

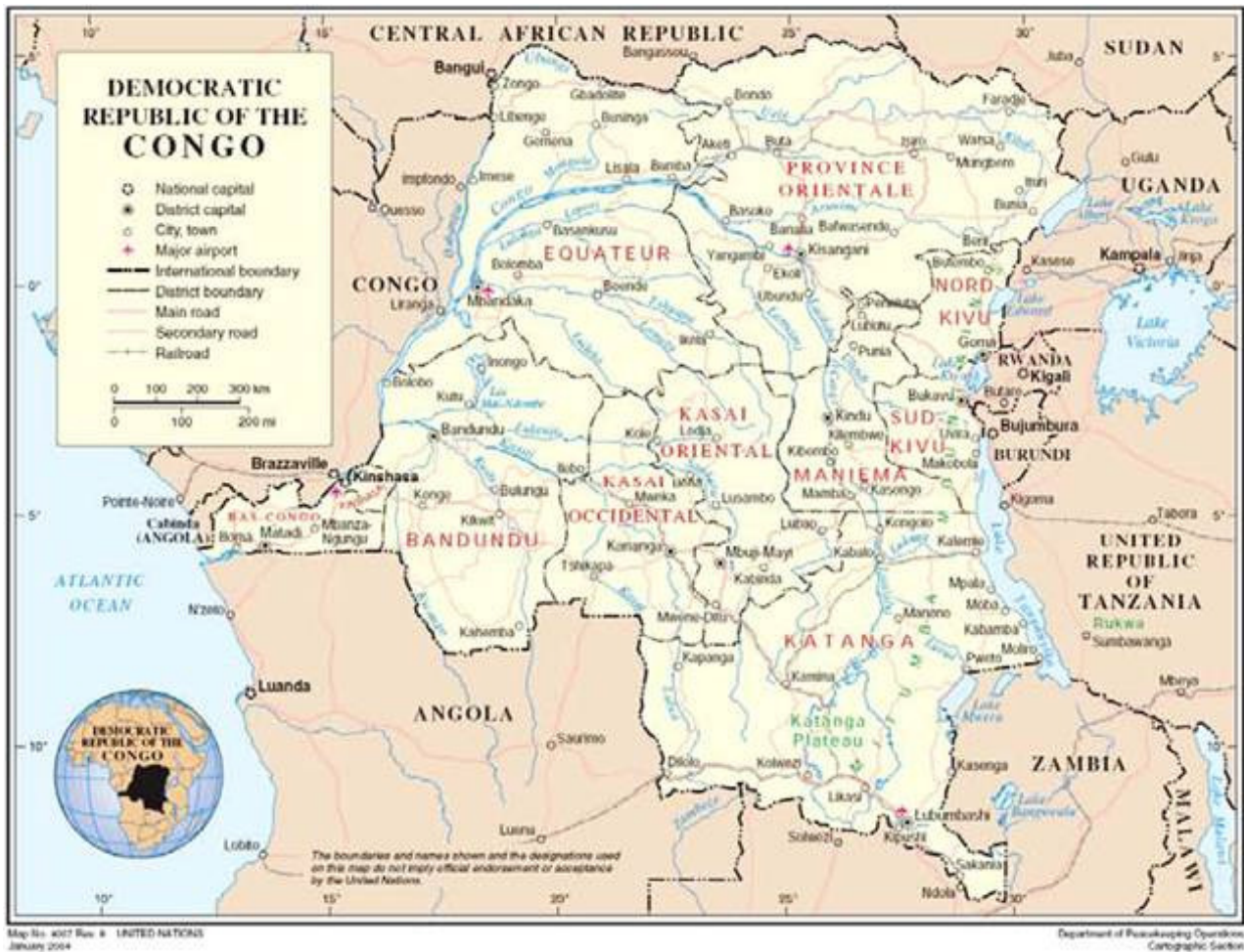
Flygtningenævnets baggrundsmateriale

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Den Demokratiske Republik Congo (DRC)

September 2012 (off.gjort december 2012)

**DANSK
FLYGTNINGE
HJÆLP**



Dansk Flygtningehjælp er en privat, humanitær organisation, der arbejder med flygtninge og fordrevne i mere end tredive lande samt med rådgivning af asylansøgere i Danmark.

Dansk Flygtningehjælps landeprofiler er et uddrag af aktuelle, asylrelevante baggrundsoplysninger om et enkelt land. Landeprofilerne er baseret på oplysninger indsamlet af andre aktører og er således ikke et udtryk for Dansk Flygtningehjælps egne oplysninger eller holdninger.

1.	Generelle oplysninger om geografiske og demografiske forhold	4
2.	Historisk udvikling i hovedtræk	5
3.	Den seneste politiske udvikling	7
3.1	Hvem er hvem – centrale parter i østcongos væbnede konflikt.....	8
4.	Generelt om sikkerheds- og menneskerettighedssituationen	10
4.1	Nord Kivu og Syd Kivu.....	13
4.2	Orientale provinsen	14
4.3	Equateur provinsen	15
4.4	Myndighedsbeskyttelse	15
4.4.1	Retssystemet.....	17
4.4.2	Straffrihed.....	18
4.5	Fængselsforhold.....	20
4.6	Religionsfrihed	21
4.7	Ytringsfrihed.....	22
4.8	Forsamlingsfrihed.....	24
5.	Grupper i særlig risiko	25
5.1	Journalister.....	25
5.2	Menneskerettighedsforkæmpere	26
5.3	Oppositionspolitikere og andre politisk aktive	27
5.4	Etniske banyamulenge	30
5.5	Kvinder og børn.....	31
5.5.1	Seksuelle overgreb.....	32
5.5.2	Brug af børnesoldater	32
5.6	Personer anklaget for hekseri.....	34
5.7	Homoseksuelle.....	35
5.8	Modstandere af oprørere eller hæren	36
5.9	Afviste asylansøgere, der er vendt tilbage til DRC.....	37
6.	Dansk asylpraksis	38
7.	Udsendelse	40
8.	Litteraturliste	41

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1. Generelle oplysninger om geografiske og demografiske forhold

Den Demokratiske Republik Congo (DRC) er Afrikas næststørste land med et samlet areal på ca. 2.344.800 km². DRC ligger midt i det centrale Afrika med en smal tange, der strækker sig ud til Atlanterhavet. Landet grænser op til Den Centralafrikanske Republik og Sydsudan mod nord, Uganda, Rwanda, Burundi, Tanzania mod øst, Zambia og Angola mod syd og Republikken Congo (Congo Brazzaville) mod vest.

DRC har et anslået befolkningstal på ca. 73,6 millioner. Hovedstaden Kinshasa har ca. 8,4 mio. indbyggere.¹ Den congolesiske befolkning består af over 200 etniske grupper, hvoraf den største er Bantu. De fire største stammer er Mongo, Luba og Kongo (alle Bantu) samt Mangbetu-Azande (Hamitic). Disse fire stammer udgør tilsammen ca. 45% af befolkningen. Der tales mere end 200 forskellige sprog i landet. Det officielle sprog er fransk, mens sprogene Swahili, Tsiluba (Kiluba), Lingala og Kongo betragtes som de 'nationale' sprog. Ca. halvdelen af befolkningen er romersk katolske, 35% er protestanter, 5% kimbanguister (en kristen inspireret congolesisk kirke), 5% muslimer, mens de sidste 5% fordeler sig på mindre religiøse grupper såsom Jehovas vidner, mormoner, ortodokse kristne og jøder, samt oprindelige religioner. Næsten 70% af befolkningen antages at gå i kirke eller deltage i tilsvarende religiøse ceremonier hver uge.²

DRC er rig på naturressourcer såsom guld, sølv, diamanter, kobolt, kobber, tin, uran, koltan mv. Korruption, konflikter og ringe administration har imidlertid ført til, at landet er et af verdens fattigste.

¹ CIA World Factbook. Congo, Democratic Republic of the.

² US Department of State: 2011 International Religious Freedom Report - Congo, Democratic Republic of the, 30 July 2012

2. Historisk udvikling i hovedtræk

Området var beboet af pygmæer, da bantufolk fra nord indvandrede omkring Kristi fødsel. I slutningen af 1400-tallet nåede de første europæiske opdagelsesrejsende til DRC. De europæiske opdagelsesrejser blev indledningen til en omfattende udbytning af området. I 1885 blev det under navnet Congo Fristaten anerkendt som den belgiske konges personlige ejendom. Uddannelsesvæsenet blev overladt til katolske missionærer, og congoleserne fik ingen indflydelse på koloniadministrationen. Alligevel opstod der efterhånden en uddannet, indfødt elite, og herfra kom de kulturelle og nationalistiske ledere, som i 1950'erne dannede de første politiske partier og stod bag kravet om selvstændighed.

Den 30. juni 1960 udråbtes Republikken Congo med Joseph Kasavubu som præsident og Patrice Lumumba som premierminister. Politisk var landet imidlertid splittet; og få dage efter selvstændigheden gjorde hæren oprør, og belgierne flygtede ud af landet. De følgende år var plaget af uro. I 1965 gennemførte Mobuto med amerikansk og belgisk støtte et militærkup og indledte herefter et langvarigt diktatur. Som led i en afrikaniseringskampagne blev landet i 1971 omdøbt til Zaire.

Efter internationalt pres indledte Mobuto i begyndelsen af 1990'erne en demokratiseringsproces. Oppositionspartier blev tilladt, men forfølgelsen af politiske modstandere fortsatte, de lovede valg blev aldrig afholdt og reelle reformer blev ikke gennemført. Krisen og folkedrabet i Rwanda i 1993-94 havde en afsmittende og destabiliserende effekt på det østlige DRC. Over 1 million hutuer, heriblandt nogle af dem, der havde taget del i folkedrabet, flygtede efter etablering af en tutsiledet regering i Rwanda til det østlige DRC. Mobuto støttede nogle af hutumilitserne og opmuntrede til angreb på østcongos tutsier. I 1996 forenedes væbnede tutsi-grupper i Alliance of Democratic Forces for the Liberation of Congo-Zaire (AFDL) under ledelse af Laurent Kabila. Med støtte fra Rwanda og Uganda fik AFDL hurtigt kontrol med den østlige del af landet, og efter forbavsende hurtige fremskridt kunne oprørsstyrkerne erobre Kinshasa i maj 1997. Den sygdomssvækkede Mobuto gik i eksil, og AFDL-lederen Laurent Kabila blev indsat som ny præsident.

Kabila omdøbte Zaire til Den Demokratiske Republik Congo. Magtskiftet bragte dog ikke republikken nærmere freden, og menneskerettighedssituationen forbedredes ikke. I 1997-98 forringedes Kabilas forhold til de udenlandske støtter, der havde hjulpet ham til magten; og efter at Kabila i juli 1998 beordrede alle udenlandske styrker ud af landet udbrød nye konflikter mellem på den ene side østlige oprørsbevægelser, stærkt støttet af rwandiske og ugandiske tropper, og på den anden side den congolesiske hær støttet af Angola, Zimbabwe og Namibia. Den rwandisk støttede rebelgruppe

Rassemblement Congolais pour la Démocratie (RCD) blev presset tilbage til det østlige DRC, hvor de etablerede de facto kontrol over dele af landet og fortsatte med at bekæmpe den congolesiske hær. I den nordlige del af landet etablerede den ugandiskstøttede oprørsgruppegruppe Movement for the Liberation of Congo (MLC) kontrol. Med hjælp fra lokale krigsherrer og titusindvis af hutu rebeller, angiveligt ansvarlige for folkedrabet i Rwanda, bevarede Kabila kontrollen over den vestlige del af DRC. Efter stadig mere intensive stridigheder, der bl.a. drejede sig om kontrollen over landets rige naturressourcer, underskrev den congolesiske regering sammen med konfliktens øvrige parter Lusaka-aftalen i juli 1999. FN's fredsbevarende tropper (MUNOC) blev indsat, men aftalen blev ikke implementeret og kampene fortsatte. Samtidig udviklede langvarige spændinger mellem hema og lendu folkene sig til voldelige sammenstød i Ituri distriktet i det østlige DRC.

I januar 2001 blev Laurent Kabila dræbt – angiveligt af en af sine egne vagter. Laurent Kabila blev efterfulgt af sin søn Joseph Kabila, der hurtigt udtrykte ønske om at kunne afslutte krigen. I det følgende år indsattes FN's fredsbevarende tropper (MUNOC) i hele DRC og tropperne fra Angola, Namibia og Zimbabwe blev trukket ud af landet. Den 30. juni 2002 blev der i Pretoria, Sydafrika, indgået en aftale om en overgangsregering og afslutning af krigen. En midlertidig forfatning blev vedtaget i april 2003, og en midlertidig regering blev indsat med Joseph Kabila som præsident i juli måned.

Borgerkrigen var hermed formelt afsluttet, men landet var ødelagt og det antages, at kampene i perioden 1998 til 2002 havde kostet over 2,5 millioner mennesker livet.³ Den nye regering var skrøbelig, økonomien lå i ruiner og sociale infrastrukturer var smadrede. Kabila gjorde fremskridt med økonomiske reformer og genopbygningen af landet, men hans regering havde begrænset kontrol i store dele af landet og der var fortsat kampe i det østlige DRC. I 2004 var der opnået nogenlunde stabilitet i det meste af landet, men det nyetablerede congolesiske militær var ustabilt og begik blandt andet overgreb mod civile. Sikkerhedssituationen i Ituri distriktet forværredes betragteligt og spændingerne var store i både Syd- og Nord-Kivu.

