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DEMOCRATIC REPUBLIC OF CONGO

REPORT OF A FACT FINDING MISSION TO KINSHASA CONDUCTED BETWEEN 18 AND 28 JUNE 2012

Information about the procedure for and treatment of Congolese nationals returning to the Democratic Republic of Congo from the United Kingdom and western Europe

Country of Origin Information Service
November 2012

SECURING OUR BORDER CONTROLLING MIGRATION

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Preface

BACKGROUND

- i) The fact finding mission (FFM) was conducted by Country of Origin Information (COI) Service, UK Border Agency, with the assistance of the Foreign and Commonwealth Office (FCO). The FFM was led by Amanda Wood, senior country researcher, COI Service, accompanied by Eugenio Bosco, country researcher, COI Service. Neil Roberts, 1st Secretary Political (Migration) - East Africa (EAC States), Democratic Republic of Congo (DRC) and Somalia, based at the British High Commission in Nairobi, Kenya, assisted in some interviews. The British Embassy, Kinshasa, arranged all interviews with interlocutors and provided logistical support, including interpretation, throughout the mission.
- ii) The FFM was undertaken between 18 and 28 June 2012 in Kinshasa, DRC.
- iii) The FFM delegation would like to thank colleagues at the British Embassy, Kinshasa, for their considerable assistance before, during and after the mission.

PURPOSE OF THE MISSION

- iv) The purpose of the mission was to gather information about the treatment of Congolese nationals, both non-asylum migrants and failed asylum seekers, who have returned voluntarily or by force to the DRC from the United Kingdom (UK) and other western European states. The areas of enquiry of the FFM were:
 - numbers of Congolese nationals (irregular migrants including failed asylum seekers (FAS); voluntary and enforced) returned to Kinshasa and more generally to the DRC
 - description of the process of return / treatment at N'djili Airport, Kinshasa
 - monitoring of returnees by western governments, the United Nations and its agencies, international / local non-government organisations
 - treatment of returnees
 - the DRC government's perception of returning Congolese
- v) A complete terms of reference (ToRs) of the mission is available at [Annex B](#).

METHODOLOGY

- vi) The FFM was undertaken with reference to the '[EU \[European Union\] common guidelines on \(Joint\) Fact Finding Missions: a practical tool to assist member states in organizing \(joint\) Fact Finding Missions](#)', November 2010 (EU Guidelines 2010).
- vii) The FFM delegation sought to interview a broad spectrum of informed sources in order to obtain accurate, relevant, balanced, impartial and up to date information against the ToRs. Before the mission travelled to the DRC, a list of interlocutors was identified in consultation with the British Embassy, Kinshasa; the DRC country researchers in the Division de l'Information, de la Documentation et des Recherches (within the Office Français de Protection des Réfugiés et Apatrides), France, and the Centre de

documentation et de recherches (within the Commissariat général aux réfugiés et aux apatrides / Commissariaat-generaal voor de Vluchtelingen en de Staatlozen), Belgium; a senior researcher in Human Rights Watch (HRW), UK; and the DRC country researcher, Amnesty International, UK. The interlocutors were chosen based on the expertise, remit and role of the organisation against the ToRs.

- viii) As well as the interlocutors interviewed, the FFM delegation and/or the British Embassy, Kinshasa, contacted representatives of the Direction Générale de Migration; Service de Sécurité; Inspecteur Divisionnaire Adjoint Inspecteur Général Adjoint Charge de l'Administration et de la Logistique; Open Society Institute; Centre Carter, Maison des Droits de l'Homme; the International Committee of the Red Cross, Kinshasa; office of the United Nations High Commissioner for Refugees, Kinshasa; a representative of HRW based in Kinshasa; and Refugee Action in the UK. However, these organisations or individuals were unable or declined to provide publicly disclosable information against the ToRs.
- ix) The interlocutors contacted and interviewed represent the main sources relevant to this mission. But, as with any fact finding mission, factors including time constraints and availability mean the list of interlocutors consulted and information provided are not exhaustive.
- x) A list of interlocutors interviewed is at [Annex A](#).
- xi) All interlocutors were provided with the ToRs and, based on the ToRs, a list of written questions ([Annex C](#)) usually in advance of the interviews. Both documents were provided in English and French. Representatives of the Congolese authorities were provided with abbreviated versions of the ToRs and written questions which did not cover the treatment of returnees. Interlocutors were advised that the information obtained by the delegation may be published in a report placed in the public domain and used by UK Border Agency officials to assist them in making asylum and human rights decisions.
- xii) All interviews took place in Kinshasa on the premises of the respective interlocutors. Most of the interviews were conducted in French; some were in English. In regard to the information provided by the Belgium Immigration Official: it was not possible for the delegation to meet and interview the interlocutor during the mission. On its return to the UK, the delegation sent the list of the written questions to the official and received a written response by email.
- xiii) The notes of interviews were sent for approval by interlocutors before publication of the FFM report, as is the standard practice of COI Service and as referred in the EU Guidelines 2010. Two of the interlocutors asked to be referred to anonymously.
- xiv) The approved notes of the interviews with interlocutors are available at [Annex E](#).
- xv) **The FFM report is composed only of the approved notes of interviews with the interlocutors listed in [Annex A](#). Where it has been necessary to state the source or clarify a point made by an interlocutor, an explanation has been provided in square brackets [...].**
- xvi) Any comments regarding this report are very welcome and should be submitted to COI Service at:

Country of Origin Information Service

UK Border Agency

Lunar House

40 Wellesley Road

Croydon, CR9 2BY

United Kingdom

Email: cois@homeoffice.gsi.gov.uk

Website: <http://www.ukba.homeoffice.gov.uk/policyandlaw/guidance/coi/>

INDEPENDENT ADVISORY GROUP ON COUNTRY INFORMATION

- xvii) The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to make recommendations to him about the content of the UK Border Agency's COI material. The IAGCI welcomes feedback on UK Border Agency's COI reports and other COI material. Information about the IAGCI's work can be found on the Independent Chief Inspector's website at <http://icinspector.independent.gov.uk/country-information-reviews/>
- xviii) In the course of its work the IAGCI reviews the content of selected UK Border Agency COI documents and makes recommendations specific to those documents and of a more general nature. A list of the reports and other documents which have been reviewed by the IAGCI or the Advisory Panel on Country Information (the independent organisation which monitored UK Border Agency's COI material from September 2003 to October 2008) is available at <http://icinspector.independent.gov.uk/country-information-reviews/>
- xix) Please note: it is not the function of the IAGCI to endorse any UK Border Agency material or procedures. Some of the material examined by the Group relates to countries designated or proposed for designation to the Non-Suspensive Appeals (NSA) list. In such cases, the Group's work should not be taken to imply any endorsement of the decision or proposal to designate a particular country for NSA, nor of the NSA process itself. The IAGCI can be contacted at:

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Findings of the Fact Finding Mission (FFM)

1. NUMBERS OF CONGOLESE RETURNING TO DRC VIA N'DJILI AIRPORT, KINSHASA

- 1.01 [Members of Human Rescue said that] The Direction Générale de Migration (DGM) don't make the numbers of people who return to DRC public. No NGO (Non Government Organisation) would be able to provide such figures.

These people leave DRC with a valid passport and a short term visa (valid for 2-3 months). A visa costs about \$250-350. Congolese passports are valid for 5 years – but there is a stipulation that the passport should have at least 6 months remaining on it. People in this situation often expect to be away for 1-2 years to make enough money to come back to DRC and buy more/several houses. Once their visas expire they live clandestinely.

IOM have responsibility for migrants but they don't take care of them. Some returnees who are not from Kinshasa are just abandoned here as their families are elsewhere. There is no assistance by international organisations.

There is no programme of reintegration for returnees to DRC. [1]

- 1.02 [An official of the Federal Office for Migration of Switzerland stated that] In 2011 the Swiss [forcibly] returned 9 [people] to Kinshasa and 7 more returned voluntarily. During the election period the Congolese authorities asked them to suspend returns. There have been no returns in 2012 to date (25/06). They normally return about 10-20 people a year. There is [a] charter flight planned for the 5th July, 2012. The charter flight returned 7 people on July 4th 2012 [The Swiss official provided an update on the charter when they returned the approved the notes of the interview to COI Service]. [2]
- 1.03 [A human rights organisation stated that] The organisation does not have figures on the number of returnees to Kinshasa. [3]
- 1.04 [Representatives of Les Amis de Nelson Mandela pour la Défense des Droits Humains said] The organisation did not know the specific numbers of people returned from the UK. However, [it] had heard on MONUSCO radio of a bulk number due to return from the UK and this caused concern. This number included visitors, not just failed asylum seekers (FAS) or irregular migrants. [4]
- 1.05 [Representatives of Association de Défense des Droits de l'Homme (ASADHO) stated that they] Do not have exact number of returnees in 2011 and 2012. When people are returned and when there are special charter flights, ASADHO are not informed. They are sometimes informed later if people are detained as families contact them. [5]
- 1.06 [Representatives of Réseau National des ONGs des Droits de l'Homme (RENADHOC) stated] After the election there were a lot of returnees - 'combatants' sent back. These included people from Belgium, the Netherlands, France and UK.

Approximately 3 months ago (since [before] June 2012) a Belgian army flight brought back Congolese who were living in Europe. There were 70 cases returned from Belgium.

The organisation said it was difficult to give an exact number between 2011 and 2012, but it was aware of some specific cases. In the past Amnesty International used to send them a list of people who were being returned – but now they don't do this regularly. In

the past having the list was beneficial as they were able to go the airport to welcome them.

Now it seems returns are a secret operation – the DGM and the ANR can do what they want. When you search for the information – there is no clear information. You hear – 10 in some place, a few elsewhere – no clear explanation on where to find them. It is difficult to have access to see people. It seems that returns are secret because most times the flights arrive late at night. The organisation did not have access to the tarmac night or day.

In March 2011, 60 Congolese returnees were sent by force from South Africa. Not all of them were sent back to Kinshasa (where their families were) some of them were sent on a special plane to Lumumbashi, Katanga and were put in Kasapa prison...

In prison in DRC, people just get to eat food provided by their families as the government is not able to look after prisoners. So when they were sent to Katanga they found it difficult to find food and didn't eat. In principle the authorities should have sent them to Kinshasa.

In March 2012 approximately 70 people were returned from Europe on charter flights. They had no contact with their families and the organisation was not aware of their arrival. They were left to the mercy of the intelligence services, the DGM (Direction Générale de Migration) and the ANR (National Intelligence Agency). [6]

- 1.07 [Representatives of Œuvres sociales pour le développement (OSD) said that] The organisation does not have a precise idea of the number of returnees, they couldn't say how many people had travelled during 2011 – 2012.

This organisation looks after people who have been mistreated. In 2010 it dealt with 80 people, but last year it had 150 cases – some of these were people who were injured in the demonstrations around the time of the November '11 election. (A young man was brought to the meeting who had been shot in the leg – he had a wound - now much healed with scarring on 50% of one leg below the knee. He is now able to walk – but was not before). [7]

- 1.08 [Representatives of the Eglise du Christ au Congo stated] The Church does not know how many returnees, including failed asylum seekers, travelled into Kinshasa via N'djili airport in 2011 and 2012. The delegation were advised to talk to those who control the airport. [8]

- 1.09 [A British Embassy official responsible for matters relating to migration stated] There were no [forced] returnees [from the UK] in 2011 and 5 in 2012. It is understood that until 2012 there had been no UK returns for 3 years. [10]

- 1.10 [A human rights organisation in DRC said that] The organisation believes that in total around 50 returnees, including failed asylum seekers, travelled into Kinshasa via N'djili airport in 2011 and 2012 from Europe and UK. However, they do not have specific statistics because they no longer work closely on this issue after no longer having funds. For instance, in March 2012 19 people were returned from Belgium and in 2011 around 20 from the UK. [11]

- 1.11 [Representatives of Toges Noires said] Previously the organisation had precise figures because when people had to be returned they were informed from Europe about charter flights. Currently the organisation does not have this type of information. Sometimes the

organisation is told after a flight, but not before. There are people being sent back every day from African countries but in Europe there is a lot of noise when people are sent on individual flights. **[12]**

- 1.12 [Representatives of the French Embassy said] The Embassy does not have these figures because returnees come back from everywhere, France, Europe, USA and elsewhere. **[13]**
- 1.13 [Representatives of the police commander of the city of Kinshasa said] The police do not have any information on this. They advised the delegation to speak to DGM who have all the figures. **[14]**
- 1.14 [Representatives of International Organisation for Migration (IOM) said] The organisation was not aware how many returnees travelled to Kinshasa via N'djili airport in 2011 and 2012. It only deals with voluntary returns. **[15]**
- 1.15 [A member of a member of the Inspectorate of Justice said] advised the delegation to talk to someone in the Ministry of the Interior about the number of returnees to N'djili airport in 2011 and 2012 – that information is not held by the department. He also recommended talking to the DGM. **[16]**
- 1.16 [A representative of the Belgian Immigration Office in a written response stated] In 2011 124 persons were denied access on the territory [Belgium] (inadmissible persons) coming from Kinshasa. From January till June 2012 [,] 28 persons were denied access [sic] and turned back to DRC. In 2011 Belgium deported 18 DRC nationals and in 2012 30 DRC nationals. **[18]**

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2. PROCESS OF RETURN

TRAVEL DOCUMENTS REQUIRED BY RETURNING CONGOLESE NATIONALS

- 2.01 [An official of the Federal Office for Migration of Switzerland said] Voluntary returnees travel on emergency documents or a passport. The Congolese Embassy in Switzerland is now able to issue passports. The Embassy can also issue Laissez passers (LPs). **[2]**
- 2.02 [Representatives of Association de Défense des Droits de l'Homme (ASADHO) said] Congolese nationals return to the DRC with passports but some of them return without documents.

