

Flygtningenævnets baggrundsmateriale

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COI QUERY

Country of Origin/Topic	Democratic Republic of the Congo (DRC)
Question(s)	1. Information on anti-governmental demonstrations in Kinshasa between March 2018 and September 2019, including information on documented cases of persecution of persons participating in the above-mentioned demonstrations. 2. Information on arrests of political opponents and protesters in Kinshasa since August 2019 (i.e. under the new government). 3. Information on informal detention facilities, such as caves, in Kinshasa, actors of such detention facilities and treatment of detainees.
Date of completion	2 December 2019
Query Code	Q31
Contributing EU+ COI units (if applicable)	

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This response to a COI query has been elaborated according to the [Common EU Guidelines for Processing COI](#) and [EASO COI Report Methodology](#).

The information provided in this response has been researched, evaluated and processed with utmost care within a limited time frame. All sources used are referenced. A quality review has been performed in line with the above mentioned methodology. This document does not claim to be exhaustive neither conclusive as to the merit of any particular claim to international protection. If a certain event, person or organisation is not mentioned in the report, this does not mean that the event has not taken place or that the person or organisation does not exist. Terminology used should not be regarded as indicative of a particular legal position.

The information in the response does not necessarily reflect the opinion of EASO and makes no political statement whatsoever.

The target audience is caseworkers, COI researchers, policy makers, and decision making authorities. The answer was finalised on the 2 December 2019. Any event taking place after this date is not included in this answer.

COI QUERY RESPONSE

1. Information on anti-governmental demonstrations in Kinshasa between March 2018 and September 2019, including information on documented cases of persecution of persons participating in the above-mentioned demonstrations.

During the observed period of March 2018 – September 2019, several consulted sources reported about violent repression of peaceful demonstrations in Kinshasa and other cities:

Freedom House reported that throughout 2018:

‘Demonstrators across the country protested the electoral delays and flawed preparations for the planned voting. In several incidents, security forces used live ammunition, tear gas, arbitrary arrests, and detentions to quell demonstrations. Authorities also detained and harassed journalists who covered the protests and restricted the movement of some opposition leaders.’

The same source further added:

‘The constitution guarantees freedom of assembly, and demonstrations are held regularly, but those who participate risk arrests, beatings, and lethal violence in practice. The government repeatedly banned opposition demonstrations and used force against protesters during 2018.’¹

Human Rights Watch reported that ‘security forces killed at least 27 young men and boys and forcibly disappeared seven others during an anti-crime campaign between May and September 2018’ in Kinshasa. According to the African deputy director at Human Rights Watch, ‘Kinshasa police executions and disappearances appear to have been part of a broader government strategy to instil fear and deter protests before the elections’.² Human Rights Watch reported that ‘throughout 2018, government officials and security forces carried out widespread repression and serious human rights violations against political opposition leaders and supporters, pro-democracy and human rights activists, journalists and peaceful protesters’.³ UNHRC reported:

‘Between 22 November 2018 and 24 January 2019, United Nations Joint Human Rights Office (UNJHRO) documented the killing of at least 36 civilians in elections-related violence; victims were killed by defence and security forces as a result of disproportionate use of force, including the use of live ammunition, in the context of the population’s right to peaceful protest. During the same period, “state agents arrested at least 656 individuals arbitrarily across the country, mostly in the context of demonstrations”.

¹ Freedom House: Freedom in the World 2019 - Congo, Democratic Republic of (Kinshasa), 4 February 2019, [url](#)

² HRW, DR Congo: Police killed, ‘Disappeared’ 34 youth, Abusive anti-crime campaign spread fear prior to December elections, 21 February 2019, [url](#)

³ HRW, Democratic Republic of Congo 2018 incidents), 25 January 2019, [url](#)



In 2018, UNJHRO 'documented 6 831 human rights violations, with 61% committed by state agents (primarily in the context of democratic space)'.⁴

On **24 April 2018**, 40 protesters were arrested in a peaceful demonstration against the authorities for reasons of insecurity and massacres in Beni (North Kivu). Police used tear gas during the demonstration.⁵

Freedom House reported that in **July 2018**, 'police arrested peaceful protesters from two youth organisations who were demanding the release of fellow activists detained in Kinshasa'.⁶

In **August 2018**, Human Rights Watch reported that 'security forces used live ammunition and tear gas to disperse several largely peaceful opposition rallies organised in early August 2018 in Kinshasa, killing at least two and wounding several'.⁷