I december 2005 blev en ny forfatning vedtaget ved en folkeafstemning blandt mere end 20 mio. vælgere; 84% stemte for. Ved præsidentvalget i 2006 vandt Joseph Kabila. Kampene mellem oprørsgrupper og den FN-støttede regeringshær i de nordlige og østlige provinser fortsatte imidlertid. I januar 2008 underskrev regeringen og 22 oprørsmilitser en aftale, som skulle skabe fred i det

³ Den Store Danske. Gyldensdals åbne encyclopædi, Den Demokratiske Republik Congo

uroplagede øst, men allerede kort efter udbrød nye kampe mellem regeringstropper og tutsi-rebellen Laurent Nkunda's National Congress for the Defense of the People (CNDP). De nye kampe udløste store flygtningestrømme og frygt for en humanitær katastrofe. I 2009 blev Nkunda arresteret og retsforfulgt, og en fredsaftale blev indgået med CNDP. Ifølge fredsaftalen skulle CNDP nedlægge våbnene og omdannes til et politisk parti, og CNDP rebellerne integreres i den congolesiske hær.

I årene 2008 til 2010 gennemførte congolesisk militær adskillige aktioner i samarbejde med både FN styrker, Rwanda og Uganda, mod rebelgrupper, såsom den hutu-dominerede oprørsgruppe Democratic Forces for the Liberation of Rwanda (FDLR) og the Lord's Resistance Army (LRA) som har sit udspring i Uganda. Disse militære aktioner har haft store omkostninger for civilbefolkningen, der ofte har været udsat for overgreb fra militæret og hævnaktioner fra rebelgrupperne.

I juli 2010 ændredes FNs fredsbevarende styrker fra MONUC (United Nations Organization Mission in the Democratic Republic of the Congo) til MONUSCO (United Nations Organization Stabilization Mission in the Democratic Republic of the Congo). Missionens mandat er først og fremmest beskyttelse af civile, herunder humanitært personale og menneskerettighedsforkæmpere, samt at yde støtte til den congolesiske regering i bestræbelserne på at opnå fred og stabilitet. MONUSCO's mandat er senest blevet forlænget til 30. juni 2013.

3. Den seneste politiske udvikling

I januar 2011 ændrede Kabilas regering valgsystemet så præsidenten nu vælges ved en enkelt valgrunde frem for tidligere to valgrunder, samt indsatte en af Kabilas nære allierede som chef for den Nationale valgkommission (CENI). Dette gav anledning til betydelig kritik fra oppositionen.⁴ Forud for valget vurderede MONUSCO i en rapport af 24. oktober 2011, at den generelle situation i det meste af landet var forholdsvis stabil.⁵ Andre kilder rapporterede imidlertid om stigende uroligheder i landet i tiden op til valget i november; politi og sikkerhedstjenesten indførte restriktioner på politiske aktiviteter og benyttede overdreven magt mod demonstranter og vilkårlige anholdelser mod oppositionspolitikere, deres støtter og journalister.⁶ FN rapporterede om 188 tilfælde af politisk motiverede overgreb, der vurderedes at være relateret til valget, i perioden fra november 2010 til september 2011.⁷ Nogle af

⁴ Human Rights Watch. World Report 2012. Congo, Democratic republic.

⁵ Report of the Secretary-General on the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo, 24 October 2011.

⁶ Human Rights Watch. World Report 2012. Congo, Democratic Republic.

⁷ Report of the United Nations Joint Human Rights Office on Human rights and fundamental freedoms during the pre-electoral period in the Democratic Republic of Congo. November 2011.

kandidaterne anvendte et voldsomt provokerende sprog og opildnede til vold mod politiske modstandere.⁸

I november 2011 afholdtes valg til parlamentet og præsidentembedet. Valget forløb rimelig fredeligt i Kinshasa, mens der andre steder i landet var voldelige angreb og ildspåsættelser af valgsteder. Landets størrelse og dårlige infrastruktur medførte betydelige logistiske problemer og nogle steder store forsinkelser.⁹ De afrikanske observatører kaldte valget en succes, men beklagede isolerede tilfælde af vold¹⁰, mens flere andre observatører vurderede at valget led under omfattende uregelmæssigheder.¹¹ EU's valgobservatører *"deplored the lack of transparency and irregularities in the collection, compilation and publication of results"*.¹²

Kabila genvandt præsidentposten og hans parti the People's Party for Reconstruction and Democracy (PPRD) og deres allierede vandt 432 af parlamentets 500 pladser. Annonceringen af Kabila som vinder af valget medførte voldsomme protester i Kinshasa; vidner rapporterede bl.a. om skud i gaderne og afbrænding af dæk.¹³ Etienne Tshisekedi, leder af partiet Union for Democracy and Social Progress (UDPS), stillede op som præsidentkandidat med 70 politiske oppositionspartier bag sig og var Kabilas væsentligste modkandidat. Etienne Tshisekedi anklagede Kabila for svindel og manipulation og nægtede at anerkende Kabilas sejr. Tshisekedi erklærede sig selv for den valgte præsident i Den Demokratiske Republik Congo.¹⁴

3.1 Hvem er hvem – centrale parter i østcongos væbnede konflikt

- **FDLR.** Democratic Forces for the Liberation of Rwanda. Rebelgruppe bestående overvejende af Rwanda hutuer, grundlagt og ledet af deltagere fra folkedrabet i Rwanda. Gruppens mål er at vælte den rwandiske regering. FDLR har længe haft kontrol over betydelige områder i Nord- og Syd-Kivu. Antages at have mellem 3.200 og 8.000 soldater.¹⁵ Indtil 2009, hvor politikken blev

⁸ Human Rights Watch. World Report 2012. Congo, Democratic Republic.

⁹ BBC. News Africa. DR Congo votes amid delays and violence. 28 November 2011.

¹⁰ Report of the Secretary-General on the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo, 26 January 2012.

¹¹ Ibid. samt Refugees International. Field Report. DR Congo: Local Communities on the Front Line. 23 April 2012.

¹² EU election observation mission to the Democratic Republic of Congo in 2011. Pressemeldelse. 13 December 2011.

¹³ The Guardian. Congo election sparks violent protests. 10 December 2011.

¹⁴ Ibid.

¹⁵ Human Rights Watch. Always on the Run. 14. september 2010. p.3. samt US Department of State: Country Report on Human Rights Practices for 2010 – Congo, Democratic Republic of the, 8 April 2011. Indledning.

ændret og der blev iværksat militære operationer mod FDLR, støttede eller tolererede de congolesiske myndigheder ofte FDLR.¹⁶

- **CNDP.** National Congress for the Defence of the People. Tidligere Rwanda-støttet rebelgruppe dannet i 2006 af tutsigeneral **Laurent Nkunda** med henblik på at beskytte de hundrede tusinder congolesiske tutsier i det østlige DRC. I 2009 blev Nkunda væltet af **Bosco Ntaganda**, der kort efter indgik en aftale med de congolesiske myndigheder om en alliance, hvorefter CNDPs tropper skulle integreres i det congolesiske militær, FARDC, og CNDP omdannes til et politisk parti.¹⁷ Integration i FARDC har imidlertid været problematisk, og en del CNDP soldater har nægtet¹⁸. **Bosco Ntaganda** er tiltalt for krigsforbrydelser af den Internationale Straffedomstol og er efterlyst. **Ntaganda** kendes lokalt også som 'the Terminator'.¹⁹
- **LRA.** Lord's Resistance Army. Oprindeligt grundlagt af Joseph Kony i Uganda i 1987. Gruppens mål er at vælte den ugandiske regering. LRA blev i 2005 presset ind over grænsen til DRC fra Sudan.²⁰
- **ADF/NALU.** Allied Democratic Forces/National Army for Liberation of Uganda ledet af Jamil Mukulu. En ugandisk muslimsk rebelgruppe dannet i begyndelsen af 1990'erne. ADF/NALU krydsede grænsen til DRC få år senere og har siden haft en tilstedeværelse i Beni området i Nord Kivu. Fredsforhandlinger mellem ADF/NALU, Uganda og DRC begyndte i 2009 men mislykkedes.²¹
- **MAI MAI.** Er forskellige lokale militsgrupper i Nord og Syd Kivu samt Katanga provinserne, ofte kendt under den enkelte leders navn. Grupperne er ofte etnisk opdelt og oprettet som lokale selvforsvarsgrupper bestående af unge bevæbnede mænd. Oprindeligt kæmpede Mai Mai militserne imod den congolesiske centralmagt, men sidenhen har Mai Mai militserne kæmpet sammen med den congolesiske hær mod 'fremmede fjender', såsom CNDP og andre Rwanda støttede rebelgrupper. Siden 2009 har nogle Mai Mai militser ladet sig integrere i den congolesiske hær mens andre nægtede²². Den største af Mai Mai grupperne er the Coalition of Congolese Patriotic Resistance (**PARECO**). En udbryderfraktion fra PARECO blev i 2008

¹⁶ Human Rights Watch. Always on the Run. 14 September 2010. p.3.

¹⁷ Ibid.

¹⁸ IRIN News. DRC: Who's who among armed groups in the east. 15 June 2010.

¹⁹ IRIN News. DRC: Understanding armed group M23. 22 June 2012.

²⁰ IRIN News. DRC: Who's who among armed groups in the east. 15 June 2010.

²¹ Ibid.

²² Ibid.

dannet under navnet Alliance of Patriots for a Free and Sovereign Congo (**APCLS**). Både PARECO og APCLS har haft indgået alliancer med FDLR.²³

- **FRPI/FPCJ.** Front for Patriotic Resistance in Ituri/Popular Front for Justice in Congo er aktive i det sydlige Ituri, hvor de bekæmper de congolesiske myndigheder og FNs fredsbevarende styrker.²⁴
- **M23.** Tidligere CNDP soldater afhoppet fra FARDC i marts-april 2012 under ledelse af **Bosco Ntaganda**.²⁵
- **FARDC.** Forces armées de la République démocratique du Congo, DRC's væbnede styrker. Dannet i 2003. En del af de ca. 120.000 soldater er tidligere rebeller, der er blevet inkorporeret som led i diverse fredsaftaler. Et af problemerne her har været, at mange af de tidligere rebeller fortsat primært er loyale over for deres tidligere kommandanter²⁶.

4. Generelt om sikkerheds- og menneskerettighedssituationen

Sikkerheds- og menneskerettighedssituationen i DRC beskrives gennemgående som alvorlig, særligt i de østlige provinser. Den primære årsag hertil er den årelange konflikt mellem den congolesiske hær og forskellige bevæbnede congolesiske og udenlandske grupper i de østlige Syd- og Nord Kivu provinser og den nordøstlige Orientale provins.

Både den congolesiske hær og de mange forskellige bevæbnede grupper begår menneskerettighedsovergreb, herunder drab, bortførelser og seksuelle overgreb mod civilbefolkningen, samt udsætter dem for tvangsarbejde, vilkårlige fængslinger, chikane, illegal beskatning og tyveri. Civile der modsætter sig tyveri, tvangsarbejde eller andre overgreb risikerer drab eller andre voldelige overgreb²⁷.

Human Rights Watch skriver i deres ”World Report 2012”: *The human rights situation in the Democratic Republic of Congo (DRC) remained grave. All sides in the country’s ongoing armed conflicts continued to attack civilians and commit other serious human rights abuses*²⁸.

²³ Human Rights Watch. Always on the Run. 14 September 2010. p.3.

²⁴ IRIN News. DRC: Who’s who among armed groups in the east. 15 June 2010.

²⁵ IRIN News. DRC: Understanding armed group M23. 22 June 2012.

²⁶ Human Rights Watch. Always on the Run. 14 September 2010. p.3.

²⁷ US Department of State: Country Report on Human Rights Practices for 2011 - Congo, Democratic Republic of the, 24 May 2012. Executive Summary.

²⁸ Human Rights Watch: World Report 2012. 22 January 2012. Congo, Democratic Republic.

FNs Special Rapporteur on extrajudicial, summary or arbitrary executions, Philip Alston, skriver i sin rapport dateret 1. juni 2010: *“In separate conflicts in the Kivus and Province Orientale, many hundreds of civilians were killed in 2009 by rebel groups, including the Forces Démocratiques de Libération du Rwanda (FDLR) and the Lord’s Resistance Army (LRA), and by Government forces. In both areas, there have been a series of poorly planned military operations by the Government and the UN, which, while having the laudable aim of neutralizing rebel forces, have achieved far too little and at a catastrophic civilian cost. The rebels have responded to the military operations by launching devastating revenge attacks on the insufficiently protected civilian Congolese population, committing widespread sexual violence, forced labor, kidnapping, looting, village burning, and killings. Not only have the Government and the UN failed to effectively plan for civilian protection in their operations, but the Government forces have themselves actively abused the civilian population. In some cases, army abuses have been small-scale and motivated by the poor pay and rations provided to soldiers. In others, Congolese soldiers have massacred civilians in the Kivus perceived to support the rebels, or otherwise seen to be ethnic or political rivals. The rapid and poorly conceived integration of former Congrès National pour la Défense du Peuple (CNDP) rebels, including senior commanders accused of grave war crimes, into the Congolese army has been a primary cause of these large-scale killings.”*²⁹

Indlemmelse af rebeller i den congolesiske hær var en del af fredsaftalen fra 2009. Indlemmelsen i hæren af over 12.000 rebeller, heraf nogle med betydelige menneskerettighedsovergreb på samvittigheden, skete imidlertid uden nærmere undersøgelser af tidligere kriminelle aktiviteter og med meget begrænset træning og få initiativer til nedbrydelse af rebelgruppernes tidligere strukturer³⁰. Indlemmelsen af de tidligere rebeller menes at have forværret de allerede eksisterende problemer i hæren med manglende disciplin og overgreb mod befolkningen.