No other documentation is required to enter the DRC. **[5]**

- 2.03 [Representatives of the Eglise du Christ au Congo (Eglise) said] With regards to travel documents used by Congolese nationals return to the DRC, returnees come back like prisoners, without documents. Lots of them are without passports. People travel to Europe on their passports but once they are there and the visa expires, passports disappear. Sometimes people are taken straight from work – and they don't have their documents with them [and have no other opportunity to collect them from their homes]. There is also the problem of establishing whether people are actually from Congo as there are people from Angola and Cameroon pretending to be from DRC.

The Church had no information on any other documentation required to enter the DRC. [8]

2.04 [A British Embassy official responsible for matters relating to migration stated] Congolese nationals normally return on an ETD (Emergency Travel Document). [10]

2.05 [A human rights organisation in DRC stated that] With regards to travel documents used by Congolese nationals returning to the DRC, ETDs [Emergency Travel Documents] are used instead of passports. Returns for Belgium and France are negotiated by the embassies.

No information on any other documentation required to enter the DRC, only passports and ETDs. [11]

2.06 [Representatives of Toges Noires said] Passports are needed to return to DRC but in the case of returnees they do not have passports so they are 'put on the side' to await investigations to find out if they are Congolese. When people are returned from Europe, they are escorted by police who have their documents, these documents are then handed over to the DGM.

Returnees frequently do not have passports. DGM uses other methods to establish whether they are Congolese which includes a search of their pockets and other belongings. [12]

2.07 [Representatives of the French Embassy said] Returnees need ETDs (Emergency travel documents), issued by the DRC embassy and EU [European Union] letters for voluntary returns. This can be a problem because their embassy may have recognised them as DRC nationals just for their linguistic ability over the phone. Sometimes staff at Congolese embassies are in co-operation with Congolese and take bribes in order not to recognise a person as a DRC national, making it impossible for that person to be returned.

The embassy is able to make some investigations in DRC to establish if a person is Congolese (for instance with the verification of an address provided). In that case DGM can issue a 'sauf-conduit (a type of ETD – a Consular ETD) [allowing the return of the person] [13]

2.08 [Representatives of International Organization for Migration (IOM) said] Officially people arrive at the airport with a passport, but also for voluntary returnees a laissez passez (ETD) is used. Those with this document are directed to a specific DGM office at the airport. This is for all people returning on a laissez passer (LP) – not just voluntary returnees. These people are questioned – they have to justify why they have returned with a LP and don't have a passport – then they are released. The DGM keep the original LP – a copy is given to the returnee to take with them.

As well as a LP (issued by the Congolese Embassy in London), the returnees also have an internal document – a consent form. This is organised between IOM in the country the person is returning from (e.g. the UK IOM) and the DRC IOM. Both offices have a copy. Once the LP has been issued IOM starts the process of return after a counselling on the voluntary return and reintegration assistance option process. [15]

2.09 [A member of the Inspectorate Generale of Justice said] Documents for returnees are normally provided by the country of return, the representative was not aware of what specific documentation is required.

Normally when a person travels he has a passport which says he is Congolese, but sometimes a person may destroy any identifying documentation (such as a passport or ID [electoral card] to avoid being tracked where they are going – or to hide where they are from.

Sometimes returnees are put through a medical check to make sure they are not bringing any contagious disease[s] to DRC. Since a returnee is someone who has been illegally in another country the representative is not aware that the DGM can ask for anything more than the documents the returnee has with them or perhaps an ID card. [16]

- 2.10 [A representative of the Belgian Immigration Office said] Congolese nationals can return to the DRC with a valid DRC passport or travel document issued by the DRC Embassy in Brussels. There are no other documents required to enter DRC. [18]

PENALTIES FOR LEAVING DRC ON FALSE/INVALID PASSPORT

- 2.11 [An official of the Federal Office for Migration of Switzerland said] The representative was once member on a multilateral fact-finding mission in the DRC (February 2007). During an interview at the DGM Headquarters, the mission was shown full crates of passports (forged, wrong holder, etc.) that had been seized at Ndjili Airport by the DGM. Asked about what would happen to the person using such a document to exit the country, the DGM answered: 'Nothing: by seizing the travel document and the flight ticket, the punishment is sufficient'. [2]
- 2.12 [A Congolese human rights organisation said] Usually those coming back without documents (sans papiers) are not detained. They are interviewed and identified but not detained or mistreated. The treatment depends on what the person has done. If has caused some trouble in DRC or used forged documents, or is perceived to be against the government may experience problems. If has caused some trouble in DRC or used forged documents, or is perceived to be against the government may experience problems. [3]
- 2.13 [Representatives of Association de Défense des Droits de l'Homme (ASADHO) said] Penalties for leaving DRC without a valid passport: this should be questions for immigration (i.e. DGM) to answer but returnees are interviewed and sometimes detained by ANR. [5]
- 2.14 [Representatives of the Eglise du Christ au Congo] Had no information on penalties for leaving the DRC on a false or invalid passport. [8]
- 2.15 [A British Embassy official responsible for matters relating to migration stated] A number of British citizens have been arrested because their visas had expired – but they are just held at the airport.

There was also a person arrested for a visa offense but on further checks it was discovered that he had outstanding arrest warrant. He also owned the house his brother lived in (where a cache of weapons had been found) – and he had connections to a rebel group. The person was detained for about 9 months. [10]

- 2.16 [A human rights organisation in DRC said that] Regarding penalties for leaving the DRC on a false or invalid passport, there are penalties, according to Congolese penal law, even imprisonment. [11]

- 2.17 [Representatives of Toges Noires said] There are penalties for leaving DRC with a fake passport. If you are caught you are arrested and put in detention. **[12]**
- 2.18 [Representatives of the French Embassy said] Leaving DRC on a false or invalid passport is in theory a crime punishable with detention but not in practice, people are just interviewed and then allowed to go free. In DRC most documents are fake anyway. **[13]**
- 2.19 [Representatives of IOM said] The organisation is aware that a person with fake documents will be detained by DGM, but wasn't aware for how long – or what would happen following detention.

In another case a refugee travelling to Canada for resettlement from DRC leaving from Brazzaville had difficulty because neither his passport nor visa were stamped (passport sent to Nairobi for visa). This took a long time to sort out at N'djili airport – so long that he missed his flight – but he was not detained, it was not a criminal case. **[15]**

- 2.20 [A representative of the Inspectorate Generale of Justice said] Travelling on a false passport is illegal with a sentence of 5 years. **[16]**
- 2.21 [A representative of the Belgian Immigration Office in a written response stated] There were no penalties for leaving DRC on a false or invalid passport. **[18]**

PROCESS AT N'DJILI AIRPORT, KINSHASA

- 2.22 [An official of the Federal Office for Migration of Switzerland said] Once identity is confirmed, the DGM offer help to get to the city – or call the family to say the person is back in Congo. If the returnee is met by their family at the airport they just leave after the ID checks are completed. There was no information about the possible cost of the help offered by the DGM to assist with onward travel to the city or to contact the family. **[2]**
- 2.23 [A representative of Les Amis de Nelson Mandela said] On arrival returnees (not only from the UK) are interviewed by DGM and then the ANR take over. The only way out of this situation is if the person (or someone acting for them) knows someone in power. **[4]**
- 2.24 [Representatives of the Eglise du Christ au Congo said] With regards to the checks, returnees, including failed asylum seekers, are subject to by immigration officials at N'djili airport, returnees are brought to the DGM offices in town, the church is not notified.

In the case of Germany, the authorities there inform an associated church in Germany and the church here can go to the airport to see how returnees are treated. There is an agreement. Once returnees arrive at the border, they are handed over to the church by DGM. The Congolese government has no infrastructure and here there is no civil society either to look after returnees if they are for example ill. With regards to other countries, if the church is contacted it is able to look after then, if not they are unable to do so. When the church receives returnees it has to report back to Germany. This monitoring is done to avoid ill-treatment of returnees. For other countries, the church is not aware as they are not contacted. Solicitors from Germany sometimes ask the church information before people are returned. In Germany they take 9 years before deciding to send someone back. The church mainly takes care of humanitarian cases,

they would not be willing, for instance, to take on criminal cases. The church receives returnees to see in what conditions they are. Some of them might have fought before entering the flight to avoid being deported. [8]

2.25 [A human rights organisation in DRC said] With regards to the checks, returnees, including failed asylum seekers, are subject to by immigration officials at N'djili airport, the pilots of airplanes with returns flights have ETDs or other documents. Returnees are usually escorted by immigration officers or police officers of the countries returning them. Once returnees are out from the plane, documents are handed over to DGM and returnees are sent to an office called 'office of control and fraud'. There, they are interviewed (a procedure called 'procès verbale', i.e. oral hearing), they are identified and rarely photographed. After this, if there is nothing, they can be released. If not, they are sent to the DGM detention centre in Kinshasa but only certain cases, the majority of people are released but often after some of their belongings are taken away. It is assumed that returnees have money. This of course is not done officially. Returnees are intimidated and told that if they do not pay money [to DGM] there could be problems. This is frequently done outside of the control of the authorities above [DGM personnel]. [11]

2.26 [Representatives of Toges Noires said] DGM are concerned about establishing the citizenship of returnees but they work together with ANR who want to identify each person who enters DRC. There are persons on the black list, they [DGM + ANR] have lists of people who make demonstrations and disturb the DRC authorities in Europe. [12]

2.27 [Representatives of the police commander of the city of Kinshasa said] The identification of returnees is done by DGM, the police have nothing to do with this. Even the verification of addresses is done by DGM. If people have to be returned here, they need to be identified as Congolese citizens. There are DGM people going to UK, The Netherlands and Belgium to identify Congolese who have to be returned, a team of about 3-4 people go. In the UK this is known as operation Orbit. Once a representative of DGM went to Belgium to identify people, out of 24 people to be interviewed, only 20 were Congolese, there were also Angolans. DGM are asked to identify Congolese from London and Europe. There are some simple questions that can be used for this. There is mix of nations. Some people from other countries come here and then go abroad and say they are from DRC. Also people from DRC can say they are from somewhere else. There are lots of West Africans who are illegally in DRC and going to Angola and when they are sent back from there they say they are from DRC but they are not.

When returnees are sent back here, DGM are aware. The same team who had identified them abroad (including the UK) welcome them here. After quick controls are made by DGM according to Congolese law, returnees are free to go. [14]

2.28 [A member of a member of the Inspectorate Generale of Justice said] Sometimes returnees are put through a medical check to make sure they are not bringing any contagious disease to DRC. [16]

2.29 [A representative of the Belgian Immigration Office in a written response stated] The identity of the returned person is checked by the DGM (immigration). [18]

2.30 [A Congolese human rights organisation stated] Usually those coming back without documents (sans papiers) are not detained. They are interviewed and identified but not detained or mistreated. The treatment depends on what the person has done. If has

caused some trouble in DRC or used forged documents, or is perceived to be against the government may experience problems. [3]

- 2.31 [Representatives of IOM said] In terms of checks by immigration officials at the airport, voluntary returnees who have requested assistance by IOM (not all voluntary returns do): a letter is sent to DGM to inform them that someone is returning with the assistance of IOM. IOM representatives are at the airport before the plane lands.

The voluntary returnee is directed to the specific office as has a [laissez-passer] LP. DGM are aware of the person's return because IOM have already told them that they are assisting the person. The person answers a few questions – it's clear when someone returns with IOM – there are no problems.