On **3 September 2018**, Amnesty International informed that 'the police cracked down against peaceful protests on the use of electronic voting machines in the upcoming elections slated for 23 December in the capital Kinshasa, and in Goma, Lubumbashi, Bukavu, Mbandaka, Mbuji-Mayi and Tshikapa, wounding 23 and arresting another 89'.⁸

Human Rights Watch reported that on **27 September 2018**, 'security forces have beaten peaceful protesters during peaceful protests demanding an end to the killings in Beni and international engagement to improve security'.⁹ On this day, 28 protesters were reportedly arrested in the capital Kinshasa, but released the same day.¹⁰

In **November 2018**, Amnesty International reported 'the death of two students from the University of Kinshasa after police illegally used lethal force on campus to disperse students peacefully protesting an ongoing lecturers' strike'.¹¹

Human Rights Watch reported that:

'Ahead of presidential elections scheduled for December 2018, the Government arrested other activists. In November, police arrested the journalist Peter Tiani and 17 pro-democracy youth activists without basis in Kinshasa. On 1 November 2018, police arrested 16 activists, including three young women, from the "Vigilance Citoyenne" (VICI) citizens' movement as they informed people about civic rights and duties at a public market in Kinshasa. They were transferred to Kinshasa's central prison, where they were charged with incitement to civil disobedience before being provisionally released on November 18'.¹²

Human Rights Watch also noted that: 'Government security forces forcibly dispersed opposition campaign rallies throughout the country ahead of the general elections scheduled for 23 December 2018 and arrested another 11 pro-democracy activists in Kinshasa and Goma on **14 December 2018**'.¹³ The International Federation for Human Rights reported on 'arbitrarily arrests and detention of 13

⁴ UNHRC, Enhanced interactive dialogue on the situation of human rights in the Democratic Republic of the Congo, 19 March 2019, [url](#)

⁵ Radio OKAPI, the police disperse LUCHA demonstration in Beni: more than 40 activists were arrested, 25 April 2018, [url](#)

⁶ Freedom House: Freedom in the World 2019 - Congo, Democratic Republic of (Kinshasa), 4 February 2019, [url](#)

⁷ HRW, DR Congo: Opposition Under Assault, 28 August 2018, [url](#)

⁸ AI, DRC: Authorities must halt crackdown on peaceful protests, 3 September 2018, [url](#)

⁹ HRW, DR Congo: Upsurge in Killings in 'Ebola Zone', 3 October 2018, [url](#)

¹⁰ HRW, DR Congo: Upsurge in killings in 'Ebola zone', 3 October 2018, [url](#)

¹¹ AI, DRC: Human rights concerns persist as electoral campaigns kick-off, 21 November 2018, [url](#); AI, DRC: Investigate student deaths after lethal force used against campus protests, 16 November 2018, [url](#)

¹² HRW, DR Congo: Pre-Election Crackdown on Activists, 21 November 2018, [url](#)

¹³ HRW, DR Congo: Campaigning Violently Suppressed, 17 December 2018, [url](#)

LUCHA members of Kinshasa section on 14 December 2018 by the National Republican Guards (GR) while they were raising awareness of Masina population (Kinshasa) on their electoral rights. On the **17 December 2018**, several other members of LUCHA were arrested while they were demonstrating in front of the police station (IPKin).¹⁴

The UN Secretary General reported on demonstrations held on **10 April 2019**, noting the following:

‘While several peaceful demonstrations were held without incident, others were suppressed by the authorities and resulted in demonstrators being arbitrarily arrested or injured. For instance, in demonstrations between eight and 10 April in Tshikapa (Kasai), Lubumbashi (Haut-Katanga) and Kinshasa, 38 demonstrators, including one boy, were arbitrarily arrested and at least 17 others, including one boy, were ill-treated by members of the Congolese National Police during or following the dispersal of peaceful protests related to the gubernatorial elections of 10 April’.¹⁵

The German Federal Office for Migration and Refugees’ (BAMF) Briefing Notes reported that:

‘On **12 June 2019**, violent clashes erupted in Kinshasa between supporters of the UDPS, whose leader Felix Tshisekedi had been sworn in as President in January 2018, and supporters of the PPRD party founded by former President Joseph Kabila. The clashes were reported from 12th Avenue, from Boulevard Sendwe and from Boulevard Lumumba. For examples, fights erupted in front of the headquarters of PPRD’s youth league in the 6th Street in Kinshasa’s Limete district. Several party offices of the pro-Kabila Common Front for Congo’ FCC were looted. Police dispersed the fighters with tear gas and warning shots. The clashes had been preceded by a protest march of militant PPRD youths (the so-called ‘Red Berets’) in front of the people’s palace (seat of the national assembly) in the morning of 12 June 2019 in response to a rally by UDPS youths on the same location two days before. Apparently, some UDPS supporters attacked several parliamentary members of the Kabila faction, accusing them to have insulted President Tshisekedi. At present, the two factions of Tshisekedi and Kabila are joined by a government coalition. However, no agreement has yet been reached on the ministerial positions in the cabinet’.¹⁶

According to a Human Rights Watch report, on ‘**30 June 2019**, the police fired live ammunition, killing one person, in dispersing opposition protests’. The ‘police also used teargas, beating and arbitrarily arrests in Kinshasa’. The article describes that the ‘Lamuka (“wake up”) coalition, which backed Martin Fayulu in the December 2018 presidential elections, called for peaceful protests on June 30-Congo’s independence day-against widespread corruption and election fraud’.¹⁷

2. Information on arrests of political opponents and protesters in Kinshasa since August 2019 (i.e. under the new government)

Within the timeframe for researching this query and among all the consulted sources, only the below source was found regarding the above-mentioned period:

¹⁴ Fidh, Arrestation et détention arbitraire de 13 membres de LUCHA, 21 December 2018, (unofficial translation by EASO) [url](#)

¹⁵ UN Security Council: United Nations Organization Stabilization Mission in the Democratic Republic of the Congo; Report of the Secretary-General [S/2019/575], 17 July 2019, [url](#), p. 12

¹⁶ Germany: BAMF, Briefing Notes 17 June 2019, 17 June 2019, [url](#), p. 2-3

¹⁷ HRW, DR Congo : Police fire on, beat protesters, investigate apparent use of excessive force, 4 July 2019, [url](#)



Frontline Defenders News reported that on 6 September 2019, the police arrested 18 human rights defenders during a peaceful march. The article describes that 'they were detained and whipped by the police at station of Police Inspector in Kinshasa'. The article further describes that the arrested individuals were released the same day.¹⁸

3. Information on informal detention facilities, such as caves, in Kinshasa, actors of such detention facilities and treatment of detainees.

Within the timeframe of research and among all the consulted sources, only a limited number of sources were found on informal detention facilities in Kinshasa:

On 12 April 2019, the African Association for the defence of Human Rights (ASADHO) reported about the presence of secret detention cells called 'cachots clandestins'. In a statement, ASADHO said that on 20 March this year, two men were 'kidnapped and detained in a secrete place' in Kinshasa. The article further stated that 'following a research by the family members, the two men were spotted in the secret cells of the "Military Detection of Antipatriotic Activities Service (Demiap)"'.¹⁹

The UN Committee against Torture reported that 'it remains seriously concern about consistent and credible reports that numerous people are being placed in police custody or pre-trial detention by the civilian intelligence service (the National Intelligence Agency) and its military counterpart (military intelligence headquarters) in secret locations, including numerous National Intelligence Agency punishments cells, in Kinshasa and other provinces'. The Committee asks the 'state party to close all unofficial places of detention'.²⁰

In June 2019, the United Nations Committee against Torture expressed its concerns on 'many consistent reports of repeated attacks on political opponents and human rights defenders seeking to exercise their right to freedom of association or expression'. The Committee also expressed its concerns on 'judicial harassment, act of torture or ill-treatment, arbitrarily arrest and detention of members of civil society'. The Committee also described that it 'remains seriously concern about the many ongoing cases of arbitrarily detention and the very widespread use of torture in many places of detention in the country. Particularly, against individuals suspected of belonging to the political opposition, by the members of the Armed Forces of the Democratic Republic of the Congo, the National Police and the National Intelligence Agency'.²¹

¹⁸ Frontline Defenders, Wave of reprisals against LUCHA members across the country, status: Reprisal, 10 September 2019, [url](#)

¹⁹ ADIAC, Human Rights: 'Demiap' accused of keeping secret detention cells, 18 April 2019, (*original text in French*) [url](#)

²⁰ United Nations Committee Against Torture, concluding observations on the second periodic report of the Democratic Republic of the Congo, 3 June 2019, [url](#), p. 3

²¹ United Nations Committee Against Torture, concluding observations on the second periodic report of the Democratic Republic of the Congo, 3 June 2019, [url](#), p. 5, 6



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