Tidligere CNDP rebeller har i høj grad bevaret parallelle kommandoveje og har kontrolleret egne lagre af våben. Forsøg på reorganisering af hæren med henblik på at sikre en bedre fordeling af de tidligere rebeller har haft begrænset succes. Mange har nægtet at følge ordrer fra centralt hold om at skulle overflyttes til andre områder end det østlige DRC, og i takt med at hæren har trukket sig tilbage fra områder er de blevet overtaget af rebeller og militser.³¹

²⁹ Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Philip Alston. Summary. Mission to the Democratic Republic of the Congo. Human Rights Council 1 June 2010.

³⁰ Ibid. p.7.

³¹ US Department of State: Country Report on Human Rights Practices for 2011 - Congo, Democratic Republic of the, 24 May 2012. Sect. 1d.

Bosco Ntaganda fortsatte efter indlemmelsen af CNDP i FARDC sin brutale kampagne mod sine modstandere. Hans tropper har været involveret i overgreb mod civile. Han har rekrutteret børnesoldater og forhindret efterforskning i overgreb begået af personer, der er loyale over for ham.³² Ntaganda er af den Internationale Straffedomstol, ICC i 2006 anklaget og eftersøgt for krigsforbrydelser, herunder tvangsrekruttering af børn.

MONUSCO samarbejder i overensstemmelse med sit mandat med det congolesiske militær om bekæmpelse af væbnede grupper, og har som betingelse for assistance krævet, at FARDC lever op til visse minimumskrav, således at FN ikke assisterer militære ledere, impliceret i krigsforbrydelser eller andre menneskerettighedsovergreb. Samarbejdet med MONUSCO og de stillede krav har ført til visse forbedringer, bl.a. så kamphandlinger i højere grad forsøges holdt væk fra befolkede området.³³

DRCs mange naturressourcer er et væsentligt element i konflikterne. Den internationale efterspørgsel på nogle af de metaller og mineraler, som landet er så rigt på, har gjort det muligt for rebelgrupper at finansiere deres kamp ved at smugle, røve og opkræve ulovlige skatter. Sikkerhedsstyrkerne deltager i stigende grad i tilsvarende ulovlige aktiviteter.³⁴

Tortur er udbredt. En ny lov forbyder tortur, men loven er ikke blevet håndhævet. Der ses mange troværdige rapporter om tortur begået af både politi, efterretningstjenesten (ANR) og hæren mod civile. Særligt i forbindelse med frihedsberøvelse er der risiko for tortur.³⁵

Voldtægt og anden seksuel vold er typiske overgreb i den congolesiske konflikt. US Department of State skriver i deres Country Report vedr. 2011: *“All parties continued to use mass rape and sexual violence with impunity, often as weapons of conflict, and to humiliate and punish individuals, victims, families, and communities. The UN Population Fund (UNFPA) reported 12,838 cases of sexual violence for both adults and children in North and South Kivu and Province Orientale in 2009... While the actual number of cases was likely much higher, lack of data, social stigma, lack of confidence in the judiciary, and fear of reprisals prevented many rape survivors from coming*

³² Human Rights Watch: World Report 2012, 22 January 2012. Congo, Democratic Republic.

³³ Refugees International. Field Report. DR Congo: Local Communities on the Front Line. 23 April 2012.

³⁴ Conflict minerals in the Democratic Republic of the Congo. Aligning Trade and Security Interventions. SIPRI Policy Paper 27 June 2011. Preface.

³⁵ US Department of State: Country Report on Human Rights Practices for 2011 - Congo, Democratic Republic of the, 24 May 2012. Sect. 1c.

forward.”³⁶ Også mange mænd udsættes for voldtægter, men mørketallet antages her at være endnu større.³⁷

4.1 Nord Kivu og Syd Kivu

De to østlige provinser Nord- og Syd Kivu har i årevis været plaget af massive uroligheder, som har medført et stort antal internt fordrevne og flygtninge. FN vurderede i maj 2012, at i alt ca. 1,4 millioner mennesker er fordrevet fra deres hjem i de to Kivu provinser.³⁸

I første halvdel af 2012 har det østlige DRC oplevet en markant forværring af sikkerhedssituationen. I april 2012 udstedte Præsident Kabila en arrestordre på Bosco Ntaganda, der af den Internationale Straffedomstol ICC er tiltalt for krigsforbrydelser. Med henvisning til manglende lønninger, dårlige leveforhold og manglende overholdelse af 2009 aftalen er mellem 300 og 600 tidligere CNDP soldater deserteret fra hæren siden marts. Analytikere har dog vurderet, at deserteringerne nok i højere grad er forårsaget af signaler om, at Kabila ville anholde Ntaganda.³⁹ Med reference til 2009 aftalen indgået den 23. marts 2009, kalder disse soldater sig nu M23. En talsmand for UNHCHR udtalte om M23 ”.. *quite a collection of notorious killers*”⁴⁰. Rwanda har pure afvist anklager om at yde støtte til M23. Over 200.000 mennesker menes at være drevet på flugt siden april på grund af M23. Den 3. maj deserterede general Sultani Makenda med en gruppe tidligere CNDP-soldater. Ntaganda og Makenda har tidligere arbejdet sammen i CNDP, men Makenda har afvist, at han nu skulle være sammen med Ntaganda.⁴¹

Om de foregående måneders uroligheder i det østlige DRC, skriver UNHCHR i en artikel fra 31. maj 2012: *“The violence is being perpetrated primarily by armed groups, including various mayi mayi militia, the FDLR (Forces démocratiques de libération du Rwanda), and army deserters of the FARDC (Forces armées de la République démocratique du Congo). Each group claims the violence is in retaliation for crimes committed by the other.”*⁴². Videre fremgår det af omtalte artikel, at: *“The upsurge in violence by armed groups may be linked with a security vacuum left in the region by the redeployment of the Congolese Army, to other areas of the country to combat a new armed group known as Mouvement du 23 mars (M23) created by army deserters.”*⁴³

36 US Department of State: Country Report on Human Rights Practices for 2010 - Congo, Democratic Republic of the, 8 April 2011. Sect. 1g.

37 Ibid.

38 IRIN News. UN refugee agency providing aid to people fleeing fighting in eastern DR Congo. 4 May 2012.

39 IRIN News. DRC: Understanding armed group M23. 22 June 2012.

40 Ibid.

41 Ibid.

42 DRC militia leaders responsible for upsurge in violence must be held accountable – Pillay. United Nations Human Rights. 31 May 2012.

43 Ibid.

I de første tre måneder af 2012 antages omkring 220.000 mennesker i Syd Kivu at være drevet på flugt af kampene mellem FDLR og Mai Mai militser. I Nord Kivu er det kampe mellem regeringssoldater og soldater loyale over for Ntaganda (M23), der driver indbyggerne på flugt. I Nord Kivu blev ca. 58.000 drevet på flugt i årets tre første måneder.⁴⁴

4.2 Orientale provinsen

I Orientale provinsen har sikkerhedssituationen i mange år været præget af kampe mellem LRA og det congolesiske militær. Amnesty International anslog i deres 2011 årsrapport, at LRA angreb havde ført til, at der i juli 2010 var over 300.000 internt fordrevne i Haut-Uélé og Bas-Uélé distrikterne.⁴⁵

I perioden december 2007 til april 2010 antages det, at LRA har dræbt næsten 1800 civile og bortført over 2.300.⁴⁶ LRA er desuden berøgtet for tvungen rekruttering af børnesoldater og udnyttelse af piger til bærere og sex-slaver. Siden 2011 har USA haft indsat tropper i bl.a. DRC i jagten på LRAs leder Joseph Kony. I sidste halvdel af 2011 var antallet af LRA angreb betydeligt lavere end tidligere, men om dette er udtryk for, at LRA virkelig er svækket, eller om der blot spekuleres i, at færre angreb på civilbefolkningen vil få USA til at trække sig ud, er uvist.⁴⁷

Human Rights Watch skriver i deres 2012 World Report om beskyttelse af civile mod LRAs overgreb: *“Congolese army and MONUSCO efforts to protect civilians in LRA-affected areas remained inadequate, though some efforts were made to avert attacks around the 2010 Christmas period, a time of previous LRA violence”*.⁴⁸

Ituri distriktet i Orientale Provinsen har ligeledes i mange år været præget af konflikt, omend i den seneste tid i mindre grad end de to Uele distrikter.⁴⁹

En artikel fra IRIN News fra juli 2011 omtaler konflikten i Ituri: *“Almost eight years after an estimated 50,000 people perished in a four-year conflict that also displaced 500,000 from their homes in northeastern Democratic Republic of Congo (DRC), a tenuous calm prevails in the area. The 1999-2003 Ituri conflict was between the Lendu*

⁴⁴ UN News Centre. UN refugee agency providing aid to people fleeing fighting in eastern DR Congo. 4 May 2012

⁴⁵ Amnesty International Report 2011 - The State of the World's Human Rights. Congo, Democratic Republic. 13 May 2011

⁴⁶ IRIN News. DRC: Who's who among armed groups in the east. 15 June 2010.

⁴⁷ IRIN News: SECURITY: Questions over progress against the LRA. 24 February 2012.

⁴⁸ Human Rights Watch: World Report 2012, 22 January 2012. Congo, Democratic Republic.

⁴⁹ US Department of State: Country Report on Human Rights Practices for 2011 - Congo, Democratic Republic of the, 24 May 2012. Sect. 1g.

*and Hema ethnic groups...the violence sucked in the Alur ethnic community, with the Lendu accusing them of supporting the Hema ...Three of the major players in Ituri's conflict are on trial at the International Criminal Court (ICC)".*⁵⁰

I 2006 indgik flere militser i Ituri distriktet en våbenhvile med de congolesiske myndigheder, men Front for Patriotic Resistance of Ituri (FRPI) nægtede at deltage i fredsprocessen og fortsatte med at begå overgreb mod civilbefolkningen. Af US Department of State Country Report vedr. 2010 fremgår det, at *".. the FRPI refused to participate in the peace process and was implicated in abuses committed against civilians in Ituri District during the year"*⁵¹. Vedrørende overgreb begået af militser i Ituri fremgår det videre at: *"Abuses by militias in Ituri were more often acts of banditry, rather than politically or ethnically motivated violence"*.⁵²

4.3 Equateur provinsen

I 2009 var Equateur provinsen hårdt ramt af etnisk konflikt mellem Enyele og Munzaya stammerne. Konflikten førte til, at ca. 140.000 flygtede til Republikken Congo (Congo Brazzaville) mens over 100.000 søgte tilflugt i andre dele af provinsen. Mange af de fordrevne er siden vendt tilbage og i foråret 2012 er UNHCR begyndt at assistere ved frivillig tilbagevenden til Equateur provinsen. UNHCR forventer via deres repatrieringsprogram at hjælpe over 80.000 personer tilbage til Equateur i løbet af 2012 og frem til juli 2013.⁵³

4.4 Myndighedsbeskyttelse

Myndighedernes beskyttelse af civile mod overgreb begået af det congolesiske militær eller af væbnede rebelgrupper synes meget begrænset. Der er således omfattende rapporter om straffrihed og manglende efterforskning. US Department of State skriver i deres Country Report vedr. 2010. *"The conflicts permitted armed entities to commit violent abuses against civilians, with little chance that the government would be able to hold the perpetrators accountable"*.⁵⁴

Tilsvarende skriver Amnesty International i deres 2012 årsrapport: *"The justice system remained largely incapable of securing justice and reparations for victims. Impunity for past and current violations of human rights and international humanitarian law remained widespread, despite some prosecutions and convictions"*.⁵⁵

⁵⁰ IRIN News. Analysis: Fragile peace holding in Ituri. 6 July 2011.

⁵¹ US Department of State: Country Report on Human Rights Practices for 2010 - Congo, Democratic Republic of the, 8 April 2011. Sect. 1g

⁵² Ibid.

⁵³ UNHCR Briefing note. UNHCR starts repatriation of tens of thousands of Congolese. 11 May 2012

⁵⁴ US Department of State: Country Report on Human Rights Practices for 2010 - Congo, Democratic Republic of the, 8 April 2011. Indledning.

