

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	706
Land:	Den Demokratiske Republik Congo
Kilde:	EASO
Titel:	Political opponents, journalists, activists
Udgivet:	16. september 2021
Optaget på baggrundsmaterialet:	17. januar 2022



COI QUERY

Country of Origin	CONGO, DEMOCRATIC REPUBLIC OF (DRC)
Main subject	<u>Political opponents, journalists, activists</u>
Question(s)	1. <u>Treatment of political opponents, journalists and activists by state actors</u>
Date of completion	16 September 2021
Query Code	Q32-2021
Contributing EU+ COI units (if applicable)	N/A

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The target audience is caseworkers, COI researchers, policy makers, and decision making authorities. The answer was finalised on 16 September 2021. Any event taking place after this date is not included in this answer.

COI QUERY RESPONSE – Congo, Democratic Republic of (DRC)

Political opponents, journalists, activists

1. Treatment of political opponents, journalists, activists by state actors

Human Rights Watch (HRW) reported that during 2020 ‘Congolese authorities have cracked down on peaceful critics, journalists, and political party members while using state of emergency measures imposed due to the Covid-19 pandemic as a pretext to curb political protests.’¹ Similarly, the United States Department of State (USDOS) report covering the year 2020 recorded arbitrary arrests of civil society activists, journalists and opposition party members by the security personnel. According to the same source:

‘The law prohibits insulting the head of state, malicious and public slander, and language presumed to threaten national security. Authorities sometimes intimidated, harassed, and detained journalists, activists, and politicians when they publicly criticized the government, president, or SSF [State Security Forces]’.²

In July 2021, the United Nations High Commissioner for Human Rights (UNHRC) commented that challenges still exist in relation to ‘the unjustified and disproportionate use of force to suppress demonstrations, arbitrary arrests and detentions, and threats and attacks directed against journalists and members of civil society’ and calls the Democratic Republic of the Congo to ‘to guarantee the protection of the rights and freedoms of all, including political opponents, journalists, human rights defenders and other civil society actors’.³

Political Opponents

Freedom Houses classified the Democratic Republic of Congo as ‘not free’. Even though many political parties exist in DRC, the ‘opposition leaders and supporters are often intimidated and face restrictions on movements and rights to campaign or organize public events’.⁴

According to USDOS:

‘The law recognizes opposition parties and provides them with “sacred” rights and obligations. Government authorities and the SSF, however, prevented opposition parties from holding public meetings, assemblies, and peaceful protests. The government and the SSF also limited opposition leaders’ freedom of movement. The SSF used force to prevent or disrupt opposition-organized events’.⁵

In its report covering the events of 2019, HRW stated that since Tshisekedi came to power, there was a significant decline in political repression. The same source added that ‘many political prisoners and activists detained in previous years were freed, while activists and politicians in exile were

¹ HRW, DR Congo: Authorities Foundering on Rights Crackdown on Media, Dissent, Protests, 22 July 2020, [url](#)

² USDOS, 2020 Country Reports on Human Rights Practices: Democratic Republic of the Congo, 30 March 2021, [url](#), pp. 8, 17

³ UNHRC, Human rights situation and the activities of the United Nations Joint Human Rights Office in the Democratic Republic of the Congo Report of the United Nations High Commissioner for Human Rights, 15 July 2021, [url](#), p. 12

⁴ Freedom House, Freedom in the World 2021, Democratic Republic of the Congo, 3 March 2021, [url](#)

⁵ USDOS, 2020 Country Reports on Human Rights Practices: Democratic Republic of the Congo, 30 March 2021, [url](#), p. 26

allowed to return.⁶ Namely, Tshisekedi “pardoned” seven hundred political prisoners and urged politicians in exile to return’.⁷

However, some peaceful demonstrators continued to be arbitrarily detained or beaten by security forces’.⁸ On 30 June 2019, one person was killed by police’s ammunition during opposition protests in Goma.⁹ During 2020, ‘dozens of people who have criticized government policies, including on social media, have faced intimidation and threats, beatings, arrests, and, in some cases, prosecution’.¹⁰

According to Human Rights Watch, on 18 July 2021 the youth leader of the political party Together for the Republic (Ensemble pour la République) was arrested by the officers in Congo’s National Intelligence Agency and convicted to two years of imprisonment for ‘incitement to civil disobedience’. His arrest followed his calls for protest against a new Nationality Bill that the government was planning to pass.¹¹

Journalists

Press freedom is guaranteed under the Constitution of the country ‘but journalists often face criminal defamation suits, threats, detentions, arbitrary arrests, and physical attacks in the course of their work’.¹²

According to the USDOS 2020 report, ‘local journalists were vulnerable to intimidation and violence by the SSF’.¹³ The news agency IPS described the Democratic Republic of the Congo as ‘one of the most hostile and dangerous regions for journalists’.¹⁴ ‘Threats, physical violence, arrests, detentions, and even assassinations of journalists are daily occurrences’.¹⁵ Reporters Without Borders’ (RSF) partner organisation in DRC, Journalist in Danger, reported around 115 ‘press freedom violations’ in 2020,¹⁶ and RSF recorded one case of journalist killed in 2021.¹⁷

In addition, RSF reported a series of incidents where journalists were targeted by state authorities in 2020 and 2021. Some of these incidents include:

- In October 2020, a radio journalist was hiding after death threats by army generals. The threats came after a press conference where the journalist asked president Tshisekedi about ‘the business activities of certain high-ranking members of the Armed Forces of the Democratic Republic of Congo (FARDC) and about their potential links with armed groups’.¹⁸
- In March 2020, a reporter was attacked by the police forces while he was covering the lockdown imposed due to COVID-19.¹⁹
- In May 2021, a journalist was sentenced to six months in prison and a fine of 30 million franc after he was arrested, on February 2021, at his hospital bed. The journalist was charged with