Sometimes the DGM contact IOM if there is a voluntary returnee who IOM are not there to meet - this is when a returnee has not asked for help from IOM (assistance on arrival and secondary transportation). If they are asked they are always at the airport in advance to meet the plane.

In 2008/9 there was a person who returned from Belgium – IOM got the message too late – they were not contacted by IOM in Belgium until the morning after the flight. But DGM called IOM when the plane landed – IOM had a special arrangement with someone in the DGM and he drove the returnee home (IOM reimbursed the DGM the cost of a taxi fare for the journey).

IOM make arrangements well in advance when they are expecting a returnee – the road to the airport is very busy so they prefer to leave a couple of hours earlier than needed. They also need petty cash for parking ([US]\$12 for the whole day). [15]

- 2.32 [Representatives of IOM said that] When a person requests assistance to return with IOM help starts from the country they are leaving. Initially returnees are given counselling and an explanation of how the package works, what they will get and for how long. Then IOM purchases air tickets, the returnee packs luggage, goes to the airport and is given some cash. In the UK voluntary returnees receive £500 – but this is provided reintegration assistance grant in two instalments. Between 2005 and 2010 a different system was used to get the money (mostly in kind) to the returnee through the supplier or training institution but now returnees arrive with a visa card and once IOM Kinshasa are given the go ahead from London they give the returnee authorisation to go to the bank.

IOM in Kinshasa are informed when the returnee proceeds with the counselling, at that time if a physical address is known IOM locates where the returnee will head to and if necessary will arrange tickets for the onward journey from Kinshasa. IOM also pay for overnight accommodation in Kinshasa and for any additional travel. DGM are also informed of the returnee's imminent arrival.

IOM has offices in Bunia, Bukavu, Kisangani, Gemena and Goma. If the returnee is travelling anywhere where there is no IOM office local trustworthy NGOs are contacted to assist the returnee.

Returnees do not receive the money straight away (and then not cash) – once they are home, if there are accessible internet facilities they email IOM [or using an alternative method of communication] get a business plan/ quotations/ ideas and when IOM in the UK find the proposals acceptable they give permission for IOM Kinshasa to provide the first payment. The second instalment is made after 6 months.

IOM used to follow up to see how the person was getting on - but not now as the voluntary return contract is with Refugee Action. IOM have only assisted two cases in 2011. [15]

- 2.33 [Representatives of IOM said] IOM assisted voluntary returns are treated the same way whichever country they come from, the only difference is in the amount of money they receive.

The package from the UK and Switzerland is almost the same – the equivalent of about £2,500. The package for Belgium has now increased and is also more or less equivalent to £2,200.

From South Africa, Morocco and Libya the package is €400-500, from South Africa - €100. [15]

- 2.34 [Representatives of IOM said] IOM are sometimes asked by voluntary returnees' friends for help. Some returnees who were detained by DGM some weeks or months after see their friends who returned with the assistance of IOM come to the office asking for the same IOM package, but IOM cannot help – they are told they should have signed up for it before they returned. Some of them say they thought when they heard about the assistance originally it was a way to get people to return – they didn't trust it. [15]

Data recording system at N'djili Airport

- 2.35 [An official of the Federal Office for Migration of Switzerland said] Eighteen months ago DGM were working with paper, but now have an electronic system. Now they have information ahead of arrivals. [Previously the DGM had an electronic system called Pisces – provided by the Americans]. [2]
- 2.36 [Representatives of Œuvres sociales pour le développement (OSD) said] The DGM now (since 2010) has a data/computer identification system, so from this system they can know all the information about people travelling. They know who goes out and who comes in. [7]
- 2.37 [Representatives of the Eglise du Christ au Congo stated] With regards to information on what recording system exists at N'djili airport, and on whether the Congolese immigration authorities are able to identify returning failed asylum seekers, this is done by DGM and ANR as well as IOM, with the biometric data contained in passports and they also take fingerprints. Returnees are provided with a small piece of paper with a number to go to DGM. In the airport they create a list of returnees: one copy goes to DGM Provincial office, another to the DGM headquarters. Returnees coming back from Europe have identity to show they are Congolese, from this the DGM help them to get a passport. Some people have been ill-treated in the country where they have been sent back from so some don't bother to get a passport – they just stay in DRC without a passport. [8]
- 2.38 [A British Embassy official responsible for matters relating to migration said] There is a computerised migration system at the airport. [10]
- 2.39 [A human rights organisation in DRC stated that] With regards to information on what recording system exists at N'djili airport, their system is new. It was provided with the support of IOM, in the last two years. However, recording information is frequently done on paper. [11]

- 2.40 [Representatives of Toges Noires said] For a while (probably for the last four years, after the introduction of DRC biometric passports), the authorities at the airport have been using electronic data to get hold of information about people getting in and out from the country. **[12]**
- 2.41 [Representatives of the French Embassy said] DGM verify that returnees are Congolese. With regards to the recording system available at the airport, they use an electronic system called SIRP, provided by IOM. **[13]**
- 2.42 [Representatives of IOM said] The DGM now have an electronic system to record migration information – they are well equipped. This was part funded by IOM and the UK. It's called PIRS – Personal Identification and Registration System. The same system is also in Yema and Lufu (Bas Congo) and in Kamvivira (South Kivu).
- [An IOM representative included a comment in the approved notes of the interview] The system can be further developed to include biometric information but for the time being, it's simply recording the available passport data, including the photograph if I'm not mistaken. **[15]**
- 2.43 [A member of the General Inspectorate of Justice said] The recording system at the airport is electronic; there is a computer there to access migration information. **[16]**
- 2.45 [A representative of the Belgian Immigration Office in a written response stated] There is a paper based system recording system at N'djili airport. **[18]**

Identification of failed asylum seekers at N'djili Airport

- 2.46 [Members of Human Rescue said] The DGM can identify failed asylum seekers (FAS) when they are sent back. **[1]**
- 2.47 [An official of the Federal Office for Migration of Switzerland said] The documentation provided by the Swiss to DGM cannot identify them as failed asylum seekers (FAS). However if a returnee voluntarily tells the DGM that he claimed asylum – or the reason for doing so, that is out of the hands of the Swiss authorities. **[2]**
- 2.48 [Representatives of Les Amis de Nelson Mandela said] FAS do not return with passports, but with a document – from this it is known exactly what type of traveller a person is. **[4]**
- 2.49 [Representatives of Association de Défense des Droits de l'Homme (ASADHO) said that] The DGM should be able to identify FAS – they have a register of who went and who came in. There is a lot of smuggling at the airport. **[5]**
- 2.50 [Representatives of Renadhoc said] The ANR and the DGM know very well which returnees are failed asylum seekers (FAS). On charter flights and scheduled flights they know, because the returning country tells the DGM before they leave. The FAS can't escape the security services. When these people claim asylum they say bad things about DRC so when they get back the government knows they are enemies of the government. **[6]**

- 2.51 [Representatives of Œuvres sociales pour le développement (OSD) said that] Congolese Immigration authorities are able to identify failed asylum seekers (FAS): they have a register of all the returns. For all returnees the DGM should have a list of names. The DGM also has a list of names of people to send out of DRC – usually to West Africa. **[7]**
- 2.52 [A British Embassy official responsible for matters relating to migration] Was not aware of any way the Congolese authorities would be able to identify failed asylum seekers (FAS) who voluntarily returned. There is collaboration between DGM, the British Embassy (who issued 2 ETDs) and the Congolese Embassy in London for forced migration. The Embassy does not discuss details of Foreign National Offenders. Returnees are just referred to as 'returnees' – not FNOs (Foreign National Offenders).
- 2.53 [A British Embassy official responsible for matters relating to migration stated] The DGM are aware of forced returns because of the documentation process. The DGM may not be aware of the identity of FAS who return voluntarily because they travel on an ordinary flight and with a passport. **[10]**
- 2.54 [A human rights organisation in DRC stated that] The Congolese immigration authorities are able to identify returning failed asylum seekers as they are always informed. When returnees arrive here there is an interview during which the authorities can establish this. When people are sent back, documents are given directly to DGM. **[11]**
- 2.55 [Representatives of Toges Noires said] For the authorities it's difficult to identify failed asylum seekers (FAS). They can only know from the documents they receive from escorts. Those documents, however, usually only mention that people were illegally in a country (i.e. they were irregular migrants) without specifying they are FAS. **[12]**
- 2.56 [Representatives of the French Embassy said] All the asylum seekers accuse the Congolese government of lack of democracy, a lack of human rights and of security. Returned failed asylum seekers cannot be identified as the [French] embassy [and French government] does not give the DRC authorities information about the asylum applications of returnees. They do not tell the government why people are sent back. They just say they were people who were in France irregularly. **[13]**
- 2.57 [Representatives of IOM said] The organisation was not aware if DGM would be able to identify failed asylum seekers (FAS). Although [they] imagined that PIRS could record different categories, such as business man/ student/ single migrant etc. The organisation only deals with two groups – family reunification and the resettlement programme. **[15]**
- 2.58 [A representative of the Belgian Immigration Office in a written response stated] The Congolese authorities can identify failed asylum seekers by interview with the person. **[18]**

DETENTION FACILITIES AT N'DJILI AIRPORT (AND IN KINSHASA)

[This section should also be read in conjunction with section 3, Treatment of returnees, below]

- 2.59 [Members of Human Rescue said] There used to be detention facilities at the airport but this officially finished in 2005/6. The organisation could not say exactly when. **[1]**

- 2.60 [An official of the Federal Office for Migration of Switzerland said] They have been all over the civil airport – a delegation of 8 was allowed to check upon every corner and space – but did not see any detention facility. [2]
- 2.61 [A human rights organisation said] There are no places to detain people at the airport.
- At the airport there are no facilities to detain people, just an office where returnees are interviewed. If they have to be detained, they will be brought to the DGM headquarters. ANR is present at the airport but acts discreetly, without coming to light. Any action is taken by DGM. It works this way: the person arrives, is received by DGM, the normal formalities to enter DRC are dealt with but returnees will be interviewed. No torture or mistreatment can happen at this stage. After the interviews DGM decide whether a person can be freed. If they want to arrest a person, this is later (it doesn't happen at the airport). [3]
- 2.62 [Representatives of Les Amis de Nelson Mandela said] Returnees may be put in one of the rooms at the airport. They will then be taken by car to the main ANR prison in Kinshasa. Once there they have no access to a lawyer or their family. If the organisation are made aware of this detention they can work with MONUSCO who can get access to this prison, but often the ANR deny that the person has been detained. In some cases if MONUSCO know people in the ANR it may be possible to find out where the person has been detained. [4]
- 2.63 [Representatives of Association de Défense des Droits de l'Homme (ASADHO) said] The organisation does not have information about detention facilities at the airport, but there are many places at the airport where people may be kept. [5]
- 2.64 [Representatives of Renadhoc said] It is difficult to say in which specific circumstances returnees are detained – they are all arrested.
- There are no proper detention facilities at the airport but some offices - ANR and DGM, police and army which transform from offices to detention places during the evening. For example - the President of the UDPS was put in an office overnight and then taken to the DGM Provincial prison. The law allows a person to be detained for up to 40 hours. [6]
- 2.65 [Representatives of Œuvres sociales pour le développement (OSD) said] There is no specific detention place at the airport so returnees are put in a car and sent to the Provincial prison. [7]
- 2.66 [Representatives of the Eglise du Christ au Congo stated] In principle, the authorities do not detain returnees at the airport. They make an effort to reunite returnees with their families. DGM does not want to take care of them. If returnees have no family in Kinshasa, they just stay in the DGM office.
- There are no detention facilities at N'djili airport. Returnees are brought to the DGM offices in town. [8]
- 2.67 [A British Embassy official responsible for matters relating to migration stated] The [British Embassy] official does not know if there are detention facilities at the airport – physically it is small building, so could not imagine where they would be. [10]
- 2.68 [A human rights organisation in DRC stated that] It is difficult to say whether the authorities detain returnees at the airport. The organisation mentioned the case of a DRC politician who was mistreated in the UK by some Congolese 'combatants' and some of

them were asylum seekers. All people who are believed to be 'combatants' are mistreated once returned. Some asylum seekers use this to justify the fact they should not be returned to DRC. Congolese returnees from South Africa were detained, but not all returnees are detained, only those who are supposed to belong to the 'combatants'.

There are no detention facilities at N'djili airport, as far as it is aware. [11]

2.69 [Representatives of Toges Noires said] DGM does not have detention facilities at the airport. They keep people in their offices, then people are brought to the DGM provincial headquarters, there are many who are detained there. [12]

2.70 [Representatives of the French Embassy said] DGM do not detain people for immigration matters. This happens if you have committed crimes here or for example if a returnee has committed a crime [the example given was murder] in the country the person has been returned from. In which case, the DGM will be looking out for their arrival. Therefore people are not detained for being returned but for the crimes.