⁵⁵ Amnesty International Report 2012 - The State of the World's Human Rights. Congo, Democratic Republic. 24 May 2012

Korruption er udbredt i både regeringen og sikkerhedsstyrkerne. Transparency International placerer i deres Corruptions Perceptions Index 2011, DRC som nr. 168 ud af i alt 183 lande.⁵⁶

Vedrørende den udbredte korruption skriver FNs Special Rapporteur on extrajudicial, summary or arbitrary executions, Philip Alston: *“Corruption and political interference are key problems. Accused individuals with money or connections can escape punishment with relative ease. Corruption extends through the entire justice system: police request money to arrest or release alleged perpetrators; judges take bribes to decide cases; and registrars and other officials request money to enforce judgments”*.⁵⁷

Landinfo vurderer i et notat fra 2011, at korruption har været udbredt i DRC siden Mobutu-perioden, hvor der ikke blev udstedt dokumenter eller leveret offentlige tjenester uden bestikkelse, samt at situationen i dag i det væsentligste er uændret.⁵⁸

Det nationale politi er en del af sikkerhedsstyrkerne under indenrigsministeriet. US Department of State beskriver i deres Country Report vedr. 2011 generelt sikkerhedsstyrkerne som værende udisciplinerede, korrupte, utrænede og voldsomt underfinansierede.⁵⁹

Der rapporteres imidlertid også om forbedringer, men fremskridtene er små og vejen til et velfungerende sikkerhedssystem er lang: *“Despite an increasing trend of prosecutions against soldiers and law enforcement agents for abusing their power or committing human rights violations, and a modest increase in the monthly pay of National Congolese Police (PNC) agents, progress remained limited in building accountable and professional national security forces”*.⁶⁰

Tidligere rebeller er siden 2009 indlemmet i det nationale politi. Dette har bl.a. ført til politiofficerer med en tvivlsom fortid, som ikke altid følger ordrer.⁶¹

Vedrørende muligheden for faktisk at opnå myndighedsbeskyttelse mod overgreb, vurderes det i UK Operational Guidance Note 2012, at: *“If the applicant’s fear is of ill-treatment/persecution by the state authorities,*

⁵⁶ Transparency International. Corruptions Perceptions Index 2011.

⁵⁷ Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Philip Alston. Mission to the Democratic Republic of the Congo. Human Rights Council 1 June 2010. Pkt 98.

⁵⁸ Landinfo. Temanotat. Den demokratiske republikken Kongo: Dokumenter og offentlig forvaltning. 6. maj 2011. p8.

⁵⁹ US Department of State: Country Report on Human Rights Practices for 2011 - Congo, Democratic Republic of the, 24 May 2012. Sect. 1d.

⁶⁰ United Nations Joint Human Rights Office (UNJHRO) og MONUSCO. Report of the United Nations Joint Human Rights Office on Human rights and fundamental freedoms during the pre-electoral period in the Democratic Republic of Congo. November 2011. Pkt. 10.

⁶¹ Report of the Secretary-General on the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo. 24 October 2011. Pkt. 14.

or by agents acting on behalf of the state, then it is improbable that they can apply to those authorities for protection”.⁶² Og videre “If the ill-treatment/persecution is at the hands of non-state agents, then the provision of state protection is unlikely to be available due to the structural weakness of the security services and the criminal justice system, also the widespread existence of corruption in state institutions”.⁶³

Tilsvarende vurderede FNs Special Rapporteur on extrajudicial, summary or arbitrary executions, Philip Alston vedrørende muligheden for at opnå beskyttelse hos de congolesiske myndigheder: “Many victims are justifiably afraid to complain to police or prosecutors. There is a very real risk that doing so would open them up to retaliation, especially because there is no witness protection program.”⁶⁴

4.4.1 Retssystemet

Retssystemet i DRC er på alle måder mangelfuldt. US Department of State skriver således i deres Country Report vedr. 2011, at “While the law provides for an independent judiciary, in practice the judiciary was inefficient, corrupt, and subject to influence. Judges were poorly compensated and subject to influence and coercion by officials and other influential individuals”.⁶⁵

Amnesty skriver tilsvarende i deres årsrapport fra maj 2012: “The justice system remained largely incapable of securing justice and reparations for victims”.⁶⁶

Problemerne i retssystemet bekræftes og uddybes af FNs Joint Human Rights Office (UNJHRO): “Once a person is arrested, his/her right to have an independent judge decide over the lawfulness of detention is regularly violated. The 48-hour limit to an arrest without a warrant is often not respected, nor the right of pre-trial detainees to have their detention regularly reviewed by a chambre du conseil... In other instances, judges issued arrest warrants or confirmed arrests that appeared to be politically motivated”.⁶⁷

⁶² UK Home Office, Border Agency. Operational Guidance Note. Democratic Republic of Congo (DRC). May 2012. Pkt. 2.3.16.

⁶³ Ibid. Pkt. 2.3.17.

⁶⁴ Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Philip Alston. Mission to the Democratic Republic of the Congo. Human Rights Council 1 June 2010. Pkt 100.

⁶⁵ US Department of State: Country Report on Human Rights Practices for 2011 - Congo, Democratic Republic of the, 24 May 2012. Sekt. 1e.

⁶⁶ Amnesty International Report 2012 - The State of the World's Human Rights. Congo, Democratic Republic. 24 May 2012

⁶⁷ United Nations Joint Human Rights Office (UNJHRO) og MONUSCO. Report of the United Nations Joint Human Rights Office on Human rights and fundamental freedoms during the pre-electoral period in the Democratic Republic of Congo. November 2011. Pkt. 30.

Dertil kommer befolkningens tilsyneladende velbegrundede mangel på tillid til det congolesiske retssystem: *“Civil courts exist for lawsuits and other disputes, and individuals can seek civil remedies for human rights violations within this court system. However, the public widely viewed civil courts as corrupt and believed outcomes were determined by the relative financial means of the parties to the lawsuit. There was little available evidence that individuals used civil courts to address human rights violations”*.⁶⁸

I de tyndt befolkede områder er retssystemet endnu mere mangelfuldt: *“In rural areas where there were often no courts within a 300-mile radius, justice was administered on an ad hoc basis by any available authority, creating extraordinary opportunities for corruption and abuse of power. Some observers asserted that members of both the executive and legislative branches were content to keep the judiciary weak and ineffective because it protected their power and allowed them to engage in corruption and abuse of power without consequence”*.⁶⁹

Selvtægt synes også at være et omfattende problem. FNs Special Rapporteur on extrajudicial, summary or arbitrary executions, Philip Alston, skriver i sin rapport fra 2010: *Vigilante killings and mob justice are widespread, and on the rise. In 2008, over 20 such killings were recorded in Bukavu (South Kivu) alone. There are, however, no clear national statistics on the numbers of such killings. Victims are usually suspected thieves, rapists or witches. Often they are beaten or killed with machetes, and then set on fire, sometimes while still alive. Local populations often appear to view this as a legitimate means of securing justice, in large part due to the absence of a functioning criminal justice system. The response from local police and other authorities to incidents of vigilante justice is often slow or non-existent – investigation, prosecution and punishment of perpetrators is rare. At a policy level, little attention is paid to the issue”*.⁷⁰

4.4.2 Straffrihed

Manglende retsforfølgelse af menneskerettighedsovergreb er et omfattende problem i DRC. Personer kendt for at have begået overgreb beholder deres poster og straffes ikke.

FNs Special Rapporteur on extrajudicial, summary or arbitrary executions, Philip Alston skriver i sin rapport: *“Impunity for all forms of killings is the norm. This is in part due to systemic problems in the justice system, especially corruption at all levels, regular political interference, and severe resource constraints. While there have been some recent improvements in the military justice system in the east of the country, impunity for senior commanders remains pervasive. The Government refuses to investigate and arrest suspected war criminals, including Bosco Ntaganda, who is*

⁶⁸ US Department of State: Country Report on Human Rights Practices for 2011 - Congo, Democratic Republic of the, 24 May 2012. Sekt. 1e.

⁶⁹ Ibid. Sekt. 4

⁷⁰ Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Philip Alston. Mission to the Democratic Republic of the Congo. Human Rights Council 1 June 2010. Pkt 94-95.

wanted by the ICC. At the time of writing, the UN mission in the Congo was still yet to publish a clear conditionality policy for its support to Congolese army operations, and, despite widespread army abuses, the UN had withdrawn support from only one Congolese unit”.⁷¹

Vedrørende straffrihed for højtstående militærpersoner refererer Philip Alston i sin rapport den forklaring han selv fik: *“I asked officials why these individuals had not been arrested, despite their records of abuse and their whereabouts generally being well-known. The Government’s stated position is that arresting senior commanders, especially ex-CNDP members, would potentially destabilize CNDP integration, provoke the splintering of armed groups, and result in further violence to civilians”*.⁷²

Problemerne med at retsforfølge hærens overgreb mod civilbefolkningen uddybes i US Department of State Country Report vedr. 2011: *“Military justice institutions continued to face challenges, including a severe shortage of military judges and prosecutors. Magistrates, prosecutors, and investigators were poorly trained, had little or no resources for investigations, and had limited access to legal codes. In addition, the military justice system was often subjected to political and command interference, and security arrangements for magistrates in conflict-affected areas were inadequate. Magistrates who attempted to investigate politically connected high-level FARDC officers were threatened, as were witnesses providing information to judicial officers as, for example, occurred in the investigation into the Walikale and Bushani mass rapes by the Military Prosecutor’s Office in North Kivu.”*⁷³

Visse – omend begrænsede - fremskridt vedrørende efterforskning og retsforfølgelse af overgreb begået mod civilbefolkningen omtales bl.a. i Report of the Secretary-General vedrørende MONUSCO: *“With MONUSCO support, the military and civilian justice sectors made some further progress in combating impunity. Between 14 and 28 March, MONUSCO supported mobile court hearings in Kasai Occidental province, enabling a backlog of 81 cases to proceed.”*⁷⁴

I 2010 blev otte politiofficerer anklaget for at stå bag, at menneskerettighedsforkæmperen Fidele Bazana Edadi forsvandt samt drabet på hans kollega, den kendte aktivist Floribert Chebeya Bahizire. I juni 2011 blev fire politiofficerer idømt henholdsvis dødsstraf og livstid for drabet på Floribert Chebeya Bahizire, der forsvandt umiddelbart efter at være indkaldt til møde i politiets hovedkvarter i Kinshasa.

⁷¹ Ibid. Summary.

⁷² Ibid. Pkt. 107.

⁷³ US Department of State: Country Report on Human Rights Practices for 2011 - Congo, Democratic Republic of the, 24 May 2012. Sect. 1d.

⁷⁴ Report of the Secretary-General on the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo. 23. maj 2012. Pkt. 46.

Repræsentanter for Chebayas familie var imidlertid kun delvist tilfredse, da den tidligere politi-general John Numbi alene var blevet suspenderet, men altså ikke anklaget.⁷⁵

I januar 2011 blev otte soldater og en højtstående officer arresteret og anklaget for massevoldtægt af mindst 13 kvinder, begået tidligere samme måned i Fizi, Syd Kivu.⁷⁶ 10 soldater og deres chef blev efterfølgende fundet skyldige i forbrydelser mod menneskeheden.⁷⁷

Vedrørende retsforfølgelse og straf for seksuelle overgreb skriver IRIN News den 7. juni 2011: *"Five years after the Democratic Republic of Congo (DRC) revised its laws against sexual and gender-based violence (SGBV), these crimes continue to go unpunished because of judicial inaction and a legal culture at odds with the changes...Magistrates and security forces are also hesitant to investigate perpetrators in influential positions. When cases do go to court, judicial decisions are sometimes twisted by corruption so that the guilty may buy their freedom. The ease with which suspects bribe or escape their way out of custody leaves survivors even more afraid to testify for fear of reprisal"*.⁷⁸

Alliancer på kryds og tværs er med til at vanskeliggøre retsforfølgelsen af rebeller: *"Alliances between government forces and various rebel groups continued to foster loyalties that have prompted government officials to try to prevent the prosecution of some of the leaders and members of these armed entities"*.⁷⁹

Der ses ikke at være reelle bestræbelser blandt de forskellige bevæbnede grupper på selv at efterforske overgreb begået af deres soldater.

4.5 Fængselsforhold

Fængselsforholdene er ikke i overensstemmelse med internationale standarder, og har blandt andet ført til dødsfald blandt de indsatte.⁸⁰

I US Department of State Country Report vedr. 2011 fremgår det, at: *"Conditions in most prisons remained severe and life threatening. The penal system was underfunded, and most prisons were understaffed, undersupplied,*

⁷⁵ US Department of State: Country Report on Human Rights Practices for 2011 - Congo, Democratic Republic of the, 24 May 2012. Sect. 1a.

⁷⁶ BBC News. DR Congo soldiers arrested for rape. 13 January 2011

⁷⁷ Human Rights Watch: World Report 2012, 22 January 2012. Congo, Democratic Republic.

⁷⁸ IRIN News. Analysis: New laws have little impact on sexual violence in DRC. 7 June 2011.