⁶ HRW, World Report 2020, Events of 2019, 14 January 2020, [url](#), p. 165

⁷ New Yorker (The), A Top Leader of the Democratic Republic of the Congo’s Political Opposition Returns, 12 September 2019, [url](#)

⁸ HRW, World Report 2020, Events of 2019, 14 January 2020, [url](#), p. 165

⁹ HRW, World Report 2020, Events of 2019, 14 January 2020, [url](#), p. 165

¹⁰ HRW, DR Congo: Authorities Foundering on Rights Crackdown on Media, Dissent, Protests, 22 July 2020, [url](#)

¹¹ HRW, Hasty, Harsh Sentence for Congo Critic, Rising Opposition to Discriminatory Nationality Bill, 22 July 2021, [url](#); Germany, BAMF, Briefing Notes Group 62 – Information Centre for Asylum and Migration, 26 July 2021, [url](#), p. 5

¹² Freedom House, Freedom in the World 2021, Democratic Republic of the Congo, 3 March 2021, [url](#)

¹³ USDOS, 2020 Country Reports on Human Rights Practices: Democratic Republic of the Congo, 30 March 2021, [url](#), p. 18

¹⁴ IPS, Alarming Crisis of Impunity for Crimes Against Journalists in DRC, 29 July 2021, [url](#)

¹⁵ Free Press Unlimited, Congo DRC, n.d., [url](#)

¹⁶ RSF, Democratic Republic of Congo, n.d., [url](#)

¹⁷ RSF, Democratic Republic of Congo, n.d., [url](#)

¹⁸ RSF, Radio journalist in hiding after death threats by generals in eastern DRC, 14 October 2020, [url](#)

¹⁹ RSF, DRC - Congolese police run down reporter covering coronavirus lockdown, 26 March 2020, [url](#)

a press offence.²⁰

- In June 2021, a radio journalist was threatened by a soldier of DRC's forces²¹ and a freelance reporter was attacked at his house, also by men of DRC's armed forces, in the province of Nord-Kivu²². The reporters were covering the humanitarian and political crisis in the area.²³ Furthermore, a TV reporter was attacked in Kinshasa, while he was doing street interviews for the new measures against the COVID-19. The reporter was attacked by the supporters of the government under the accusation of "insulting the president".²⁴

Activists

Sources reported a series of incidents targeting activists during 2020-2021. Some examples are provided below:

- Amnesty International reported various arrests in Beni Town. On 19 December 2020, eight youth activists of the movement 'Lutte pour le Changement' (LUCHA) were arrested for participating in a peaceful protest denouncing the peacekeeping forces for failing to protect civilians in the area.²⁵
- On 7 January 2021, two other activists, members of the LUCHA, were arrested during a protest against the new taxation for motorcycle taxis.²⁶
- On 19 April 2021, two human rights defenders were arrested by the National Intelligence Agency (ANR) in Butembo. The activists were accused of 'troubling public order' and 'inciting for fiscal disobedience' as they were calling to strike against the armed violence in the Northeastern territory of Beni²⁷. These activists were then released on bail on the 24 July 2021.²⁸
- In March 2021, a human rights defender and activist was charged for defamation after the publication 'of a critical statement and the filing of a criminal complaint alleging corruption with the public prosecutor (procureur général) on behalf of a coalition of NGOs'.²⁹
- An exiled activist undergone threats and intimidation while he was in Paris and Brussels. Furthermore, his tenants in Kinshasa were summoned by the police. Jean- Jacques Lumumba is a whistleblower and was forced into exile in 2016 when he revealed a bank scandal involving the family of then-President Kabila.³⁰
- On 23 August 2021, a political activist, member of the LUCHA, was arrested in the area of North Kivu. The arrest was 'related to accusations of embezzlement of donations from the foundation of the First Lady Denise Nyakeru Tshisekedi'.³¹

Related EASO COI Query Responses:

[DRC: Updates on the security situation in Kinshasa between 1 January 2020 - 30 June 2021](#)

²⁰ RSF, Congo celebrates World Press Freedom Day by sentencing a journalist to six months in prison, 4 May 2021, [url](#)

²¹ RSF, Radio journalist threatened by soldier in northeastern DRC, 15 June 2021, [url](#)

²² RSF, DRC soldiers must not be able to attack journalists with impunity, RSF says, 28 June 2021, [url](#)

²³ RSF, DRC soldiers must not be able to attack journalists with impunity, RSF says, 28 June 2021, [url](#); RSF, Radio journalist threatened by soldier in northeastern DRC, 15 June 2021, [url](#)

²⁴ RSF, TV reporter attacked in DRC during street interviews about Covid restrictions, 2 July 2021, [url](#)

²⁵ AI, DRC: Authorities must immediately and unconditionally release 10 youth activists, 19 January 2021, [url](#)

²⁶ AI, DRC: Authorities must immediately and unconditionally release 10 youth activists, 19 January 2021, [url](#)

²⁷ AI, Urgent Action, Peaceful Activists Jailed for Call to Strike, 2 July 2021, [url](#)

²⁸ AI, Urgent Action, Peaceful Activists Released on Bail, 4 August 2021, [url](#)

²⁹ AI, DRC: Drop Defamation Charges Against Human Rights Defender, 30 March 2021, [url](#)

³⁰ HRW, Intimidation, Threats Against Congolese Whistleblower, 2 August 2021, [url](#)

³¹ Germany, BAMF, Briefing Notes, Group 62 – Information Centre for Asylum and Migration, 30 August 2021, [url](#), p. 3

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