DGM does not have detention facilities at the airport. They detain people in town at their headquarters. Most of the time, they send foreigners there. If someone has to be prevented from flying they will be also taken there by DGM. [13]

2.71 [Representatives of IOM said] In the past DGM used to keep people in their office – and in the past they were involved with Kin Maziere – a special place for the police where people were kept.

In 2009 IOM had a voluntary return case who was detained for 24 hours due to an administrative error. The [laissez passer] LP for the person recorded him as being a former ANR employee - but this was a mistake by the Embassy in Brussels. The DGM kept him just for questioning. IOM who had unusually not received a copy of the LP before the person travelled called the Embassy immediately - the Embassy called the DGM and the person was released. It was later found that a person in the Embassy had a problem with the traveller and with malicious intent had added false information to the LP.

There are DGM detention facilities but the organisation didn't know the exact location – but possibly at the DGM headquarters.

There are no detention facilities at the airport. A few years ago (before 2008) the UK and Belgium looked into the possibility of funding a detention place that the DGM could use for people accused of migration offences – to avoid them being put in other places of detention with mainstream criminals. However nothing ever became of this.

There are detention facilities but the organisation didn't know the exact location – but possibly at the DGM headquarters. [15]

2.72 [A member of the Inspectorate Generale of Justice said] the DGM do not forcefully detain returnees, they just interview them to get their identity.

If a person is in possession of an object/thing which can be the subject of fraud, for example if someone is in possession of drugs they can be detained. A person will also be detained if they fight the authorities, for example during the interview process. If returnees are thought to have a contagious disease they will be put aside in a separate

room. There are no detention facilities at the airport – if a person is detained it is just to hold that person until they can be detained. [16]

2.73 [An official of the United Nations Office of the High Commissioner for Human Rights/United Nations Organisation Stabilisation Mission in the DRC (OHCHR/MONUSCO) joint Human Rights Office said] There may be detention facilities at the airport – like everywhere else in the world, but since the office doesn't deal with the returnees, it cannot confirm this. [17]

2.74 [A representative of the Belgian Immigration Office in a written response said about circumstances when the authorities may detain a returnee] [T]hey had never had that particular case. In most cases the person leaves the airport the same day of arrival after having been identified by the DGM.

There are no detention facilities at N'djili airport. [18]

DETENTION FACILITIES IN KINSHASA

2.75 [Members of Human Rescue said] All returnees are taken by a waiting car to the DGM Provincial prison for 'enquiry reasons'. Sometimes this detention can last one month. It is only possible to get free from this if you know someone in power.

The DGM are very open about arresting and then detaining people in their Provincial prison.

There is also an ANR prison (Avenue 3Z) near the British Embassy. [1]

2.76 [An official of the Federal Office for Migration of Switzerland said] There are military barracks on the site of N'djili airport but the Swiss authorities do not have access to it. [2]

2.77 [Representatives of Les Amis de Nelson Mandela said] Returnees may be put in one of the rooms at the airport. They will then be taken by car to the main ANR prison in Kinshasa. Once there they have no access to a lawyer or their family. If the organisation are made aware of this detention they can work with MONUSCO who can get access to this prison, but often the ANR deny that the person has been detained. In some cases if MONUSCO know people in the ANR it may be possible to find out where the person has been detained. [4]

2.78 [Representatives of Association de Défense des Droits de l'Homme (ASADHO) said] DGM has a small prison in their provincial headquarters in Kinshasa. Before the police used to detain people in Kim Maziere, which is now closed. ANR keep people in 'cachots' [underground cells]. No one other than the ANR can enter ANR prisons.

A resident of Ireland (not a returnee) [name redacted] who came here with a project, was taken from Kinshasa and detained for 9 months without access and tortured. He is now in Makala (in Kinshasa) prison being accused of funding the movement who was supposed to kill the president in February 2011. He was accused of being sent to DRC by the number 1 of APARECO. This suggests that those coming from Europe are seen as a danger to the government. [5]

2.79 [Representatives of Renadhoc said] These are other places of detention:
ANR – (Direction Exterieur /avenue 3Z)
[Détection militaire des activités anti-patrie] (Demiap Kintambo)
DGM (Direction Provinciale Kinshasa)

Demiap – AFRD (Military)
DGM Kin Maziere - still exists
Police Kin Maziere – closed
There are also some 'cachots' in police offices

In prison in DRC people just get to eat food provided by their families as the government is not able to look after prisoners. [6]

- 2.80 [A British Embassy official responsible for matters relating to migration stated] Returnees are detained at Makala prison for regional offenses, at Demiap prison (ANR) for crimes against the State and at N'Dolo (military prison) for crimes against the military. The British Embassy has access to all these prisons. It has consular access to ANR detention centres.

It is believed that only high profile people who were believed to be a threat to the State may be detained.

Conditions at all prisons are quite poor. The families of most British nationals detained there deposit money with the British Embassy so that food and bottled water can be provided, otherwise detainees get one meal a day and unbottled water. The prison is not dangerous just run down. In Makala, prisoners are allowed to keep their mobile phones with them.

Mobile phones are not allowed in N'Dolo prison, but detainees are allowed to make 2 phone calls a week. No phone calls can be made from Demiap. [10]

- 2.81 [A human rights organisation in DRC said that] Returnees are detained at the DGM detention centre in Kinshasa, the so called 'transit centre' at the DGM provincial offices. The organisation had suggested having an office at the airport because otherwise it's difficult to know what happens there. Some returnees are sent to ANR detention places. Most of those who are sent there are those who were 'black-listed'. For instance political militants who were abroad and had disturbed the Congolese authorities while in the UK. Also the origin plays a role: a person originally from the Equateur province (from where Mobutu and Bemba originate) may have problems. [11]
- 2.82 [Representatives of Toges Noires said] They [DGM] keep people in their offices, then people are brought to the DGM provincial headquarters, there are many who are detained there. [12]
- 2.83 [Representatives of the French Embassy said] DGM detain people in town at their headquarters. Most of the time, they send foreigners there. If someone has to be prevented from flying they will be also taken there by DGM. [13]
- 2.84 [Representatives of IOM said] Many returnees are detained for 24/48 hours, but those with a criminal background would be detained longer. DGM may detain for migration problems, but IOM were not aware who would detain people in other circumstances. [15]
- 2.85 [A member of the General Inspectorate of Justice said] There are no detention facilities at the airport – if a person is detained it is just to hold that person until they can be detained. There is a magistrate in N'djili (the District) where a person who is to be detained can be taken. People can be detained in a facility there for up to 5 days with a provisional arrest warrant before they are taken before a judge. If the judge accepts that

further detention is warranted the person can then be detained in Makala Central prison for up to 15 additional days before being charged. **[16]**

- 2.86 [An official of the OHCHR/MOUNOSCO joint Human Rights Office said] The following detention facilities exist in Kinshasa:

Prisons:

Makala for civilians

N'dolo – for uniformed people

Other detention places:

ANR

DEMIAP – Intelligence/military

Republican Guard and some other places such as police cells, amigos etc.

The organisation does not have access to ANR detention centre but it has a good working relationship with its General Administrator of this institution. Other known detention centres (mentioned above) are accessible. **[17]**

- 2.87 [An official of the OHCHR/MOUNOSCO joint Human Rights Office said] The office noticed that there are less cases of torture or ill treatment in Kinshasa's prisons – but the conditions of the prison need attention. The cells are not appropriate.

For example, in early June [2012], the office was informed that three people from opposition parties were arrested and detained in one of a well-known military cell. The office was informed that they had been tortured but after investigation the office found that this was not true. **[17]**

- 2.88 [A representative of the Belgian Immigration Office in a written response stated] [T]he DGM has a transit centre in town where they are detaining their illegal migrants. As soon as they buy their flight ticket back home they are released. **[18]**

ACCESS TO DETENTION FACILITIES

- 2.89 [Representatives of Human Rescue said] The organisation can access places of detention but it is very difficult. **[1]**

- 2.90 [A human rights organisation stated] The organisation's name means they are there to provide assistance to detainees. They provide legal assistance to detainees by meeting with the solicitor who works in the prison, where there is one. They visit ordinary prisons, including Makala central prison, high courts' prisons, lower courts' prisons and the prisons police stations have in local boroughs' They also visit the prison at the DGM regional headquarters in Kinshasa... [but also stated] The organisation is not able to access places of detention. **[3]**

- 2.91 [Representatives of Amis de Nelson Mandela said] They have access to prisons but if the organisation asks to visit a person in prison, the person is moved and put elsewhere so it can't see them. Sometimes when MONUSCO tries to see someone in ANR detention, the ANR changes the person's name so MONUSCO cannot visit them. **[4]**

- 2.92 [Representatives of Association de Défense des Droits de l'Homme (ASADHO) said] ASADHO have access to normal prisons as lawyers but not to those run by ANR (cachots) and other illegal/unofficial places of detention. **[5]**

- 2.93 [Representatives of Renadhoc said] Human rights defenders (organisations and solicitors) officially have no access to ANR places of detention. **[6]**
- 2.94 [Representatives of Œuvres sociales pour le développement (OSD) said] The organisation cannot access places of detention – it can be done but it is not easy and it needs to be carried out discreetly. Members of the organisation can gain access by pretending to be a member of the detained person's family. If it was known that they are human rights defenders they would not be able to gain access. **[7]**
- 2.95 [Representatives of the Eglise du Christ au Congo stated] They are able to access places of detention, especially if their bishop goes there. They also have chaplains in some prisons. **[8]**
- 2.96 [A British Embassy official involved in human rights issues said] The Embassy is able to access places of detention. **[9]**
- 2.97 [A human rights organisation in DRC said] The organisation is able to access places of detention, DGM centres a little bit; ANR detention centres not at all. Officially human rights organisations are not allowed to access the prisons of security services (ANR) only the official prisons. **[11]**
- 2.98 [Representatives of Toges Noires said] It is not easy to access places of detention because of the security services, they do not – at least officially – have access to either DGM or ANR places of detention. They can access the DGM provincial detention centre but can only call the person out, without going inside the prison, and talk to the person in the presence of DGM officials. **[12]**
- 2.99 [Representatives of the French Embassy said] The embassy has access to prisons but only for French nationals. **[13]**

SECURITY SERVICES AT THE AIRPORT

- 2.100 [An official of the Federal Office for Migration of Switzerland said] There are several security services that operate at the airport – it is not possible to know if those security people are meant to be there or not, if they are working officially or not. They would not need to catch people on the spot; they would just need to identify and watch them in order to arrest them later, if ever. **[2]**
- 2.101 ASADHO said all airports in the country have the presence of the Republican Guard. **[5]**
- 2.102 [Representatives of the French Embassy said] At the airport there are DGM; RVA (Régie des voies Aériennes) - in charge of the security of airports and in charge of the restricted area; in the public areas there are police; DGM; ANR; the army and the Republican Guard. **[13]**
- 2.103 [Representatives of the police commander of the city of Kinshasa said] For the moment DGM is a separate service. However, with the police reform (which the UK has assisted in funding), in the near future DGM will be integrated into the police. The decree has been already signed, they are just awaiting its implementation.

There are five services operating at the airport:

DGM
ANR
RVA (Régie des Voies Aériennes)
OCC (Congo Office of Control)
Customs agents

The police have already created a border police which is being trained to intervene at the airport when needed.

The police are only in charge inside the country. The tarmac at the airport is already considered a neutral/international area. Only DGM can operate there. **[14]**

2.104 [A member of the Inspectorate Generale of Justice said] The following services are present at the airport:

AVR (Aviation Security)
DGM
National Police
OCC (Office of Control)
DGDA (Customs) **[16]**

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3. MONITORING OF RETURNEES

ORGANISATIONS INVOLVED IN MONITORING

3.01 [Members of Human Rescue said] The organisation does not monitor returnees, nor meets returning FAS at the airport as it does not have the resources for all this. It cannot deal with individual cases. It does however monitor human rights abuses – generally, it does not work with individuals – only for advocacy. Sometimes returnees find themselves in a dangerous situation and contact this organisation after being released. Usually people come to this organisation to tell their stories and about their problems in detention. The organisation then makes these public by placing accounts of the individual's experiences on its website.

The organisation also advocates for people seeking asylum in Europe. They are contacted from Europe to do this.

People who have been ill-treated/tortured are confident they can tell their experiences to this organisation and to other NGOs in Kinshasa.

The organisation is aware that FAS and illegal migrants experience problems at the airport. Those who have families in Kinshasa who help them can get free from detention, but if a returnee's family is, for example, in Goma, they cannot get free.