⁷⁹ UK Home Office, Border Agency. Operational Guidance Note. Democratic Republic of Congo (DRC). May 2012. Pkt. 3.7.5

⁸⁰ Amnesty International Report 2012 - The State of the World's Human Rights. Congo, Democratic Republic. 24 May 2012

*overcrowded, and poorly maintained. Serious threats to life and health were widespread and included: violence, particularly rape; food shortages; lack of access to potable water; and inadequate sanitation, ventilation, temperature, lighting, and medical care. Death from starvation or disease was common.”*⁸¹

At der mangler finansiering, at fangerne er afhængige af at få mad og nødvendig medicin fra familien, at fængslerne kontrolleres af de indsatte, og at de indsatte risikerer at blive 'glemt' og ikke løsladt til tiden er nogle af de problemer FN's Special Rapporteur on extrajudicial, summary or arbitrary executions, Philip Alston, omtaler i sin rapport fra 2010: *”The central Government provides only one prison in the entire country with a budget. The rest are required to support themselves... Most prisoners survive on food brought to them by their families. Those without family assistance slowly starve... controlled by the prisoners themselves; State authorities only act as guards outside the facility... Detainees reported the complete absence of medical services... The prison system is in such disarray that even the number of prisons and prisoners in the country is unknown. Accurate records of the prison sentences of convicted criminals are not maintained. As judges from the Supreme Court explained, monitoring and recordkeeping is so poor in the criminal justice system that people can serve years beyond their sentence simply because the authorities do not know to release them, greatly contributing to overcrowding, resentment and prison violence”.*⁸²

I UK Operational Guidance Note 2012 vurderes det, at fængselsforholdene i DRC kan være af en karakter, så tilbagesendelse hertil vil være i strid med EMRK artikel 3. *”Prison conditions in the DRC are severe and taking into account the severely decayed infrastructure, lack of meaningful control by the authorities, torture and abuse of inmates and extremely poor health facilities and sanitary conditions, prisons and detention facilities in the DRC are likely to reach the Article 3 threshold”.*⁸³

4.6 Religionsfrihed

Forfatningen og lovgivningen i øvrigt beskytter religionsfrihed, og staten respekterer generelt religionsfriheden. Religiøse grupper skal registreres hos myndighederne, men også grupper, der ikke har ladet sig registrere er tilsyneladende i stand til at operere uhindret.⁸⁴

⁸¹ US Department of State: Country Report on Human Rights Practices for 2011 - Congo, Democratic Republic of the, 24 May 2012. Sekt. 1c.

⁸² Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Philip Alston. Mission to the Democratic Republic of the Congo. Human Rights Council 1 June 2010. Pkt. 82-85.

⁸³ UK Home Office, Border Agency. Operational Guidance Note. Democratic Republic of Congo (DRC). May 2012. Pkt. 3.11.11.

⁸⁴ US Department of State: 2011 International Religious Freedom Report - Congo, Democratic Republic of the, 30 July 2012

I 2008 var den politisk-religiøse bevægelse Bunda dia Kongo (BDK) udsat for forfølgelse. BDK ændrede senere navn til Bunda dia Mayala (BDM).⁸⁵ Se yderligere vedørende BDK/ BDM under afsnit 5.3 om Oppositionspolitikere og andre politisk aktive. US Department of State skriver i 2011 International Religious Freedom Report: *“There were no reports of societal abuses or discrimination based on religious affiliation, belief, or practice”*.⁸⁶

4.7 Ytringsfrihed

Det bemærkes, at afsnittene 4.7, 4.8, 5.1, 5.2 og 5.3 med fordel kan læses i sammenhæng.

Den congolesiske forfatning og lovgivning i øvrigt beskytter ytrings- og pressefriheden. I praksis er disse friheder imidlertid under stort pres. Freedom House skriver således i deres rapport ‘Freedom in the World 2012’: *“Although guaranteed by the constitution, freedoms of speech and expression are limited. Members of the state security apparatus threatened, detained, and attacked journalists whose reporting was critical of government officials”*.⁸⁷

I US Department of State Country Report vedr. 2011 fremgår det at: *“Generally, individuals could privately criticize the government, its officials, and other private citizens without being subject to official reprisals. However, the government intimidated journalists and publishers into practicing self-censorship. Public criticism of government officials and government conduct or decisions regarding issues such as conflict and insurgencies, management of natural resources, and corruption, sometimes resulted in harsh responses, often from the ANR, the intelligence service under the president’s control.”*⁸⁸

Et eksempel på at man i DRC skal være forsigtig med at udtale sig kritisk omtales i en rapport fra FNs Joint Human Rights Office (UNJHRO) fra 2011: *“More recently, on 12 September 2011, in Lubumbashi, Katanga, four UNC militants were discussing the political situation in a barbershop, when they were arrested by the owner, who happened to be an FARDC soldier, and detained in the cachot of camp Major Vangu, where they were allegedly beaten and subjected to ill-treatment.”*⁸⁹

⁸⁵ US Department of State: 2010 International Religious Freedom Report - Congo, Democratic Republic of the, 13 September 2011.

⁸⁶ US Department of State: 2011 International Religious Freedom Report - Congo, Democratic Republic of the, 30 July 2012

⁸⁷ Freedom House. Freedom in the World 2012. Congo, Democratic Republic of (Kinshasa). May 2012.

⁸⁸ US Department of State: Country Report on Human Rights Practices for 2011 - Congo, Democratic Republic of the, 24 May 2012. Sekt. 2a.

⁸⁹ United Nations Joint Human Rights Office (UNJHRO) og MONUSCO. Report of the United Nations Joint Human Rights Office on Human rights and fundamental freedoms during the pre-electoral period in the Democratic Republic of Congo. November 2011. Pkt. 25.

Ifølge en lov nr. 300 fra 1963 er det ulovligt at fornærme statsoverhovedet. Denne lovgivning er ved flere lejligheder blevet brugt til at begrænse ytringsfriheden: *“In the 2006 and 2011 electoral periods, the Ordonnance-loi No. 300, which outlaws insults against the Head of State, has been used by the authorities to arrest and prosecute people who publicly criticize the President.”*⁹⁰.

Ytrings- og pressefriheden var ikke mindst i forbindelse med valget i november 2011 under et betydeligt pres. Med henvisning til undersøgelser foretaget af den lokale organisation Journalists in Danger, udtalte Reporters Without Borders få dage før valget: *“They show beyond any doubt that, as well as attacks on journalists and repeated closures of news outlets, many media are being turned into propaganda tools, thereby heightening the tension in a climate that has already worsened dramatically in recent weeks.”*⁹¹. I forbindelse med valget var der flere eksempler på, at sikkerhedsstyrkerne afbrød signalerne til radio- og TV-stationer. Og kort efter valget blokerede myndighederne i en periode på tre uger for al sms-trafik.⁹²

Vedrørende perioden november 2010 til september 2011, skriver FNs Joint Human Rights Office (UNJHRO) i en rapport fra 2011: *“During the period under review, the United Nations Joint Human Rights Office (UNJHRO) noted an increase in political activities as well as a concerning number of human rights violations and acts of violence targeting political party members, journalists and human rights defenders. In spite of constitutional guarantees, those seeking to express their opinions and their fundamental freedoms of assembly and association were often subjected to abuse by State agents and saw their right to physical integrity violated. Between 1 November 2010 and 30 September 2011, the UNJHRO documented 188 cases of human rights violations, varying in severity, apparently linked with the electoral process.”*⁹³

Videre i FNs Joint Human Rights Office (UNJHRO) rapport, fremgår det at: *“A recurrent way of intimidating people from exercising their freedom of expression is to summon them to the National Intelligence Agency (ANR) offices. For example, on 12 July 2011, in Bukavu, South Kivu province, a UNC member was summoned by the ANR reportedly after having declared that the „Cinq chantiers, the Governments reconstruction program, had not yet been implemented efficiently. State agents have also used force to repress freedom of expression. When, on 10 August*

⁹⁰ Ibid.

⁹¹ Reporters Without Borders. Concern about political tension and hostility to media on eve of election. 24 November 2011.

⁹² Reporters Without Borders. Government lifts three-week-old ban on texting. 28 December 2011.

⁹³ United Nations Joint Human Rights Office (UNJHRO) og MONUSCO. Report of the United Nations Joint Human Rights Office on Human rights and fundamental freedoms during the pre-electoral period in the Democratic Republic of Congo. November 2011. Summary.

*2011, for instance, a UDPS militant shouted anti-PPRD slogans during a PPRD event in Matadi, Bas-Congo, he was allegedly severely beaten by a FARDC soldier”.*⁹⁴

Som endnu et eksempel på overgreb på ytringsfriheden op til valget i november 2011, skriver Human Rights Watch i deres World Report 2012: *“On September 6, unidentified armed men threw tear gas, gasoline, and incendiary grenades into the studio of Radio Lisanga Télévision (RTLTV), a private television station favourable to opposition candidate Etienne Tshisekedi”.*⁹⁵

Vedrørende internettet skriver Freedom House i rapporten Freedom in the World 2012: *“The government does not monitor online communications or restrict access to the internet, but internet use is limited by poor infrastructure”.*⁹⁶

4.8 Forsamlingsfrihed

Forfatningen beskytter forsamlingsfriheden. Offentlige forsamlinger skal blot anmeldes til myndighederne med tre dages varsel. Særligt oppositionspartier nægtes ind i mellem tilladelse til at afholde demonstrationer⁹⁷. Vedrørende uanmeldte demonstrationer skriver US Department of State i deres Country Report vedr. 2011: *“State security forces often acted against unregistered protests, marches, or meetings”*⁹⁸. Videre fremgår det, at: *“Incidents related to freedom of assembly occurred regularly. For example, according to HRW, 12 opposition supporters and bystanders were killed and 41 were injured on November 26, the final day of the campaign period, when supporters of both Etienne Tshisekedi and President Kabila gathered at N’djili Airport to greet the incoming candidates”.*⁹⁹

*“Between 1 November 2010 and 30 September 2011, the UNJHRO recorded 24 incidents concerning freedom to assemble peacefully”.*¹⁰⁰

⁹⁴ Ibid. Pkt. 25

⁹⁵ Human Rights Watch: World Report 2012, Congo, Democratic Republic.

⁹⁶ Freedom House. Freedom in the World 2012. Congo, Democratic Republic of (Kinshasa). May 2012.

⁹⁷ US Department of State: Country Report on Human Rights Practices for 2011 - Congo, Democratic Republic of the, 24 May 2012. Sekt. 2b.

⁹⁸ Ibid.

⁹⁹ Ibid.

¹⁰⁰ United Nations Joint Human Rights Office (UNJHRO) og MONUSCO. Report of the United Nations Joint Human Rights Office on Human rights and fundamental freedoms during the pre-electoral period in the Democratic Republic of Congo. November 2011. Pkt. 36.

5. Grupper i særlig risiko

5.1 Journalister

Ifølge en opgørelse fra den lokale organisation Journalists in Danger blev én journalist dræbt i 2011, mens 42 blev arresteret og 57 udsat for trusler eller overfald.¹⁰¹ Amnesty International skriver i deres årsrapport 2012, at *"Scores of journalists throughout the country were threatened, arbitrarily arrested, prosecuted, intimidated, warned by state authorities not to report on certain subjects, and sometimes killed for their work"*.¹⁰²

Nogle af de emner der tilsyneladende kan bringe journalister i risiko for overgreb er: Kritik af myndighederne, menneskerettigheder, udnyttelse af naturressourcer, offentlige indkøb og afsløringer af korruption. Journalister der dækker demonstrationer og politiske møder ses også at have været mål for overgreb.

Fornærmelse af statsoverhovedet er forbudt; en lovgivning, der ved flere lejligheder er blevet brugt til at begrænse ytringsfriheden. FNs Joint Human Rights Office (UNJHRO) skriver således: *"Journalists and human rights defenders are also being targeted on the basis of the aforementioned defamation laws. In Uvira, South Kivu, for example, a journalist of a local radio station was illegally arrested by the ANR on 17 December 2010. He was accused of having insulted the President during a radio show during which, among other topics, they discussed the latest speech of the President. The other participants in this radio debate, an opposition member and another journalist (who is also the president of a human rights organization) went into hiding after they received an invitation of the ANR to present themselves at their office. The same week, another journalist was severely beaten in Uvira by ANR agents following his participation in this radio debate and consequently fell unconscious"*.¹⁰³

Et lignende eksempel omtales i Human Rights Watch, 2012 World Report: *"In Fungurume, Katanga province, Dédé Ilunga, a journalist with Radio Océan, was arbitrarily arrested and detained by police for 17 days in September following a broadcast criticizing President Kabila's development program. He was released without charge"*.¹⁰⁴

Særligt radiojournalister fra Bukavu i Syd Kivu frygter for deres sikkerhed. US Department of State skriver i deres Country Report vedr. 2011 således: *"Radio journalists, particularly those in Bukavu, South Kivu,*

¹⁰¹ Reporters without borders. Journalist In Danger annual report urges authorities to "rescue press freedom". 30 December 2011.

¹⁰² Amnesty International Report 2012 - The State of the World's Human Rights. Congo, Democratic Republic. 24 May 2012.

¹⁰³ United Nations Joint Human Rights Office (UNJHRO) og MONUSCO. Report of the United Nations Joint Human Rights Office on Human rights and fundamental freedoms during the pre-electoral period in the Democratic Republic of Congo. November 2011. Pkt. 46.

¹⁰⁴ Human Rights Watch: World Report 2012, 22 January 2012. Congo, Democratic Republic.

