

An Immigration and Refugee Board of Canada response to a request for information on the treatment of the UDPS, in a section titled “Treatment of UDPS Members by the Authorities and Security Forces”, states:

“In January 2012, moreover, various sources reported that Étienne Tshisekedi had been placed under house arrest. In an article published 2 January 2012, the Kinshasa-based daily newspaper *Le Phare* explained that,

since Étienne Tshisekedi declared himself to be the winner of the presidential election of November 2011, he was cut off from the outside world. *Le Phare* added that security forces were not only preventing Étienne Tshisekedi from leaving his home, but were keeping anyone, including his close collaborators, from entering the house. Among the sources that it has consulted, the Research Directorate has not found any information indicating whether Étienne Tshisekedi is still under house arrest.” (Immigration and Refugee Board of Canada (18 May 2012) *COD104019.FE – Democratic Republic of the Congo: Union for Democracy and Social Progress (UDPS), including its status, its relationship to the government in power, and the treatment of its members by the authorities and security forces*)

This response also states:

“Sources also reported that, early in September 2011, the headquarters of the UDPS and the People's Party for Reconstruction and Development (Parti du peuple pour la reconstruction et le développement, PPRD) were ransacked, and the headquarters of Radio Lisanga Télévision (RLTV) was set on fire. The headquarters of these organizations are located respectively in the communities of Limete, Kasa-Vubu and Gombe, in Kinshasa. In July 2011, Congolese authorities shut down the RLTV station, owned by a political opponent, because [translation] ‘it advocated violence, incited hatred and sought to compromise the electoral process by airing a daily program called ‘SET’ (Soutien à Étienne Tshisekedi [Support for Étienne Tshisekedi])’. According to the Ministry of the Interior of the DRC, UDPS headquarters was vandalized [translation] ‘in reaction to acts of vandalism perpetrated by UDPS militants’ on 5 September 2011, at an office of the PPRD, the party in power. The Ministry added that 12 people were allegedly injured and six vehicles allegedly set on fire in the incident of vandalism against UDPS headquarters. On the other hand, in *Le Phare*, the Secretary General of the UDPS was quoted as saying that the operation that destroyed the headquarters of his party and RLTV was conducted by soldiers, transported in police vehicles. He added that this operation killed two people, injured several others and resulted in the arrest of about fifty UDPS members.” (ibid)

This response comments on the arrest of UDPS secretary-general Jacquemain Shabani as follows:

“According to the Assistant Secretary General of the UDPS, quoted by *KongoTimes!* following his arrest, Jacquemain Shabani was taken to the Congo’s national intelligence agency (Agence nationale des renseignements, ANR) [translation] ‘where he was stripped, hooded and savagely tortured by other persons also wearing hoods,’ before being freed by the head of the ANR. RFI also reported that the Secretary General had been beaten by security officers before he was released. He is reported to have filed a complaint against the ANR, as well as the Migration Branch (Direction générale des migrations), for [translation] ‘arbitrary arrest and illegal detention,’ ‘assault and battery’ and ‘attempted murder’.” (ibid)

See also a Global Insight Report which states:

“Jacquemain Shabani, the secretary-general of the Democratic Republic of Congo’s leading opposition Union for Democracy and Social Progress (UDPS) party, was detained by DRC immigration and security forces late on

Tuesday (7 February) ahead of a flight to Belgium, before being released in the early hours of the following day. According to Agence France-Presse an unnamed UDPS official claimed Shabani was carrying documents which included 'an internal report, with pictures, on the electoral process and human rights violations'. Shabani's brief detention comes amid still heightened political tensions in the country following the 28 November presidential and parliamentary elections, the results of which have been disputed by the opposition." (Global Insight (9 February 2012) *DRCongolese Police Briefly Detain Opposition Official*)

The 2013 US Department of State country report on the DRC, in a section headed "Political Parties", states:

"The 2007 law on the status and rights of the political opposition recognizes opposition parties represented in parliament as well as those not in parliament. The law also details the various 'sacred' rights and obligations of opposition parties. Although political parties were able to operate most of the time without restriction or outside interference, opposition members were sometimes harassed. For example, UDPS secretary general Jacquemain Shabani was arrested at N'djili airport on February 7 when trying to depart the country. He alleged he was mistreated by ANR, while authorities claimed he was carrying 'incriminating documents,' including leaflets encouraging SSF to disobey authorities and a false passport. He was released one day later." (US Department of State (19 April 2013) *Country Reports on Human Rights Practices for 2012: Democratic Republic of the Congo*)

An Agence France Presse report on the death of a UDPS member during a demonstration states:

"According to police and party sources, the headquarters of the UDPS was attacked and partly burned during the night after party leader Tshisekedi handed in his candidacy for the presidential election of November 28. Mayamba said that he had also heard 'shots with live ammunition' during the Tuesday's protest. 'There was no reason to disperse these youths who were not doing anything,' he added. However, Carbone Benibeya, spokesman of the UDPS Youth League, told AFP that those shot were probably fired on by violent delinquents known as 'pombas' and not by the police, who use non-lethal weaponry." (Agence France Presse (6 September 2011) *One killed in DR Congo clashes between police, opposition*)

A report published by the UN Office of the High Commissioner for Human Rights, in a section titled "Violations of the right to life" (paragraph 17), states:

"On 23 December 2011 and over the following days, three people were killed, one of them shot and two others after being mistreated by members of the defense and security forces during the rallies organised by UDPS and its allies on the occasion of the self-nomination of Mr. Etienne Tshisekedi at the Martyrs Stadium. At this point, the GR had positioned tanks and rocket launchers and had deployed a large number of its forces in addition to PNC officers. According to concurring testimonies, a man was shot in the head on 23 December 2011, near the Martyrs Stadium, by members of the GR who were dispersing UDPS supporters, who had come to attend the 'swearing-in' ceremony of the UDPS president, fusing tear gas and live ammunitions. The victim's body was carried away by members of the GR and has not been

found since in any morgue in the city, despite members of his family searching.” (UN Office of the High Commissioner for Human Rights (March 2012) *Report of the United Nations Joint Human Rights Office on Serious Human Rights Violations Committed by Members of the Congolese Defense and Security Forces in Kinshasa in the Democratic Republic of the Congo between 26 November and 25 December 2011*, p.10)

A Xinhua General News Service report states:

“Confrontations between the police and the supporters of the Union for Democracy and Social Progress (UDPS), the main opposition party in the Democratic Republic of Congo (DR Congo), left one person dead and another injured at the Martyrs stadium in the capital Kinshasa, the United Nations radio reported on Saturday. UDPS leader Etienne Tshisekedi, who had declared himself president and the winner of the Nov. 28 election, wanted to swear himself in on Friday at the stadium. The radio reported that the victim stepped on a live electricity wire as he was fleeing from police officers moving in to disperse crowds from around the stadium. The police fired live bullets and also used tear gas to disperse Tshisekedi's supporters.” (Xinhua General News Service (24 December 2011) *1 killed in DR Congo clash*)

A report originally broadcast by Radio Okapi states:

“Police on Tuesday 13 December morning arrested supporters of [opposition] Union for Democracy and Social Progress (UDPS) including the party's federal chairman in Goma. The supporters were preparing to stage a protest against the interim results of the presidential election which declared Joseph Kabila as the winner with 48.95 percent of the votes ahead of the UDPS leader, Etienne Tshisekedi (32.33 percent). The UDPS youth leader in Goma, Alidor Mbuyamba, narrated that the party supporters had gathered at the Signers roundabout before being dispersed with tear gas by the police who explained to them that they were not allowed to hold a gathering at that place.” (Radio Okapi (14 December 2011) *Police arrest opposition supporters in eastern DR Congo* (translated from French))

A number of media reports refer to outbreaks of violence on 9 December 2011 following the publication of the result of the presidential election.

A Xinhua General News Service report states:

“Three people were killed in a conflict between the police and the opposition party, Union for Democracy and Social Progress (UDPS), Thursday afternoon at the 10th avenue of the Commune Limete in Kinshasa, capital of Democratic Republic of Congo (DRC), a few hours before the publication of provisional results of the presidential election. According to Albert Moleka, spokesman for the UDPS, two people were crushed by the police jeeps and one was shot dead. The National police said the demonstrators opened fire to the police, leading to the confrontation.” (Xinhua General News Service (8 December 2011) *3 killed in conflict between opposition and police in DR Congo*)

See also another Xinhua General News Service report which states:

“Some of Kinshasa's neighborhoods came to a state of riot with three dead after the official announcement of the provisional results of the country's presidential election on Friday afternoon in the Democratic Republic of Congo (DRC). ‘Three were killed and several others were wounded in the neighborhoods of Ngiri-Ngiri and Makala,’ confirmed the spokesman of the National Police of the country.” (Xinhua General News Service (9 December 2011) *3 killed in Kinshasa riot after declaration of Kabila's victory in DR Congo*)

An Agence France Presse report states:

“Shots rang out in at least two neighbourhoods of the Democratic Republic of Congo's capital Kinshasa after incumbent Joseph Kabila was declared the winner of the restive country's presidential election. AFP correspondents said protesters set tyres on fire and threw stones at a heavy contingent of armed police in the central neighbourhood of Bandale. Gunshots were also heard in the area and in the eastern neighbourhood of Limete, where runner-up Etienne Tshisekedi has his party headquarters.” (Agence France Presse (9 December 2011) *Shots fired in DR Congo capital after vote result: AFP*)

See also another Agence France Presse report which states:

“Exacerbating the volatile atmosphere, national police chief Charles Bisengimana said security forces had fatally shot three looters and a woman had been killed by a stray bullet when violent protests and looting broke out in parts of the capital Friday and Saturday after the result announcement. UN broadcaster Radio Okapi said six people had died in the unrest. After Kabila's win was declared, protesters in Kinshasa set cars and tyres alight and threw stones at police, who responded with tear gas and shots fired in the air. A heavy security force presence, including police, presidential guards and 20,000 soldiers on standby at military bases, put down the initial protests. But sporadic unrest erupted again Saturday despite heavy patrols by police and soldiers, some toting rocket-propelled grenades, who fired shots in the air to disperse groups of people.” (Agence France Presse (10 December 2011) *At least four dead in DR Congo post-election violence*)

A Deutsche Presse-Agentur report states:

“Six people, including two women, were shot in clashes between police and protesters in the capital Kinshasa, local media reported. According to the Kinshasa-based Radio Okapi, an independent station financed by the UN, among the dead was a 19-year old woman caught up in the violence while going out to buy bread. Overnight, one person was killed and several more injured in the town of Mbuji Mayi. There, police used tear gas to break up protests and celebrations.” (Deutsche Presse-Agentur (10 December 2011) *2ND LEAD: Six dead in post-election riots in Congo*)

This response was prepared after researching publicly accessible information currently available to the Research and Information Unit within time constraints. This response is not and does not purport to be conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

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