The organisation helped a returnee in 2010 who was sent back to Kinshasa. His family were in Goma. The organisation is in partnership with MONUSCO so it asked permission for the returnee to fly to Goma in a MONUSCO plane. The returnee was able to get home this way – otherwise there would have been no way he could have reached Goma.

The organisation did not have to pay for this. However, to travel to Goma normally would cost about \$400. The returnee did not have a job. The organisation said work is very difficult to find – but if there had been work available an average wage could be \$30 a month. This money would be needed for accommodation/food etc. The organisation said that returnees without families/support can die. [1]

- 3.02 [An official of the Federal Office for Migration of Switzerland said] The Swiss do not directly monitor returnees, but they do monitor voluntary returns by visiting some returnees' projects 1 or 2 years later. For example they know of a returnee who got funding from Switzerland for a reintegration project and is now a hairdresser and is doing well.

Assistance to [failed asylum seekers] FAS ends at the airport when they are handed to the DGM with their travel documentation and personal belongings. The Swiss federal office for migration have no office in Kinshasa, but they can be reached by phone, fax and email or over the Swiss Embassy. [2]

- 3.03 [A Congolese human rights organisation said] The organisation does not do any monitoring but have still something to do with returnees from Europe.

The organisation can meet returning FAS at N'djili airport but discreetly. At the airport they do not work in the front line, they work discreetly through intermediaries, both inside and outside the airport.

The organisation's name means they are there to provide assistance to detainees. They provide legal assistance to detainees by meeting with the solicitor who works in the prison, where there is one. They visit ordinary prisons, including Makala central prison, high courts' prisons, lower courts' prisons and the prisons police stations have in local boroughs' They also visit the prison at the DGM regional headquarters in Kinshasa.

People are normally aware of the organisation which is generally known through word of mouth. Those who are aware tell families and it is approached to see if they can provide legal assistance and get people released.

There is a cultural problem in reporting difficulties to human rights groups and Embassies. There is also a problem with the system in DRC. If a returnee is detained or even under surveillance they will find it difficult to contact this organisation and others, although the family, if there is one, will be able to do this. [3]

- 3.04 [Representatives of Les Amis de Nelson Mandela said] The organisation does not monitor returnees yet but they can do it if there is a specific request.

Occasionally, the organisation meets returnees secretly at the airport with the cooperation of people who work there.

The organisation does not assist returnees financially, but it does help them legally: it informs them of their rights and helps defend them. For example it investigated the situation of a returnee from Sweden, [name redacted]. He was able to tell the Swedish government that he had been ill-treated and tortured by the ANR. As a result the Swedish government arranged for him to return to Sweden. (He is a pastor and had been working in Sweden for 10 years and had a wife and children there). He had been taken

straight from the airport by the Republican Guard in the boot of a car to an ANR prison. Someone there let him call his family which is how the organisation knew about him.

In order to look good/improve its image the ANR is known to release people, but then recapture them again and then these people disappear they are not released again.

Returnees have no problem accessing the organisation. People come to talk about what has happened to them, it helps them to talk about it and the government has to be more careful in how they deal with these people once their story is known.

There is also easy access to ASADHO and VSV. [4]

- 3.05 [Representatives of Association de Défense des Droits de l'Homme (ASADHO) said] [Representatives of ASADHO said] That they used to have agreements with embassies and to be informed about returnees to make monitoring easier. The British Embassy should send information to them in order for them to monitor. [5]

In principle the organisation does not monitor returning failed asylum seekers but they are frequently contacted by foreign partner organisations and even government department like the French OFPRA [Office Français de Protection des Réfugiés et Apatrides] asking them to investigate allegations.

The organisation does not meet returning FAS at N'djili airport unless they are notified in advance, most of the time by families.

They do not provide financial assistance to FAS after their arrival but can provide legal assistance and check why returnees are detained but ANR does not like ASADHO to be involved – they do not like the fact that ASADHO are implicating ANR in the detention. Sometimes families prefer ASADHO not to be involved so it doesn't make the situation worse.

The organisation is in Kinshasa and people know where to find them. They have a website and they can also be found through other NGOs. Sometimes people are referred to them through personal contact (e.g. Amnesty International). In the past the organisation used to have agreements with western embassies (Switzerland, Germany and an MoU with Spain). Embassies used to inform them. They were also used by the Dutch embassy. There was a case in the Netherlands of a former Mubuto officer who had applied for asylum. A Dutch court asked ASADHO to look into that case, which they needed information about. They found out he had been involved in some crimes and was excluded from international protection. Other organisations like Voix de sans Voix (VSV) and the Friends of Nelson Mandela are also accessible. [5]

- 3.06 [Representatives of Renadhoc said] If the organisation is informed of people returning they can monitor them. Both governments (UK and DRC) are not respecting human rights. One for sending people back, the other one for not respecting returnees. There is no way of stopping returns but each time people are returned they are arrested and disappeared

Returnees let the organisation know about their experiences in detention. This is not a humanitarian organisation, we offer advocacy. If the returnee has a problem we take note and put information about it on our website. We also do monitoring to see if a person has been released or not. Sometimes we send people to see the Red Cross.

When people are returned they are happy to talk to Renadhoc – and to other NGOs, but sometimes it is difficult, sometimes they are scared to contact organisations. The organisation has a free telephone number - the ALERT system, sometimes they contact this number. When some of them get their belongings taken this organisation helps them get them back. [6]

- 3.07 [Representatives of Œuvres sociales pour le développement (OSD) said that] France and Belgium asked the organisation to monitor specific returnee cases. OSD dealt with 10 cases like this in 2011 – they were given the names and addresses of the returnees and asked to find out if they were still in trouble. They investigated more cases from France than the other countries.

The organisation has also been asked to provide information for ongoing asylum cases – such as queries about whether or not a particular Church exists – or for information about FGM in Kasai.

OSD does not yet meet returnees at the airport – it is too public and they would be seen as giving information against the government.

They do however offer medical assistance, sometimes food assistance, sometimes legal assistance and also psychological assistance.

The organisation is accessible to returnees, as are the other organisations in Kinshasa that could help such as NGOs, embassies and the like in Kinshasa.

When talking about ill-treatment the returnee has to be comfortable talking to an organisation – they are comfortable talking to OSD. OSD also sometimes, takes the returnee to their home to help reintegrate them.

The organisation works with OPFRA and also with migration services in Belgium and some Schengen countries during the asylum claim – these countries ask them to help with the asylum decision – they sometimes talk on the phone. [7]

- 3.08 [Representatives of the Eglise du Christ au Congo stated] The church monitors returning failed asylum seekers and meets returning FAS at N'djili airport. When there were recently returnees from South Africa, the church went to meet them at the airport. They are a big Church and they have people in the migration services – and at the airport. The DGM number one of Protocol is a member of their Church.

It also provides assistance to FAS after their arrival. Some of them had left some money in banks' accounts and asked the church to access them. When people are returned, they return with nothing. It is not favourable to return people from the UK. Countries sending people back to DRC should alert the country of origin so that they are aware of the numbers. Also if the identities of cases are mentioned (as well as people's skills), some of them could be kept by the church as volunteers and the church could help them to reintegrate into society.

The church is easily accessible to FAS but they cannot say whether other organisations such NGOs, United Nations and western embassies are also easy to contact or whether FAS and other returnees who experience problems on return are able to report these difficulties to human rights groups or other organisations. [8]

- 3.09 [A British Embassy official involved in human rights issues said] The official had no knowledge of the process at the airport.

The British Embassy does not routinely monitor returnees after arrival and processing in DRC. It is ready to investigate allegations of mistreatment, however, should it receive complaints.

Two officials from the British Embassy were at the airport to witness the arrival and processing of 5 returnees in June 2012.

The British Embassy does not provide assistance to failed asylum seekers (FAS) after their arrival.

The British Embassy is accessible to FAS. It would be possible to phone, email or just turn up if there was a problem. Genuine complaints will be heard. There is a multiplicity of local and international NGOs in Kinshasa and elsewhere who specialise in human rights issues who would take up the cases of returning Congolese nationals if they experience problems.

The United Nations monitor the whole spectrum of human rights in DRC – but tend to focus on the most serious violations, often associated with ongoing conflict in Eastern DRC. It has focussed on migration issues - specifically the cases of people returned from Angola. The UN sent teams to the borders to investigate – this is an issue which is considered very seriously and at high levels. The Deputy Secretary General of the UN visited DRC a few weeks ago and took an interest in this. [9]

- 3.10 [A British Embassy official responsible for matters relating to migration stated] The British Embassy does not monitor returns, but because we have recently restarted returns it currently oversees them at the airport.

The 5 people who returned in June 2012 were provided with [US]\$100 each for onward travel. None provided home addresses to the Embassy otherwise travel would have been arranged to their homes, free of charge.

The British Embassy and the other key Embassies are easily accessible – all have areas open to the public. The EU Mission is also accessible as are NGOs, of which there are a lot. Not all of them deal specifically with returnees but a large number deal with human rights issues. [10]

- 3.11 [A human rights organisation stated that] The organisation has a programme to welcome Congolese returnees, to observe and take information on their situation and also to welcome voluntary returns too. For many years the organisation has welcomed Congolese returning from Europe and USA. They publish a magazine and issue press releases. There have been allegations in the past that some Congolese had been mistreated or had been detained/disappeared after being returned. The international public has to be aware of such issues, which is the purpose of the magazine...

The organisation also manages voluntary returns but there are only a few cases because even failed asylum seekers (FAS) who have no money would rather stay abroad than return to DRC. Last year [2011] there was the case of a FAS from Belgium who wanted to return to DRC voluntarily with the idea of a project to establish a drinks warehouse to

reintegrate into society here. The Belgian government gave him €700 but when this person lived in Belgium he used to have more than that. Therefore someone like this person would like to go back to Belgium and this is what happens generally as there are not enough funds [for voluntary returns]. [11]

The organisation monitors returning failed asylum seekers but currently with difficulties.

The organisation meets returning FAS at N'djili airport but not as frequently now as they used to.

The association provides assistance to FAS upon return. In 2007, a person [name redacted] was returned from the UK. He had been tortured during the flight back from the UK. He had torture marks and wounds in the head and problems with his genitals. He was helped by this organisation who also contacted the British Embassy. This person had been fighting with escorts and was restrained by them. He arrived in a very bad condition.

The organisation is accessible to FAS. The first point of contact for the organisation is at the airport. If not, they can find it anyway. Some organisations in Belgium inform the source there are returns (this was the case of returns in March 2012).

The organisation starts to give confidence to returnees. They are usually aggressive and nervous once returned. Once that is done, the returnees can talk about what they went through, for example the returnee from 2007 was able to explain his treatment and give accounts of the torture. Returnees also then feel able to contact other human rights organisations. [11]

- 3.12 [Representatives of Toges Noir said] The organisation had some Angolan cases. The DRC and Angolan governments have made an agreement to return people by force. Those Angolans did not want to return as they felt in danger there. They were nevertheless returned by force.

Before, when they were informed, the organisation could meet returning FAS at the airport but now it's difficult. They do not have the means or the resources to assist them financially. A few years ago, the civil society had made some projects to help returnees but it did not last. [The civil society is a collective term for non government organisations including NGOs, churches and other voluntary groups].

The organisation is easy to access for returned failed asylum seekers (FAS) and there is no problem at all in accessing other organisations. Sometimes people also express their problems to other human rights groups or organisations. [12]

- 3.13 [Representatives of the French Embassy said] Monitoring of returned failed asylum seekers is not done once returnees leave the airport, however representatives of the French Embassy are at the airport when returned people arrive, mainly on scheduled flights. They have not seen charter flights recently. Only once they witnessed a charter flight from the Netherlands and France.

The French embassy is the only embassy to monitor migration at the airport – they are the only ones to have a police presence in Kinshasa.

The embassy does not provide any assistance to returnees. Already France has to send 3 policemen for every returnee, it's enough. DGM does so [provides assistance to returnees].

The embassy is not accessible to returned failed asylum seekers and anyway French officials have already seen them at the airport. Returnees are well treated and the embassy could not see what type of difficulties there could be. The embassy does not know how accessible NGOs, UN and western embassies could be but does not think they are accessible. They can however easily report problems experienced upon return to human rights group and other organisations.

Here, in DRC, returnees are not mistreated upon return. The embassy has not heard about people being mistreated by DGM. On the other hand, returnees frequently complain about western countries. There are always problems in the aircrafts [with returnees]. Frequently returnees have to be restrained. Sometimes other people on the flight support them with some protest and are taken off the flight.