*continued to fear for their safety. Journalists often received anonymous death threats from callers, and many journalists continued to be concerned by the lack of serious investigation and judicial action by authorities against the perpetrators responsible for multiple journalist killings since 2005”.*¹⁰⁵

5.2 Menneskerettighedsforkæmpere

Amnesty International beskriver i deres 2012 årsrapport flere tilfælde af angreb og dødstrusler mod menneskerettighedsforkæmpere.¹⁰⁶

Tilsvarende skriver US Department of State i deres Country Report vedr. 2011: *“A wide variety of domestic and international human rights organizations investigated and published findings on human rights cases. However, SSF continued to harass, beat, intimidate, and arbitrarily arrest and detain local human rights advocates and NGO workers, and government intimidation of domestic human rights defenders worsened”.*¹⁰⁷

Når menneskerettighedsforkæmpere og journalister arresteres, sker det ofte med henvisning til statens sikkerhed eller fornærmelse af statsoverhovedet.¹⁰⁸

Vedrørende journalister og menneskerettighedsforkæmpere, der rutinemæssigt generes og trues på grund af deres arbejde skriver FNs Special Rapporteur on extrajudicial, summary or arbitrary executions, Philip Alston: *“Those working in the eastern part of the DRC appear to be particularly vulnerable to attack, as are those supporting the work of the ICC. Government officials have stigmatized human rights defenders for their advocacy, especially where it concerns violations by state actors, and officials have been implicated in a number of cases of harassment, death threats and killings of activists”*¹⁰⁹ Videre fremgår det at: *“Threats and attacks against human rights defenders have gone largely unpunished, as local authorities often fail to adequately investigate and prosecute those responsible.”*¹¹⁰

¹⁰⁵ US Department of State: Country Report on Human Rights Practices for 2011 - Congo, Democratic Republic of the, 24 May 2012. Sekt. 2a.

¹⁰⁶ Amnesty International Report 2012 - The State of the World's Human Rights. Congo, Democratic Republic. 24 May 2012.

¹⁰⁷ US Department of State: Country Report on Human Rights Practices for 2011 - Congo, Democratic Republic of the, 24 May 2012. Sekt. 5.

¹⁰⁸ United Nations Joint Human Rights Office (UNJHRO) og MONUSCO. Report of the United Nations Joint Human Rights Office on Human rights and fundamental freedoms during the pre-electoral period in the Democratic Republic of Congo. November 2011. Pkt. 47.

¹⁰⁹ Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Philip Alston. Mission to the Democratic Republic of the Congo. Human Rights Council 1 June 2010. Pkt. 92.

¹¹⁰ Ibid. pkt. 93.

Endnu et eksempel på overgreb begået mod en menneskerettighedsforkæmper omtales i US Department of State Country Report vedr. 2011: *“There were no developments in the 2010 case involving Sylvestre Bwira, president of the Civil Society of Masisi, North Kivu. FARDC units comprised of ex-CNDP members held and severely beat him; he was later released. The abuses occurred after he had sent an open letter to President Kabila in August 2010 denouncing abuses committed with impunity by General Ntaganda’s troops and the parallel CNDP administration in Masisi Territory. By year’s end authorities had taken no action to bring those responsible to justice”*.¹¹¹

Vedrørende menneskerettigheds-NGO’er skriver UK i deres Operational Guidance Note 2012: *“Domestic human rights NGOs were particularly vulnerable to harassment, arbitrary arrest and detention and other abuses by state security forces when reporting on, or supporting victims of abuses by the FARDC, ANR, or other state security forces and when spotlighting the illegal exploitation of natural resources in the east”*.¹¹²

I juni 2010 blev en af landets mest prominente menneskerettighedsforkæmpere, Floribert Chebeya Bahizire, dræbt efter at have været indkaldt til at møde på politiets hovedkvarter i Kinshasa. Hans kollega Fidele Bazana Edadi, der angiveligt havde kørt Floribert til mødet forsvandt samme dag.¹¹³ I juni 2011 blev fire politiofficerer idømt dødsstraf og en modtog en livstidsdom for drabet på Floribert Chebeya Bahizire.¹¹⁴

5.3 Oppositionspolitikere og andre politisk aktive

Politiske partier er beskyttet af congolesisk lovgivning, og forfatningen beskytter befolkningens ret til at oprette eller være tilknyttet et politisk parti.¹¹⁵

Adskillige kilder dokumenterer imidlertid, at det kan være forbundet med betydelig risiko, at være i opposition til magthaverne i DRC: *“Opposition politicians and their supporters have increasingly faced violence and harassment. On a number of occasions in 2010, police beat or arrested members of the UDPS who engaged in unauthorized protests”*.¹¹⁶

¹¹¹ US Department of State: Country Report on Human Rights Practices for 2011 - Congo, Democratic Republic of the, 24 May 2012. Sekt. 1b.

¹¹² UK Home Office, Border Agency. Operational Guidance Note. Democratic Republic of Congo (DRC). May 2012. Pkt. 3.8.6.

¹¹³ US Department of State: Country Report on Human Rights Practices 2010 - Congo, Democratic Republic of the, 8 April 2011. Sekt. 5.

¹¹⁴ US Department of State: Country Report on Human Rights Practices for 2011 - Congo, Democratic Republic of the, 24 May 2012. Sekt. 1a.

¹¹⁵ United Nations Joint Human Rights Office (UNJHRO) og MONUSCO. Report of the United Nations Joint Human Rights Office on Human rights and fundamental freedoms during the pre-electoral period in the Democratic Republic of Congo. November 2011. Pkt. 17.

¹¹⁶ Freedom House. Freedom in the World 2011. Congo, Democratic Republic of (Kinshasa). May 2011.

Særligt op til og omkring valget i november 2011 var der eksempler på overgreb mod oppositionspolitikere:

- US Department of State skriver i Country Report vedr. 2011: *“During the year political parties were able to operate most of the time without restriction or outside interference, but there were notable exceptions, particularly during the election period. Opposition members were sometimes harassed”*.¹¹⁷
- Vedrørende perioden november 2010 til september 2011 skriver FNs Joint Human Rights Office (UNJHRO) blandt andet:
 - *“Between 1 November 2010 and 30 September 2011, most human rights violations related to the electoral context and documented by the UNJHRO were against members of the UNC and the UDPS. Forty-six and 41 of the 188 human rights violations documented during the period concerned members of the UNC and UDPS respectively”*.¹¹⁸
 - *“On several occasions in Maniema and Bas-Congo, civilians were threatened, beaten or arrested by PNC agents for merely wearing T-shirts of opposition parties”*.¹¹⁹
 - *“Unlawfully depriving political opponents of their liberty in the DRC is a recurrent and common way of limiting their freedom of expression. Between 1 November 2010 and 30 September 2011, the UNJHRO registered 35 cases of arbitrary and illegal detention of political opponents. An emblematic case in this respect occurred on 18 March 2011, in Bukavu, South Kivu, when a militant of the MLC was arrested reportedly for possessing a journal questioning the nationality of Joseph Kabila. He was subsequently charged with defamation of the Head of State, undermining State security and selling objects going against the interest of the State. He is still in detention”*.¹²⁰
 - *“The situation in the East of the country is of particular concern, as political parties have reportedly been targeted and many of their members have been deprived of their liberty or subjected to ill-treatment and threats”*.¹²¹
 - *“Frequent reports are made to the UNJHRO on political interference in trials against members of the political opposition”*.¹²²

¹¹⁷ US Department of State: Country Report on Human Rights Practices for 2011 - Congo, Democratic Republic of the, 24 May 2012. Sekt. 3.

¹¹⁸ United Nations Joint Human Rights Office (UNJHRO) og MONUSCO. Report of the United Nations Joint Human Rights Office on Human rights and fundamental freedoms during the pre-electoral period in the Democratic Republic of Congo. November 2011. Pkt. 63.

¹¹⁹ Ibid. Pkt. 25.

¹²⁰ Ibid. Pkt. 28.

¹²¹ Ibid. Summary.

¹²² Ibid. Pkt. 31.

Ifølge US Department of State Country Report vedr. 2011 var der oplysninger om forsvindinger begået af sikkerhedsstyrkerne mod bl.a. medlemmer af oppositionspartierne.¹²³

I 2008 var den politiske-religiøse bevægelse Bunda dia Kongo (BDK) udsat for overgreb. BDK arbejdede for uafhængighed for Bas-Congo området (vest for Kinshasa). Da politiet blev sat ind i området i 2007 og 2008 for at genoprette kontrol, førte det til voldelige sammenstød og adskillige BDK tilhængere blev dræbt. Efter at BDK blev erklæret illegalt i 2008, blev Bunda dia Mayala (BDM) oprettet som et politisk parti. Der er oplysninger fra 2010 om kidnapninger af partiets ledende medlemmer.¹²⁴

Under sit besøg i DRC i oktober 2009 blev FNs Special Rapporteur on extrajudicial, summary or arbitrary executions, Philip Alston forhindret i at mødes med vidner til overgrebene mod BDK i 2007 og 2008. Den advokat, der havde bistået Philip Alston blev efterfølgende arresteret. I sin rapport fra juni 2010 skriver Philip Alston: *"I remain deeply concerned about the security of this lawyer and others working to expose Government abuses against the BDK. The lengths to which Government officials went to prevent me from investigating political killings is indicative of the extent of the Government's repression of its critics and political opponents."*¹²⁵

Vedrørende BDM skriver FNs Joint Human Rights Office (UNJHRO) i november 2011: *"In Bas-Congo province, several human rights violations against members of this movement, including arbitrary arrests and ill-treatment, have been documented by the UNJHRO"*¹²⁶. UNJHRO betegner i øvrigt BDM som det tredje mest udsatte parti.¹²⁷

Ifølge FNs Special Rapporteur on extrajudicial, summary or arbitrary executions, Philip Alston, driver bl.a. efterretningstjenesten ulovlige fængsler med henblik på at undertrykke politisk opposition: *"...security and intelligence agencies, including the Republican Guard and army military intelligence, operate detention*

¹²³ US Department of State: Country Report on Human Rights Practices for 2011 - Congo, Democratic Republic of the, 24 May 2012. Sekt. 1b.

¹²⁴ Immigration and Refugee Board of Canada, Democratic Republic of Congo (DRC). COD103713.FE. 6 April 2011.

¹²⁵ Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Philip Alston. Mission to the Democratic Republic of the Congo. Human Rights Council 1 June 2010. Pkt. 76.

¹²⁶ United Nations Joint Human Rights Office (UNJHRO) og MONUSCO. Report of the United Nations Joint Human Rights Office on Human rights and fundamental freedoms during the pre-electoral period in the Democratic Republic of Congo. November 2011. Pkt. 34.

¹²⁷ Ibid. Pkt. 63.

*facilities, although they have no legal authority to detain. Their goal is to suppress political opposition, and their operations are unchecked”.*¹²⁸

5.4 Etniske banyamulenge

Banyarwanda betyder ‘folk fra Rwanda’ og bruges ofte synonymt med banyamulenge, og referer til de folk fra Rwanda, der har bosat sig i det østlige DRC siden slutningen af 1800-tallet. Mens “ba” i banyamulenge indikerer flertal indikerer “mu” i munyamulenge ental.¹²⁹

The Independent Advisory Group on Country Information (IAGCI) skriver i deres Review 2010: *“The term Banyamulenge refers to Banyarwandans who arrived in Congo towards the end of the nineteenth century, settling in the Itombwe plateau lands of South Kivu; the terms ‘Tutsi’ and ‘Banyamulenge’ cannot be used interchangeably”.*¹³⁰

I følge Freedom House i Freedom in the World 2012 er banyamulenge en af DRC’s udsatte grupper: *“Ethnic discrimination continues to be a major problem, particularly against the Mbuti of Ituri and the Congolese Banyamulenge Tutsi of South Kivu. In October 2011, five Banyamulenge aid workers and two other Banyamulenge civilians were killed in an ambush in Fizi, South Kivu, by Mai Mai Yakutumba and allied rebels of Burundi’s National Liberation Front. It is widely believed that the seven were targeted based on their ethnicity, as other members of the group in the vehicle who were not Tutsi were released”.*¹³¹

I et notat fra 31. marts 2010 fra Immigration and Refugee Board of Canada fremgår det først med henvisning til oplysninger indhentet i februar 2010, at: *“the Banyamulenge are not bothered in the eastern part of the country in general, or specifically in the two Kivu provinces... According to the HJ Representative, some Banyamulenge occupy important positions, including those of provincial deputies and ministers, NGO directors and school principals; others are successful businesspeople”* Senere i same notat fremgår det med henvisning til oplysninger indhentet ligeledes i februar 2010 imidlertid, at banyamulenge i Kivu er plaget af tilstedeværelsen af FDLR, og udsat for overgreb fra FDLR’s huturebeller i form af voldtægter, massakrer, tyveri mv.¹³²

¹²⁸ Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Philip Alston. Mission to the Democratic Republic of the Congo. Human Rights Council 1 June 2010. Pkt. 87.

¹²⁹ Immigration and Refugee Board of Canada, Democratic Republic of Congo (DRC): The Banyamulenge (Munyamulenge) ethnic group; whether members of this group are targeted by government authorities, 1 December 2000.