The embassy has not heard about returnees facing difficulties at the airport or being detained on or after arrival. They are not aware of any substantiated cases of returnees being ill-treated on arrival or afterwards. Returnees are not detained, just interviewed and sent back to their families.

The embassy has access to prisons but only for French nationals. [13]

3.14 [Representatives of the police commander of the city of Kinshasa said] The police never deal with returnees. The police only intervene when there are foreigners in transit camps, the police keep them safe. [14]

3.15 [Representatives of International Organisation for Migration (IOM), said] IOM is easily accessible, they do share the compound, but the entrance to the yard is open and there is someone there to direct people to IOM. You can see reception as soon as you enter the building, there is no problem and you don't need an appointment.

IOM was not aware of other NGOs who dealt with returnees but the Red Cross were supporting some rejected returnees from Belgium.

In the past the Jesuit Refugee Services were intending to have a reception centre but couldn't raise the money to do that. Some human rights NGOs are involved with returnees but there are some problems – for example VSV no longer have an office at the airport. [15]

3.16 [An official of the OHCHR/MONUSCO joint Human Rights Office said] There are 19 Human Rights field offices in DRC comprising one in Kinshasa which has 5 staff and one vehicle – its resources are limited to efficiently cover Kinshasa and its 24 communes.

The office does not monitor or meet returnees at the airport - it doesn't have the resources to do so. It does not provide assistance unless it is informed that a person is in detention and then it would investigate the case and to make sure the individuals human rights are respected and protected and the individual is treated humanely.

The office is planning to discuss this issue with its NGO partners to find one that could monitor returnees. This will require financial support and at the moment [it is] not possible

to provide that support since this is not directly part of our mandate. So there is a need to find an NGO that really wants to deal with this issue on its own funding. The office does work with partner NGOs that were very helpful during the elections.

The office is accessible and it has a duty phone which the public can use if they have a problem (this was very useful during the election period). This allows the office to respond quickly to serious reported cases.

The office is aware that people with problems can access other NGOs/ organisations in Kinshasa. There are a lot of others Human Rights organisations in DRC and particularly in Kinshasa...

The office has also just finished a week of training on sexual violence and abuse with civilian and military magistrates. [17]

- 3.17 [A representative of the Belgian Immigration Office in a written response stated] The organisation does not monitor returning failed asylum seekers on an individual basis.

The organisation does not meet returning FAS at N'djili airport.

The organisation does not provide assistance to FAS after their arrival.

[In response to the question 'How accessible to FAS is your organisation? stated] Easy if we wish to go to meet them, we go to the airport; sometimes for special needs – persons who need medical assistance after their arrival.

[In a written response to the question 'How accessible to FAS are other organisations such as NGOs, United Nations and western embassies?] No problem, they have to contact DGM officials.

[In a written response to the question 'Are FAS and other returnees who experience problems on return able to report these difficulties to human rights groups or other organisations?] I am not aware of such cases.

[In a written response to the question, 'How do the authorities perceive Congolese FAS returning from Western Europe (other than the UK)?] I personally monitored the group of 19 who were sent back the 6th of March [2012]. All these people were irregular migrants and only one was arrested during the anti Kabila manifestations in Brussels. They were no opponents to the regime. The group has been identified by both DGM and ANR (which is not really usual) and was released the day after. All the allegations by the DRC Diaspora in Belgium (detentions/mistreatment) were not correct. [18]

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4. TREATMENT OF RETURNEES

[Officials should read this section in conjunction with section 2, Process of return, and section 3, Monitoring of returnees above]

- 4.01 [Members of Human Rescue said] Ill-treatment of returnees is done on purpose, for political reasons. The diaspora in the UK is seen as being against the government, so FAS are greeted as members of the opposition, who tarnish the government's image, so the authorities want to take revenge. All returnees are taken by a waiting car to the DGM

Provincial prison for 'enquiry reasons'. Sometimes this detention can last one month. It is only possible to get free from this if you know someone in power.

A man was returned from France to Brazzaville, even though he came from Kinshasa (the French said it was very close to Kinshasa). He was in prison for two weeks after that...

The organisation does not monitor returnees, nor meets returning FAS at the airport as it does not have the resources for all this. It cannot deal with individual cases. It does however monitor human rights abuses – generally, it does not work with individuals – only for advocacy. Sometimes returnees find themselves in a dangerous situation and contact this organisation after being released. Usually people come to this organisation to tell their stories and about their problems in detention. The organisation then makes these public by placing accounts of the individual's experiences on its website.

The organisation is aware that FAS and illegal migrants experience problems at the airport. Those who have families in Kinshasa who help them can get free from detention, but if a returnee's family is, for example, in Goma, they cannot get free...

Some returnees are considered to belong to opposition parties. When questioned by the DGM if a person's responses are not clear, it is assumed the person is a political activist and they are detained – sometimes for [sic] up to a year. Prison conditions are very bad, there is some food (disgusting food) and also it is very crowded that actually eating is very difficult.

The organisation can access places of detention but it is very difficult. The treatment of returnees is related to political activity. The greatest focus is on Congolese people living in the UK where the diaspora is very strong - returnees from the UK will be treated very badly. There are also some ex Mubutu army people living in the UK – when they are sent back they are identified and ill-treated.

The DGM don't take any notice of voluntary returnees unless they are identified as having a political activist background – then they are 'put on the side' / to one side at the airport, taken to prison and ill-treated.

The organisation is also aware that Congolese politicians who travel to the UK have been ill-treated. In Belgium the Congolese President of the Senate was beaten.

The organisation is aware that some people who had demonstrated in South Africa after the November '11 election have been returned, but it has not monitored them.

All returnees are treated in the same way. Political affiliation is more important to the DGM than a person's ethnic background.

Women and children are also 'put on the side' and may be detained – but they are segregated from the men. They stay outside the prison during the day (while the men are inside) and they have a separate living area inside.

People with criminal records or outstanding arrest warrants who return are arrested. They would only have been able to leave DRC with financial assistance – so would be people with money/friends with money/political wealth background. [1]

- 4.02 [An official of the Federal Office for Migration of Switzerland said] According to international laws, the Swiss authorities must inform the DGM if a person is known to be a danger to the Congolese State.

If a person claims to be a political activist and his asylum claim is found to be not credible, he/she can leave Switzerland freely and with assistance. However, if/she does not leave the system gets more compelling and he/she might be deported.

If an asylum seeker is himself in danger, or if he/she is not fit to travel, he/she will not be deported...

It is not thought that the legal status of the person (FAS or returnee) has any bearing on whether or not they are ill-treated at the airport. The Swiss have no documented cases of ill-treatment at the airport. If there was thought to be an issue with ethnicity this would be reflected in the asylum process – as it used to be, but now there is no distinction between groups. There might be trouble for a woman travelling alone – just because she is a woman, her status would make no difference. Families with children only return from Switzerland to DRC on a voluntary basis.

If a person has an outstanding DRC arrest warrant, it would be a breach of Article 3 to return that person to DRC. She would not be deported under those circumstances. If a serious criminal is returned – for example someone who has committed a rape and has already served the corresponding sentence in Switzerland, it would be necessary to inform DGM, but the person would remain free since she already paid her debt to the society. 2]

- 4.03 [A human rights organisation said] The organisation is not aware of FAS or other returnees facing difficulties at the airport. The organisation is not able to access places of detention.

Each returnee is a specific case. They have to say why they are returned. The authorities are interested in this. For instance if a person has made some declarations against the government they can have problems once in DRC. Someone who has demonstrated against the government while abroad or even human rights defenders can face problems.

With regards to how the following groups treated at N'djili airport:

Irregular migrants and failed asylum seekers: there is a difference. If someone chooses to return voluntarily they would not have problems but someone forced to come back to DRC may face problems. FAS can have a particular profile, but not always. If someone made a declaration in DRC (against the government before they left – they would face ill-treatment at the airport. DGM is in control of the exit and entry of all passengers

Voluntary returned FAS: do not have any problems when they come back through the airport.

Forced return FAS: will face problems when they come back through the airport.

Ethnic groups: Treatment is not related to the ethnic groups. The law and the procedures to follow are neutral. Treatment depends rather on the person. If someone had problems in DRC in the past can face problems when returned.

Women and children: There is no aggressive treatment towards women and children. The legal system in DRC treats them as 'incapable', they are protected.

Criminal record or outstanding arrest warrant: someone who has an outstanding arrest warrant [w]ill be arrested.

Returnees from the UK and other countries: there is no difference in their treatment, all returnees are returnees, Schengen, UK, US it does not make any difference. The organisation is aware that there have been allegations about differences of treatment for the UK but it is just rumours. [3]

- 4.04 [Representatives of Les Amis de Nelson Mandela said] When there are this type of returns (i.e. on charter flight), the organisation is informed but without being given names or details. Returnees from the UK are first questioned and identified, their belongings searched to see what their political affiliation is. This investigation is carried out by the DGM & the ANR (sometimes the ANR wear DGM uniforms). There have been some cases of people being mistreated once sent back to DRC but not necessarily returnees. Sometimes if there is no notification, people disappear with the involvement of special forces and ANR.

Congolese returnees from South Africa were sent to Lumumbashi (Kasapa) and mistreated. After that, the government has arrange[d] a way of welcoming returnees. In February/March 2012 Spain returned 53 people - these were taken by the government from the airport to a restaurant and given [US]\$100 each. The organisation said this was a PR exercise....

Returnees may be put in one of the rooms at the airport. They will then be taken by car to the main ANR prison in Kinshasa. Once there they have no access to a lawyer or their family. If the organisation are made aware of this detention they can work with MONUSCO who can get access to this prison, but often the ANR deny that the person has been detained. In some cases if MONUSCO know people in the ANR it may be possible to find out where the person has been detained.

It is very dangerous to send back people from the UK because it is known that Congolese in the UK are against the government. The group of 'combatants' started in the UK...

The organisation does not assist returnees financially, but it does help them legally: it informs them of their rights and helps defend them. For example it investigated the situation of a returnee from Sweden, [name given but not provided here]. He was able to tell the Swedish government that he had been ill-treated and tortured by the ANR. As a result the Swedish government arranged for him to return to Sweden. (He is a pastor and had been working in Sweden for 10 years and had a wife and children there). He had been taken straight from the airport by the Republican Guard in the boot of a car to an ANR prison. Someone there let him call his family which is how the organisation knew about him.

In order to look good/improve its image the ANR is known to release people, but then recapture them again and then these people disappear they are not released again...

The organisation is aware of ill-treatment of returnees at the airport, it often happens. The DGM and ANR will search people's belongings to see if they are linked to the European combatants and also to see if they have any family in DRC. Those without family are at risk of disappearing.

The organisation knows of one man who returned to the airport clothed in jeans and a t-shirt. These and all of the rest of his clothes and all of his belongings were confiscated by ANR and Republican Guard. Sometimes just some things are confiscated not all of a person's belongings.

The organisation have not heard about returnees from the UK disappearing. Sometimes people disappear because they want to – they don't investigate those cases.

The organisation heard about 30 returnees from Belgium who could not be found and the organisation was told they were sent to Katanga at the beginning of May 2012. It tried to make contact with a fellow NGO based there. The organisation cannot go to Katanga to investigate because it is too expensive to travel there.

They have access to prisons but if the organisation asks to visit a person in prison, the person is moved and put elsewhere so it can't see them. Sometimes when MOUSCO tries to see someone in ANR detention, the ANR changes the person's name so MONUSCO cannot visit them.

Those FAS who are arrested do not necessarily have a specific profile. Just the fact of having been in Europe. If someone has been in Europe, the authorities think the person actively opposes the current government and are very much wanted by the authorities here. If they do not have an influent person to help them they are going to be mistreated. If the authorities find anything against the government (even a printout from the internet), this can be a problem. When irregular migrants return from Europe it is assumed they have money. It also assumed that because they left in the way they did they are looking to side with the opposition so they are going to be ill-treated. If people come and go from DRC up to a year even, that is not a problem, it is those people who have been gone for a long time that will be ill-treated. If the DGM find a photo of President Kabila in a person's luggage and that person says Kabila is good, the person is not ill-treated. Congolese people see themselves as weak and they see salvation coming from Europe.

Those who have been abroad are deemed as being enemies of the State. The authorities (DGM), speaking in Swahili described these people as 'Waduwi wa inje' - enemy of the state.

Also if a person sounds (by their speech) as though they originated from Kasai (the home of Tshisekedi) or from Equateur (the home of Jean Pierre Bemba) - these people will be very badly ill-treated.

Women and children are not ill-treated at the airport. However, if a woman returnee traveling alone is found to be associated with someone who is known to be against the government then she will be ill-treated – but it is very rare for this to happen to a woman.

A person who returns with a criminal record or an outstanding arrest warrant will be arrested straight away.

People in this position make a lot of noise in order not to be returned.

Those who return from the UK are more ill-treated than others. It is known there is more liberty of expression and stronger opposition to Kabila in the UK than in Belgium or France.

It is very dangerous to send people back from the UK because it is known that Congolese in the UK are against the government. The group of 'combatants' started in the UK.

Both OFPRA (French) and the German and Belgian authorities have been to meet the organisation to talk about monitoring returnees – for 6 months. [4]

- 4.05 [Representatives of Association de Défense des Droits de l'Homme (ASADHO) said] Most of those returned are seen as people who went to UK to claim asylum (accuse the government). At the moment the situation is difficult because of Congolese who demonstrate in Europe. Due to the action of the 'combatants'/the diaspora, most people who went abroad are seen as part of them. Those with financial means pay money in DRC for those who are detained to be released.

Recently a young lady who was student in the UK [name redacted] was supposed to be returned to DRC. However, her father contacted ASADHO asking them to gather some evidence. He argued that it would have been dangerous to return her as she had been demonstrating (about the Congolese election) in the UK against the Congolese government (and she had been seen on television doing this). She was eventually returned on a scheduled Air France flight. ASADHO tried to find out what treatment she had after being returned. They understand she had been taken directly from the tarmac in the airport by some 'sympathetic' DGM people who had been contacted by her father. She is still in hiding.

There are a lot of returnees from South Africa (around 50 people) who were sent to Katanga, Buluwo prison, after being returned, and are still there. This is a political prison with high security. They had demonstrated in South Africa just after the Congolese election...

Returnees are not treated like normal passengers. They are put aside/ 'on the side' (which is also another kind of discrimination). ASADHO does not have specific information about ill-treatment and most flights arrive in the late evening. One thing is sure though: returnees are intimidated in order to get money from them (the DGM and the ANR know the returnees have money with them). This is not only the case of returnees and FAS but also for normal passengers. For FAS it is just worse.

Those with financial means pay money in DRC for those who are detained to be released.

Treatment at the airport of the following groups:

Irregular migrants and failed asylum seekers are interconnected. They both have to go through a formal interview (proces verbale) to be identified and some of them may be detained. Those with money have to pay to be released. Those who have applied for asylum abroad are considered to have given a bad image to the government and identified as members of the opposition. They will be asked about their reason for applying for asylum. If returnees are found to have a political connection they are sent to the ANR.

After the 2006 fight [for the presidency] between Kabila and Bemba, those from the Equateur province were considered to be supporters of Bemba. There were people detained, almost 100. Some of them are still in detention. Now those from Kasai are identified with Tshisekedi . If someone is from Katanga they are well treated because

the number one [i.e. president Kabila] is from there. All the staff at the airport are from Katanga.

The general secretary of UDPS was invited to speak to a conference in Germany but was taken from the airport while attempting to leave, taken to a cachot and was subsequently tortured and suffered a broken neck. He has since tabled charges against the ANR.

Women / children face no problem returning through the airport.

If someone has an outstanding arrest warrant they will be arrested straight away. As for criminal record, it is difficult to say. [5]

- 4.06 [Representatives of Renadhoc said] In March 2011, 60 Congolese returnees were sent by force from South Africa. Not all of them were sent back to Kinshasa (where their families were) some of them were sent on a special plane to Lumumbashi, Katanga and were put in Kasapa prison... In March 2012 approximately 70 people were returned from Europe on charter flights. They had no contact with their families and the organisation was not aware of their arrival. They were left to the mercy of the intelligence services, the DGM and the ANR...

All returns are to Kinshasa but not all returnees are from Kinshasa so some of them are completely lost. The government doesn't look after them – they live in their own responsibility. Those who come from the countryside whether in detention or released the government doesn't take attention of them. Those without family in Kinshasa – they become mentally affected with no one to care for them – no support so become mentally ill – some just die.

As an example of non assistance from the government – the government collected some people from Libya and just didn't help them – haven't helped them at all...

Sometimes when you talk to returnees they say that they have been picked up on the street in Europe to be returned and they haven't had time to contact Redadhoc.

The treatment of returnees is very bad. Some of them when they are released you know they have been ill-treated. 'Strong interviews' means torture is not excluded. Some of them have mental health problems now.

The organisation is aware the FAS or other returnees face difficulties at the airport – after people have been released from detention they tell them their experiences.

Human rights defenders (organisations and solicitors) officially have no access to ANR places of detention.

Which province people come from and their political allegiance makes a difference. For example people from Equateur countryside, if the DGM know you are from there they will associate you with Jean Pierre Bemba and the MLC – or if from Kasai – the association will be with the UDPS, whether or not a person belongs to a particular group.. But all returnees get ill-treated, it doesn't make any difference.

The DGM can tell where a person is from by their name – or through questions in the interview.

The organisation had not heard anything new about the treatment of women and children but in 2002 they were aware that a mother and her five children were released from the airport – the husband was detained.

When returnees are sent back from Europe they are taken by DGM or the ANR so when the organisation interviews them it is discreetly. The Civil Society or the solicitor doesn't have access to the information...

Where the returnee comes from doesn't make any difference to the treatment they receive -sometimes with Frontex flights it is a bulk delivery so it is difficult to know where people are from (UK, Belgium, Netherlands or other countries). The way you are treated does not depend on where you return from but rather on your profile, especially political allegiance and on the province from which you originate in DRC. [6]

4.07 [Representatives of Œuvres sociales pour le développement (OSD) said that]

The organisation is aware of two cases of returnees who have been ill-treated. They noted that such cases are the only cases they received in terms of violations of this type involving cases from the UK.

a) In January 2010 a solicitor from London [name given but not disclosed here] contacted the organisation asking it to carry out a psychological assessment on a returnee [name redacted]. The returnee had spent some days in the DGM Provincial prison where he had been ill-treated. The organisation did not know why the ill-treatment had taken place.

b) In 2008 there was a case of ill-treatment for a returnee from London also at the DGM Provincial prison. The organisation provided this person with medical assistance. They produced a medical report which was sent to this person's solicitors

c) The organisation was also aware of ill-treatment concerning two Schengen cases from 2009 and two from 2010. OSD was not aware of these until contacted by the national authorities of those Schengen countries and asked to find out what was happening. The organisation helped with information for the asylum decision in these cases and then afterwards gave information about treatment on return. The Schengen authorities also wanted to know whether the returnees were being tracked by the authorities and if they were still wanted people.

Those cases had been taken to DGM prisons where they were beaten with truncheons and were forced to sleep on the floor and had no food to eat. Their families had to give money to release them. Sometimes if the families know where their relatives are they take food. It would cost not less than \$250 to release someone – but it depends on what the charge is as to how much release costs. Some people stay there, some (when it is assumed they have no family) get moved to Makala prison.

There was no particular profile of the 6 returnees mentioned above, but some belonged to activist groups - against the regime and had taken part in demonstrations in the UK or Europe...

If there is a return the DGM has to check him to take his money - this is a source of revenue for the DGM.

There are two possible outcomes for returnees at the airport:

1. DGM take money and release, or
2. If there is important information or the person is wanted – take money and detain

'Important information' would be political activist connections or a problem with the government in place. If a DGM officer released someone with either of these backgrounds they would be in trouble.

When returnees are sent back, the DGM headquarters are informed. Some returnees arrive at the airport with a migration officer who hands them over to the DGM. They then take them to the Provisional prison and decide if they can send them to prison. This is for all returnees – women and children too.

When people are returned they are first taken to the DGM Provincial prison where some stay 10 days...

The Organisation is not generally aware of reports of FAS or other returnees facing difficulties at the airport. They are contacted by the persons who are returned or by human rights organisations...

If irregular migrants return to the airport with an expired visa they are going to face some problems.

Returnees who are forced to return have to be interviewed by the DGM who then decide what to do with them.

In some cases it makes a difference if a person has a different ethnic background. People who come from Equateur are associated with Mobutu and Jean-Pierre Bemba, those from Kasai with Tshikendi. Both ethnic groups are ill-treated – even if the person has ID - for example people from Kasai can be identified by their name – they are automatically tabled as being members of Tshikendi's party – or as one of his family members.

The organisation has heard there is a new code to be used by the DGM to identify a certain group of people – they will receive no pity and then ill-treatment, it is code 32 – but it is not in use yet.

Returnees with a criminal record or an outstanding arrest warrant go straight to prison – the DGM do not waste time on an interview they just take them there straight away.

There is no real difference between the treatment received by returnees from the UK and Europe – but there is a difference between those and West African countries. For example people who return from Angola are put somewhere and then released, but returnees from Europe are sent to detention. [7]

- 4.08 [Representatives of the Eglise du Christ au Congo stated] The church is not aware of any reports of FAS or other returnees facing difficulties at N'djili airport. The church receives returnees and efforts are made to send them back to their families. Some of them prefer to stay in Kinshasa for work. Between their arrival and the time a job is found, they face a difficult situation which sometimes they consider as mistreatment. The Church said it would be beneficial if the returnees were able to access money in bank accounts on arrival back in DRC and to be able to bring some of their belongings with them. Otherwise it is difficult to reinsert them back into the community. Some Congolese asylum seekers in Europe say they are ill-treated in DRC in order not to be

returned. There was the case for instance of Congolese pastor who went to on mission to Germany and told the church in Germany that he would be mistreated if returned. The church spent a lot of money trying to sort his situation out but he didn't return.

The church has never been informed of returnees in detention.

They are able to access places of detention, especially if their bishop goes there. They also have chaplains in some prisons.

The church is not aware of substantiated cases of FAS or other returnees being ill-treated on arrival at the airport or afterwards.

With regards to how are the following groups treated at N'djili airport:

- Irregular migrants
- Failed asylum seekers
 - i. FAS returned voluntarily or forced
 - ii. FAS returned on a charter or schedule flight – the church does not have specific information about the above categories
- Ethnic groups: in DRC there are tribes rather than ethnic groups. Tutsi, for instance are not returned.
- Women are treated in the same manner (as other returnees), children are not sent back.
- Returnees with a criminal record and / or outstanding arrest warrant: not mentioned. [8]

4.09 [A British Embassy official involved in human rights issues said] The British Embassy is only aware of reports of returnees facing difficulties in the UK regional media. The official was not aware if those reports covered the situation at the airport and if the problems occurred at the airport or after.

The Embassy is aware of unsubstantiated reports of returnees being detained. For example there was a question raised by a parliamentarian recently, but there has been nothing substantiated. The UK parliamentarian contacted the Foreign and Commonwealth Office (FCO) suggesting that a returnee in June 2012 had been detained and mistreated, but the Embassy had had no evidence to support this. This is the only case which has been expressly communicated to the FCO in the 18 months that the official has been at the Embassy. The person was one those returned from the UK with a charter flight in June 2012.

The Embassy is able to access places of detention.

The Embassy is not aware of any returnees being detained. The official has not witnessed any problems faced by a particular ethnic group or by women upon return and had no knowledge of the treatment faced by irregular migrants or failed asylum seekers who are returned.

The issue of returned FAS from the west doesn't get a lot of attention here, unless it's a case like that of Jimmy Mubenga, the returnee who died during the process of being returned to Angola (he was of Congolese origin and had family in DRC). [9]

- 4.10 [A British Embassy official responsible for matters relating to migration stated] The Embassy is only aware of reports of ill-treatment through London. At the time the official was at the airport overseeing the transit through the airport of the 5 returnees a call was received from London saying that there have been allegations that the 5 returnees had been arrested. The official left the airport about 2 hours after the flight landed and saw no ill-treatment during that time. When the official left the airport the returnee's had been through the documentation process. A call has since been made to the DGM to ensure the returnees were ok. Makala, Demiap and N'Dolo prisons will also be contacted to see if any of the returnees have been detained, however these facilities are not obliged to disclose information since the returnees are not British citizens. It has not been possible to make contact with the returnees as they did not provide the Embassy (or UKBA) with any contact details. Their friends or family could contact the Embassy if there was a problem.

The Embassy is not aware of any substantiated cases of FAS or other returnees being ill-treated on arrival at the airport or afterwards.

The Embassy is not aware how irregular migrants are treated at the airport. The DGM may not be aware of the identity of FAS who return voluntarily because they travel on an ordinary flight and with a passport. DGM are aware of forced returns because of the documentation process.

The official was not aware of any way the Congolese authorities would be able to identify failed asylum seekers (FAS) who voluntarily returned. There is collaboration between DGM, the British Embassy (who issued 2 ETDs) and the Congolese Embassy in London for forced migration. The Embassy does not discuss details of Foreign National Offender. Returnees are just referred to as 'returnees' – not FNOs.