¹³⁰ IAGCI Review 2010 er refereret i UK Home Office, Border Agency. Country of Origin Information (COI) Report. The Democratic Republic of Congo. 9 March 2012. Pkt. 21.17

¹³¹ Freedom House. Freedom in the World 2012. Congo, Democratic Republic of (Kinshasa). May 2012.

¹³² Immigration and Refugee Board of Canada. Responses to Information Requests (RIBs). COD103417.FE. 31 March 2010.

I ”Temanotat om Den demokratiske republikken Kongo: Etnisitet, konflikt og beskyttelse i Øst-Kongo” fra 1. September 2009 kommer Landinfo med et bud på en forklaring: *”Samtlige lokale og internationale samtalepartnere Landinfo møtte i Goma i oktober 2008 la vekt på at konfliktene i Øst-Kongo har dype røtter i spørsmål knyttet til nasjonal identitet, statsborgerrettigheter og landspørsmål... I lokalsamfunnene er mistilliten til Rwanda og kinyarwandalende stor. Selv velutdannede lokale ressurspersoner har negative holdninger til befolkningsgruppene som har røtter i Rwanda. Folk tviler på disse gruppenes lojalitet, og ser på nabolandet Rwanda som roten til det meste som er galt i regionen”*.¹³³

Urolighederne i foråret og sommeren 2012 ser på flere måder ud til at have ramt banyamulenge hårdt. En koalition af Mai Mai militser gik tilsyneladende målrettet efter kinyarwanda (rwandesisk sprog) talende congolesere, da de i løbet af få dage i maj 2012 begik massakrer på 12 landsbyer i Katoyi området i Nord Kivu.¹³⁴ Derudover har det en negative effekt for sikkerheden for denne gruppe når CNDP erstattes af FARDC som magtfaktor i et givent område. IRIN News skriver i en artikel fra 16. maj 2012: *”The absence of Ntaganda’s CNDP troops in their Masisi stronghold, which is currently under the control of the Congolese army, is emerging as a threat to the remaining Tutsi population, with many of those who have fled to Rwanda speaking of ethnic intolerance... They [Congolese soldiers] beat us when they find us. They tell me I’m Rwandan. Every time, they say this is not your country. But I was born in Congo, I grew up in Congo,” said a refugee*”.¹³⁵

Vedrørende banyamulenge asylansøgere fra Kivu provinserne konkluderer UK Operational Guidance Note 2012: *”At present Banyamulenge remain in a vulnerable and insecure position in the eastern Kivu provinces, and face discrimination amounting to persecution throughout DRC. If it is accepted that the applicant is of Banyamulenge origin, a grant of asylum is likely to be appropriate.”*¹³⁶

5.5 Kvinder og børn

Om kvinders situation generelt skriver Freedom House i Freedom in the World 2012: *”Despite constitutional guarantees, women face discrimination in nearly every aspect of their lives, especially in rural areas.”*¹³⁷

¹³³ Landinfo. Temanotat. Den demokratiske republikken Kongo: Etnisitet, konflikt og beskyttelse i Øst-Kongo. Kap.3. 1. september 2009.

¹³⁴ IRIN NEWS. DRC: Scores killed as Mai-Mai target Kinyarwanda speakers. 12 June 2012.

¹³⁵ IRIN NEWS. DRC: North Kivu in turmoil again. 16 May 2012.

¹³⁶ UK Home Office, Border Agency. Operational Guidance Note. Democratic Republic of Congo (DRC). May 2012. Pkt. 3.9.9.

¹³⁷ Freedom House. Freedom in the World 2012. Congo, Democratic Republic of (Kinshasa). May 2012.

I den tilsvarende rapport fra året før henviser Freedom House til Save the Children: *“Save the Children has ranked the DRC among the world’s five worst conflict zones in which to be a woman or child”*.¹³⁸

US Department of State skriver i deres Country Report vedr. 2011: *“Displaced women and children were extremely vulnerable to abuses, including rape and forced recruitment, by FARDC, RMG forces, and civilians”*.¹³⁹

5.5.1 Seksuelle overgreb

Om voldtægter og andre seksuelle overgreb skriver Amnesty International i deres Annual Report 2012: *“Rape and other forms of sexual violence remained endemic and were committed by government security forces, including the PNC, and armed groups... While some prosecutions took place, impunity was still widespread and victims were often threatened. Rape survivors did not receive adequate support and assistance and continued to be stigmatized. Male victims were particularly marginalized”*.¹⁴⁰

US Department of State skriver i deres Country Report vedr. 2011 vedrørende voldtægter i DRC: *“The law criminalizes rape, but the government did not effectively enforce this law, and rape was common throughout the country and especially pervasive in conflict areas in the East. Spousal rape is not criminal under the law, which was last modified in 2006”*.¹⁴¹ Og videre: *“It was common for family members to pressure a rape victim to remain silent, even to health care professionals, to safeguard the reputations of the victim and her family. Victims of SGBV faced enormous social stigma”*.¹⁴²

I et notat fra Immigration and Refugee Board of Canada beskrives det, hvordan den udbredte brug af voldtægter rammer alle etniske grupper og har ført til en ‘normalisering’ af voldtægt. Videre fremgår det at: *“Several sources indicate that rape is used as a “weapon of war” in areas of conflict in the DRC.”*¹⁴³

5.5.2 Brug af børnesoldater

Både FARDC og de væbnede grupper gør sig skyldige i tvangsrekruttering af børn. Amnesty International skriver i deres årsrapport 2012: *“Armed groups and the FARDC continued to recruit and use*

¹³⁸ Freedom House. Freedom in the World 2011. Congo, Democratic Republic of (Kinshasa). May 2011.

¹³⁹ US Department of State: Country Report on Human Rights Practices for 2011 - Congo, Democratic Republic of the, 24 May 2012. Sekt. 2d.

¹⁴⁰ Amnesty International Report 2012 - The State of the World's Human Rights. Congo, Democratic Republic. 24 May 2012.

¹⁴¹ US Department of State: Country Report on Human Rights Practices for 2011 - Congo, Democratic Republic of the, 24 May 2012. Sekt. 6.

¹⁴² Ibid.

¹⁴³ Immigration and Refugee Board of Canada. Responses to Information Requests (RIBs). COD104022.E. 17 April 2012

children, notably in eastern DRC, despite hundreds being released. Children continued to be abducted by armed groups, particularly the LRA and the FDLR, and used as fighters, spies, sexual slaves or carriers. Although the FARDC formally stopped recruiting children in 2004, no plan of action was adopted for separating children from armed forces, as required by UN Security Council Resolutions 1539 (2004) and 1612 (2005).”¹⁴⁴

Mai Mai militsernes brug af børnsoldater er veldokumenteret, og det kan tilsyneladende være vanskeligt at opnå beskyttelse herimod: *“Mai Mai militias have been among the most prolific recruiters of children in eastern Congo in recent years...While forced recruitment by Mai Mai is not uncommon, for some children, joining with a Mai Mai group is seen as a way out of poverty or just another job...However, Mai Mai have often had the tacit support of the authorities, which have sought their support in past military operations in the full knowledge that they have violated national and international law by having child soldiers in their ranks”*.¹⁴⁵

Vedrørende forholdene for de børn der rekrutteres til Mai Mai militserne, skriver Coalition to Stop the Use of Child Soldiers: *“The imperative of protecting children from involvement with Mai Mai is underscored by the range of abuses that they experience when in the ranks. Children have been sent into frontline combat, subjected to whipping or other violent punishments and, in the case of girls, raped and used for sexual slavery. Young children are also actively recruited by Mai Mai to perform rituals believed to protect their members in battle”*.¹⁴⁶

I artiklen ‘Congoese Girls Abducted Into War’ skriver The Voice of America vedrørende tvangsrekruttering af børn: *“International organizations say all types of military groups are guilty of recruiting or abducting children, including countless numbers of girls, to serve as soldiers, porters, spies, scouts, cooks and sex-slaves...UNICEF says more than 31,000 children - 20 percent of them girls - have been rescued from militias or have escaped from them in the past seven years.”*¹⁴⁷ For dem der har været bortført kan tilbagevenden til landsbyen være forbundet med vanskeligheder. I artiklen fortælles bl.a. historien om en ung kvindes fangenskab og tilbagevenden: *“She said that when she got back to her village, she was shunned by former neighbours, and her family refused to continue to pay for school. Alliance said she was accused of being a "rebel wife" and viewed as dirty because everyone assumed she had been raped. People in her village also thought she sympathized with the rebel army, which is known for raping, looting and burning homes. She said it was like being cursed.”*¹⁴⁸

¹⁴⁴ Amnesty International Report 2012 - The State of the World's Human Rights. Congo, Democratic Republic. 24 maj 2012.

¹⁴⁵ Coalition to Stop the Use of Child Soldiers. Democratic Republic of the Congo (DRC): Coalition calls for end to Mai Mai child soldier recruitment and use. 26 February 2010.

¹⁴⁶ Ibid.

¹⁴⁷ Voice of America. Congoese Girls Abducted Into War. 1 June 2011.

¹⁴⁸ Ibid.

Ifølge Human Rights Watch har Bosco Ntaganda (igen) gjort sig skyldig i tvangsrekruttering af børn: *“Gen. Bosco Ntaganda, who mutinied against the Democratic Republic of Congo in early April 2012, has forcibly recruited at least 149 boys and young men into his forces since April 19, Human Rights Watch said today. Ntaganda, a former rebel leader turned army general, is wanted by the International Criminal Court (ICC) on charges of war crimes for previous recruitment and use of child soldiers”*¹⁴⁹

5.6 Personer anklaget for hekseri

Anklager om hekseri kan udløses af alt fra sygdom og død til arbejdsløshed og andre uønskede begivenheder. Ofte er det kvinder og børn der anklages for hekseri, eller personer med fysiske eller psykiske handikaps.

Nogle af de grupper, der fremhæves som særligt udsatte, er børn med handikaps og piger fra sårbare familier, eller uden familier. US Department of State skriver således i deres Country Report vedr 2011: *“According to UNICEF children with disabilities or even speech impediments and learning disabilities were branded as witches.”*¹⁵⁰ I et research paper fra UNHCR fra januar 2011 fremgår det, at: *“In the case of the DRC, it appears that girls from economically-challenged backgrounds and especially vulnerable family situations (orphaned or separated parents) are more likely to be targeted than other children.”*¹⁵¹

I en rapport fra FNs Special Rapporteur on extrajudicial, summary or arbitrary executions, Philip Alston står der vedrørende anklager om hekseri: *“Significant numbers of children and women are accused of being witches in the Democratic Republic of the Congo, and are subjected to torture, harsh beatings and other cruelty as a result. Some have been killed, or have died following cruel treatment.”* Og videre: *“Churches and cults that practice exorcism play an especially pernicious role, often condoning victimization and subjecting children to “exorcisms” or “deliverance” ceremonies in which they are forcibly isolated and deprived of food and water.”*¹⁵²

¹⁴⁹ Human Rights Watch. DR Congo: Bosco Ntaganda Recruits Children by Force. 16 May 2012

¹⁵⁰ US Department of State: Country Report on Human Rights Practices for 2011 - Congo, Democratic Republic of the, 24 May 2012. Sekt. 6.

¹⁵¹ UNHCR. Research Paper No. 197. Breaking the spell: responding to witchcraft accusations against children. p.6. January 2011.

¹⁵² Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Philip Alston. Mission to the Democratic Republic of the Congo. Human Rights Council 1 June 2010. Pkt. 88-90.

Straffrihed for forbrydelser begået mod personer anklaget for hekseri er tilsynlande omfattende: *“There is almost total impunity for such killings; witnesses or family members are reluctant to report such incidents to authorities, and officials all too often turn a blind eye to preventing or investigating the violence.”*¹⁵³

Problematikken vedrørende anklager om hekseri bekræftes i US Department of State 2011 International Religious Freedom Report: *“...there continued to be credible reports that persons, including children, accused of witchcraft were attacked, tortured, killed, or driven from their homes. In this context, “witch” is an imprecise term that is often applied to persons with developmental, behavioral, or psychological problems and it does not refer to those persons who practice witchcraft as a religion. Across the country, there was a common belief that some persons have the power to cast spells on others or can be possessed by demons. Persecution of these individuals is common following a death that family members attribute to the work of a witch. Accusations of witchcraft can cause widespread fear in a community.”*¹⁵⁴

5.7 Homoseksuelle

Der er i DRC ingen love der direkte forbyder homoseksualitet. En lov forbyder opførsel, der krænker den offentlige moral; men det er uvist i hvilket omfang, den har været brugt til at kriminalisere homoseksualitet. US Department of State skriver i deres Country Report vedr. 2011: *“While there are no laws specifically prohibiting homosexuality or homosexual acts, individuals engaging in public displays of homosexuality were subject to prosecution under public decency provisions in the penal code and articles in the law on sexual violence.”*¹⁵⁵

Ifølge oplysninger indhentet af Immigration and Refugee Board of Canada vedrørende straf for homoseksualitet fremgår det, at: *“Article 176 of the Congolese Penal Code reads as follows: [translation] “A person who engages in activities against public decency will be liable to a term of imprisonment of eight days to three years and/or fined twenty-five to one thousand zaires [former currency].”*¹⁵⁶ Herudover henvises til en oplysning fra en belgisk minister til senatet i 2009, at *“in practice, prosecution for homosexuality is very rare.”*¹⁵⁷

¹⁵³ Ibid. Pkt. 91

¹⁵⁴ US Department of State: 2011 International Religious Freedom Report - Congo, Democratic Republic of the, 30 July 2012

¹⁵⁵ US Department of State: Country Report on Human Rights Practices for 2011 - Congo, Democratic Republic of the, 24 May 2012. Sekt. 6.

¹⁵⁶ Immigration and Refugee Board of Canada. Responses to Information Requests (RIBs). COD103703.FE. 3 March 2011.

¹⁵⁷ Ibid.

En organisation med fokus på rejser, kultur og LGBT rettigheder GlobalGayz oplyser, at “...the Penal Code punishes “crimes against family life” and are used to punish homosexuals. A prison sentence can be from 5 to 20 years.”¹⁵⁸

I oktober 2010 blev der imidlertid i parlamentet fremsat et lovforslag, der ville kriminalisere homoseksualitet og straffe dette med fængsel og bøder. Lovforslaget var ved udgangen af 2011 ikke blevet vedtaget.¹⁵⁹ Debatten i den anledning vurderedes at have været væsentlig mere nuanceret i DRC end den debat, der er foregået i Uganda.¹⁶⁰

US State skriver i deres 2012 rapport: “Homosexuality remained a cultural taboo, and harassment by SSF was believed to have continued.”¹⁶¹

Organisationen LGBT Asylum News, der bl.a. arbejder med at dokumentere forholdene i de lande homoseksuelle flygter fra, oplyser i en artikel fra 2010, at en kvinde i Syd Kivu, der var blevet beskyldt for at have haft et lesbisk forhold, blev udråbt som heks og var nær blevet lynchet. En myndighedspersons trusler om retsforfølgelse af de skyldige hindrede yderligere overgreb mod kvinden.¹⁶²

5.8 Modstandere af oprørere eller hæren

Soldater fra den congolesiske hær har i forbindelse med militære operationer mod FDLR ofte vilkårligt arresteret civile, som de mistænker for at samarbejde eller sympatisere med FDLR. Civile er blevet fængslet uden anklage i dage eller uger, udsat for vold og krav om løsepenge.¹⁶³ I overensstemmelse hermed skriver Amnesty International i deres 2012 Annual Report: “Between 27 July and 1 August, during a military operation in Rutshuru territory, North Kivu, FARDC soldiers reportedly arbitrarily arrested 27 people as a reprisal for alleged FDLR collaboration. At least eight of them were allegedly subjected to torture and other cruel, inhuman or degrading treatment, and forced labour.”¹⁶⁴

¹⁵⁸ GlobalGayz.com. Democratic Republic of the Congo, Africa

¹⁵⁹ US Department of State: Country Report on Human Rights Practices for 2011 - Congo, Democratic Republic of the, 24 May 2012. Sekt. 6.

¹⁶⁰ LGBT Asylum News. In Congo, a 'calm' debate on criminalising homosexuality. 14 November 2010.

¹⁶¹ US Department of State: Country Report on Human Rights Practices for 2011 - Congo, Democratic Republic of the, 24 May 2012. Sekt. 6.

¹⁶² LGBT Asylum News. In Congo, a young lesbian "nearly lynched". 19 November 2010.

¹⁶³ US Department of State: Country Report on Human Rights Practices for 2011 - Congo, Democratic Republic of the, 24 May 2012. Sekt. 1g.

¹⁶⁴ Amnesty International Report 2012 - The State of the World's Human Rights. Congo, Democratic Republic. 24 May 2012.

I en rapport fra 2011 beskriver Oxfam, hvordan både frygten for LRA og frygten for FARDCs anklager om samarbejde med LRA afholder indbyggerne i Oriental provinsen fra at dyrke den jord, der ligger længere væk fra landsbyen. I rapporten udtaler en mand fra Kivu sig om problemerne med FARDC: *"We are forced to sell to the FARDC on credit, and the day you dare to demand payment, they accuse you of being Mai Mai [self-defence groups/ militia] and arrest you."*¹⁶⁵

Tidligere CNDP soldater og ikke mindst Ntaganda har også ry for at begå overgreb mod personer, som de mistænker for at støtte fjenden: *".. the large-scale massacres in the Kivus were predominantly committed by ex-CNDP members against their perceived enemies or those supporting them."*¹⁶⁶ Samt: *"Former rebel leader Ntaganda continued his brutal campaign against perceived opponents, both military and civilian, by ordering assassinations, arbitrary arrests, and other forms of intimidation."*¹⁶⁷

Også interne stridigheder kan føre til overgreb: Fordrivelsen af Nkunda førte til intern splittelse i CNDP, og Ntaganda og hans tilhængere har dræbt og begået andre overgreb mod CNDP medlemmer loyale over for den tidligere leder Nkunda.¹⁶⁸

Antagelser om loyalitet og samarbejde kan også være begrundet i etnicitet: *"Eyewitnesses have also told human rights investigators that victims are targeted because of their presumed loyalties based on their ethnic background."*

¹⁶⁹

5.9 Afviste asylansøgere, der er vendt tilbage til DRC

I Country Sheet, Democratic Republic Of Congo fra juni 2009, udformet som led i det EU finansierede Country of Return Information project, fremgår det vedrørende afviste asylansøgere, der vender tilbage til DRC: *"The candidate does not get any assistance from the public services. Generally, he is not prosecuted unless he has earlier committed a crime for which he has not been pardoned or amnestied. However the candidate can be hassled by agents willing to take some of his goods or personal effects."*¹⁷⁰

¹⁶⁵ Oxfam Briefing Note. We are entirely exploitable. 28 July 2011. p7.

¹⁶⁶ Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Philip Alston. Mission to the Democratic Republic of the Congo. Human Rights Council 1 June 2010. Pkt. 37.

¹⁶⁷ Human Rights Watch. DR Congo: Bosco Ntaganda Recruits Children by Force. 16 May 2012

¹⁶⁸ US Department of State: Country Report on Human Rights Practices 2010 - Congo, Democratic Republic of the, 8 April 2011. Sekt. 1a.

¹⁶⁹ UNHCHR. DRC militia leaders responsible for upsurge in violence must be held accountable – Pillay. 31 May 2012.

¹⁷⁰ Country of Return Information Project. Country Sheet: Democratic Republic of Congo (DRC). June 2009. p.12

Ifølge oplysninger indhentet i forbindelse med en belgisk/fransk fact finding mission i 2009 modtages tilbagesendte kun i DRC, hvis de har en adresse: *“DGM (General Migration Directorate) made it clear that it will accept returnees only if they can provide an address in Kinshasa or else-where in the country. Persons originating from other provinces than Kinshasa are kept until their trip can be ‘negotiated.’”*¹⁷¹

I forbindelse med en opdatering af oplysningerne fra 2009 oplyses i 2011 følgende: *“Contacted in February 2011, the president of the ‘Voix des Sans Voix’ (VSV or ‘Voice of the Voiceless’), a Congolese Human Rights NGO stated :”..Yet, we continue going to the airport in order to monitor the arrivals of returnees... We go to Ndjili roughly once a week, especially when they are international flights.. In the last year or so, we have not observed any ill-treatment of returnees. Of course, extortion is still practiced, even though more rarely now. Airport agents may take clothes or other belongings from returnees’.* Samt videre: *“In February 2011, another Congolese NGO representative, the president of the ‘Comité des observateurs des droits de l’Homme’ (CODHO or Committee of Observers of Human Rights) provided a somehow different light on the situation of returnees : ‘Returnees are placed in the hands of the DGM agents who interrogate them on their departure from DRC and the reasons they asked for asylum in Europe... Those who do not represent a problem are immediately released... For the returnees who represent a problem - amongst whom political opponents who made no secret of their political position in European cities - after they are interviewed by DGM, it may occur that they are taken to the city centre, to the DGM national office for more questioning and possibly, to be handed over to the Public Prosecutor’s office to be charged. Only the Public Prosecutor’s office may decide on such charge. In other words, activists who are well-known for their position against authorities, who are failed asylum-seekers, are obviously exposed to ill-treatments when arriving in Ndjili.”*¹⁷²

Ifølge en rapport fra den britiske NGO, Justice First, blev adskillige afviste asylansøgere, hjemsendt fra Storbritanien til DRC, udsat for overgreb efter ankomsten.¹⁷³

6. Dansk asylpraksis

Der er forholdsvis få asylansøgere fra DRC i Danmark.

Udlændingestyrelsen har oplyst til Dansk Flygtningehjælp, at der i perioden 1. januar 2010 til 18. august 2012 er behandlet i alt 51 sager. Over de tre kalender-år fordeler sagerne sig således: I 2010 blev der meddelt afslag i 13 sager, mens der i 4 sager blev meddelt konventionsstatus og i 4 sager beskyttelsesstatus. I 2011 blev der meddelt afslag i 13 sager og konventionsstatus i 4 sager. Fra 1. januar

¹⁷¹ Refereret i UK Home Office, Border Agency. Country of Origin Information (COI) Report. The Democratic Republic of Congo. 9 March 2012. Pkt. 32.11.

¹⁷² Ibid. Pkt. 32.12.

¹⁷³ Justice First. Unsafe Return; Refoulement of Congolese Asylum Seekers. 24 November 2011.

til 18. august 2012 blev der meddelt afslag i 7 sager, konventionsstatus i 2 sager og beskyttelsesstatus i 4 sager – det bemærkes at tallene fra 2012 er foreløbige.

Ifølge Dansk Flygtningehjælps statistikker¹⁷⁴ har Flygtningenævnet i perioden fra 1. januar 2010 til 10. august 2012 afgjort 29 sager. I 2 sager er der meddelt konventionsstatus, mens der i de resterende 27 sager er meddelt afslag.

I august 2011 meddelte Flygtningenævnet konventionsstatus til en ung mand fra Syd Kivu. Manden var etnisk munyamulenge og havde i 2003 været med til at starte en lokal munyamulengeforening. Da ansøger ulovligt transporterede guld ud af DRC i 2010 for foreningen, blev han stoppet af de congolesiske myndigheder, som fandt både hans id-kort, hans foreningskort og det skjulte guld. Ansøgeren blev fængslet, udsat for vold og udspurgt om foreningen. Ansøgers mor bestak en vagt, der hjalp ansøger til at flygte. Herefter forlod ansøger DRC. Flygtningenævnet fandt, at ansøger var kommet i de congolesiske myndigheders søgelys.

I oktober 2011 meddelte Flygtningenævnet konventionsstatus til en kvinde med to børn fra Syd Kivu. Ansøgeren var etnisk munyamulenge. Kvindens forældre var blevet dræbt som led i etniske uroligheder i 1997. Kvindens ægtefælle havde været soldat og været med til at bringe Kabila til magten, men sluttede sig senere til en oprørsgruppe mod Kabila. På grund af forfølgelse af munyamulenge, og fordi ægtefællen var efterlyst af efterretningstjenesten, flygtede parret i 1998 til Angola. I Angola var de begge fængslet flere gange. Ansøger mistede kontakten med ægtefællen, da de i 2009 blev fængslet i Angola. Flygtningenævnet lagde til grund, at ansøger var forfulgt på grund af sin etnicitet sammenholdt med ægtefællens aktiviteter.

I de 27 sager, hvor Flygtningenævnet i perioden fra 1. januar 2010 til 10. august 2012 har meddelt afslag på asyl, er dette i de fleste af sagerne helt eller delvist begrundet med, at ansøgers forklaring ikke kan lægges til grund. Herudover er der sager om begrænset politisk aktivitet, mindre alvorlige konflikter eller overgreb langt tilbage i tid. I adskillige sager fastslår Flygtningenævnet, at den omstændighed, at ansøger er kvinde, munyamulenge, tutsi eller hutu ikke i sig selv kan begrunde asyl.

Siden 2004 er ca. 1.140 flygtninge fra DRC blevet genbosat i Danmark. Disse personer har ikke søgt asyl i Danmark, men er, i henhold til en aftale mellem de danske myndigheder og UNHCR og på

¹⁷⁴ Dansk Flygtningehjælp modtager samtlige Flygtningenævnets afgørelser vedrørende ansøgninger om asyl

baggrund af interviews gennemført på udvælgelsesrejser, genbosat direkte fra flygtningelejre i Afrika til Danmark. I Danmark har de fået opholdstilladelse som flygtninge. Denne gruppe udgør langt størstedelen af de personer fra DRC der opholder sig som flygtninge i Danmark.

7. Udsendelse

I rapport vedrørende Arbejdet med udsendelse af afviste asylansøgere fra februar 2012 oplyser Rigspolitiet således om udsendelse af afviste asylansøgere fra DRC: *Den 31. oktober 2011 var der 6 personer i aktuel udsendelsesposition. Der er umiddelbart ingen udsendelseshindringer i forhold til den Demokratiske Republik Congo (DR Congo)... Der er senest foretaget udsendelse til DR Congo i marts 2011.*¹⁷⁵

¹⁷⁵ Status efter 2. halvår 2011 vedrørende arbejdet med udsendelse af afviste asylansøgere. Rigspolitiet, NUC. Februar 2012.

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