The Embassy is not aware that women and children face any ill-treatment passing through the airport. It does not know about the treatment of ethnic groups, however Pygmies face discrimination in the country – but this is more an attitude issue, which doesn't lead to ill-treatment.

The DGM [sic; the British Official] commented that only 5 people were returned from the UK – other countries return people in much greater numbers. [10]

- 4.11 [A human rights organisation in DRC stated that]

It is difficult to say whether the authorities detain returnees at the airport. The organisation mentioned the case of a DRC politician who was mistreated in the UK by some Congolese 'combatants' and some of them were asylum seekers. All people who are believed to be 'combatants' are mistreated once returned. Some asylum seekers use this to justify the fact they should not be returned to DRC. Congolese returnees from South Africa were detained, but not all returnees are detained, only those who are supposed to belong to the 'combatants'...

Returnees are detained at the DGM detention centre in Kinshasa, the so called 'transit centre' at the DGM provincial offices. The organisation had suggested having an office at the airport because otherwise it's difficult to know what happens there. Some returnees are sent to ANR detention places. Most of those who are sent there are those who were 'black-listed'. For instance political militants who were abroad and had disturbed the Congolese authorities while in the UK. Also the origin plays a role: a

person originally from the Equateur province (from where Mobutu and Bemba originate) may have problems...

They are aware of some difficulties faced by returnees at N'djili airport through some press releases. Detention by DGM officials is common.

With regards to returnees being detained on or after arrival, there is the case of a human rights activist [name redacted] from Cabinda in Angola who wanted to attend an international conference in Zimbabwe and was intercepted and detained by DGM (in their provincial 'Transit' centre). Human rights organisations put a lot of pressure to have him released (this happened in 2011).

The organisation is able to access places of detention, DGM centres a little bit; ANR detention centres not at all. Officially human rights organisations are not allowed to access the prisons of security services (ANR) only the official prisons.

The profile of those FAS and other returnees who are detained or ill-treated is to be perceived as a political opponent or provenance, for instance Equateur province or Kasai or being a former military official or being close to people who used to be in the Mobutu regime.

With regards to how are the following groups treated at N'djili airport, they are all welcome but the differences start once they are interviewed. ANR and DGM have specific information (a wanted list):

- Irregular migrants [no information provided]
- Failed asylum seekers [no information provided]
 - i FAS returned voluntarily or forced [returns][no information provided]
 - ii FAS returned on a charter or schedule flight – the organisation does not have specific information about the above categories
- Ethnic groups [see above]
- Women and children: there are no cases of mistreatment.

Returnees with a criminal record and / or outstanding arrest warrant: if there is a warrant of arrest, the person will be definitely arrested and would be lucky if human rights groups become aware of the case, otherwise the person could disappear. Returnees from the United Kingdom and from other western European or African countries) all receive the same treatment if they are not on the black list.

No other groups were mentioned. **[11]**

- 4.12 [Representatives of Toges Noires said] When returnees arrive, almost all of them are going to be detained. There is the example of people who were recently returned from South Africa, who were detained and sent to Lubumbashi (Katanga), because they were returned after demonstrations held in South Africa during the presidential elections. When they were released, they could not find their way in Kinshasa because they are not from here. Some of them are still detained...

In May 2012 there were some Congolese sent back from London. Ten of them were detained by DGM agents and were released only by paying money to them (their families did it). One of them is now in Bas-Congo.

There has been a recent return from Sweden. The family had arranged something with certain DGM officials for the person to be taken from the tarmac at the airport and brought to the family. This was also in May 2012. This person had not been in Sweden for long, was planning to apply for asylum but did not have the opportunity. The organisation could not say exactly how much this safe passage from the tarmac would have cost – but it thought not more than \$500.

The organisation has not seen written reports of FAS and other returnees facing difficulties at the airport. They had only had conversations related to Angolan cases, mentioned by UNHCR. The only reports that the organisation has received from Europe is that when people are 'found' (caught in an irregular situation], they are sent back.

It is not easy to access places of detention because of the security services, they do not – at least officially – have access to either DGM or ANR places of detention. They can access the DGM provincial detention centre but can only call the person out, without going inside the prison, and talk to the person in the presence of DGM officials.

There is the phenomenon of 'combatants' who are against the DRC authorities and attack DRC officials when they are in Europe/UK. Those people are on the black list. When there is a group return to DRC, the authorities cannot make a difference between 'combatants' and other returnees. DGM officials accuse returnees of being 'combatants' to take money from them but if they are real combatants there is a different treatment.

Last year there was a female returnee from Europe who was sent to Makala prison after being returned. Her family did not have time to make arrangements with DGM, i.e. paying money to them, when she was still in the DGM detention centre. According to the law, you can only detain people for 48 hours in the DGM provincial detention centre but some people stay there for two months. This person was freed and is now attempting to go back to Europe. In Makala they do not treat people badly but conditions are not appropriate.

APARECO people are also on the black list, they will be mistreated. If someone is a member of APARECO there are problems since it is an opposition group and the government cannot accept this. The No.1 of APARECO was the No.1 of security services under Mobutu and has a lot of information about this country and those who run it. APARECO is on Facebook and so is very public.

Those returnees who are detained and / or ill-treated at the airport have a specific profile. ANR agents are on social media and have managed to infiltrate those networks (such as Facebook and Twitter) where political opponents exchange messages. ANR agents can easily get information on people's profiles. People who originate from the province of Equateur and Kasai are also of interest and are targeted.

With regards to how various groups are treated at N'djili airport, there is not much difference between irregular migrants and failed asylum seekers (FAS) because they do not know who is who. When people arrive, ANR want to know why people are returned, they take money from them.

There is not a lot of difference between FAS returned voluntarily or forced or FAS returned on a charter or schedule flight. The difference is that when there is a charter flight, DGM and all the other security services – ANR and the Republican Guard as well are getting ready for the opportunity to get more money – they know it will be a good revenue – better than from the government.

There is no problem for women and children who return.

Returnees with a criminal record and / or outstanding arrest warrant - if they are small crimes it can be fine, i.e not a problem. The judiciary is not strong enough to follow each person's case unless someone informs DGM or ANR or if ANR officials have a specific interest in following a case or if you are on the black list, they can arrest you.

The United Kingdom and France is where the 'boiler' is (i.e. where the opposition is active) and where 'combatants' are. There are some cases from the UK and Europe which are delicate. The perception is that when a person comes back from there they would be associated with the opposition. When those 10 people were returned from the UK the press mentioned they were 'combatants' but they were in fact just found to be irregular migrants. [12]

- 4.13 [Representatives of the French Embassy said] The embassy does not provide any assistance to returnees. Already France has to send 3 policemen for every returnee, it's enough. DGM does so [provides assistance to returnees].

The embassy is not accessible to returned failed asylum seekers and anyway French officials have already seen them at the airport. Returnees are well treated and the embassy could not see what type of difficulties there could be. The embassy does not know how accessible NGOs, UN and western embassies could be but does not think they are accessible. They can however easily report problems experienced upon return to human rights group and other organisations.

Here, in DRC, returnees are not mistreated upon return. The embassy has not heard about people being mistreated by DGM. On the other hand, returnees frequently complain about western countries. There are always problems in the aircrafts [with returnees]. Frequently returnees have to be restrained. Sometimes other people on the flight support them with some protest and are taken off the flight.

The embassy has not heard about returnees facing difficulties at the airport or being detained on or after arrival. They are not aware of any substantiated cases of returnees being ill-treated on arrival or afterwards. Returnees are not detained, just interviewed and sent back to their families...

With regards to the treatment at the airport of irregular migrants versus failed asylum seekers and voluntary returns versus enforced returns, DGM does not know who the failed asylum seeker are and there are no differences in terms of the two types of returns as well as in being returned on scheduled or charter flights.

There are no differences for various ethnic groups, everybody is well treated. If people do not have families in Kinshasa, DGM helps them to reach relatives.

The embassy has never experienced the return of women and children and France does not return minors without insurance they have family able to welcome them.

With regards to returnees with criminal records and / or an outstanding warrant of arrest, if the authorities are aware that the person is returning they will be detained.

All returnees irrespective of whether they are from Europe, USA, South Africa, Canada or elsewhere are treated in the same way.

France has 5 scheduled flights to Kinshasa a week – there is a representative from the embassy at the airport everyday – mainly to look at fraud issues. [These flights do not necessarily contain returnees]. **[13]**

- 4.14 [Representatives of the police commander of the city of Kinshasa said] 80 per cent of them [returnees] already have some small business here. They sent money to their families from abroad in order for them to set up some business.

Some returnees are from the countryside or even from the east but generally they can all easily integrate in Kinshasa. If they are tempted to go back to Europe, it's not from here. It is very easy to go to Brazzaville or Angola. To go to Brazzaville you only need a 'laissez passer'. Therefore the police/DGM cannot tell whether they are going back to Europe from there. DRC is a country bordering ten countries, only with natural borders. In addition it should be noted that tribes often live both sides of the border. For instance a tribe called Karund is present in Zambia, DRC and Angola (Cabinda). It's the same for Hutus and Tutsis, they are in Rwanda as well as Burundi. People find it very easy to go abroad, they can cross borders on foot without the need for cars and other forms of transport.

If there are returnees with criminal records and / or an outstanding warrant of arrest, the police cannot deal with this. It will be dealt with by the Ministry of Justice which is totally separate from the police. **[14]**

- 4.15 [Representatives of International Organisation for Migration (IOM), said] In the past DGM used to keep people in their office – and in the past they were involved with Kin Maziere – a special place for the police where people were kept.

In 2009 IOM had a voluntary return case who was detained for 24 hours due to an administrative error. The LP for the person recorded him as being a former ANR employee - but this was a mistake by the Embassy in Brussels. The DGM kept him just for questioning. IOM who had unusually not received a copy of the LP before the person travelled called the Embassy immediately - the Embassy called the DGM and the person was released. It was later found that a person in the Embassy had a problem with the traveller and with malicious intent had added false information to the LP.

There were about 40 Congolese nationals rejected from South Africa in 2008. The flight was supposed to land in Kinshasa, but it transited to Lumumbashi and everyone disembarked. This was a problem because the returnees' families were in Kinshasa so there was no support from them when they landed. So when they disembarked they required assistance but the authorities did not help.

The returnees asked for help from the Katanga Provisional Governor who is known to be a humanitarian sort of guy – he paid for them to fly back to Kinshasa. They stayed for about three weeks at N'djili without assistance.

IOM did have an office in Lumumbashi at the time, but it refused to help as the group were not voluntary returnees and outside the IOM mandate. [An IOM representative commented in the approved notes of the interview] I would disagree with the statement that this assistance would have been outside the mandate. IOM can help 1. With voluntary return and 2. With humanitarian and reintegration assistance after voluntary and non-voluntary returns. The other issue is funding – if and [sic] IOM country mission has no specific budget to address a situation, it can't provide assistance.

IOM is not aware of any voluntary returnees facing problems at N'djili airport, but they did remember a case from the UK in 2008 [first name supplied but redacted]. On arrival at the airport the person didn't ask for assistance but made his own way through. When processing with counselling and the reintegration assistance payment, one or two days before he went to the cement shop opening (his reintegration activity) by the IOM office, the British Embassy said that his friends had reported mistreatment – he had lost some money when questioned and his documents had been kept. But when he arrived at the office in the normal way he had his consent form and all the other usual documents. He didn't report any problem directly - the bad news only came from the UK. He went through the normal process and set up a cement shop.

It turned out that when he left the airport without seeking assistance from IOM to travel into Kinshasa (about a 45 minute drive, depending on the traffic), some men with a taxi helped him leave. He went to a bar with them and they made him pay for their beer, which he did. Before they got to his home they asked for more money – which he gave them because he had not yet reached his home, he felt obliged to do so.

In the past, particularly at the time of the 2nd republic, the general understanding was that returnees were seen to be opponents of the regime, but nowadays things have changed positively.

Many returnees are detained for 24/48 hours, but those with a criminal background would be detained longer. DGM may detain for migration problems, but IOM were not aware who would detain people in other circumstances.

IOM are sometimes asked by voluntary returnees' friends for help. Some returnees who were detained by DGM some weeks or months after see their friends who returned with the assistance of IOM come to the office asking for the same IOM package, but IOM cannot help – they are told they should have signed up for it before they returned. Some of them say they thought when they heard about the assistance originally it was a way to get people to return – they didn't trust it.

IOM were not aware how migrants and returnees other than the voluntary ones it assists, different ethnic groups, returnees with criminal records or those returning from the UK are treated at the airport.

Families with children who fly out of the airport are required to have an exit permit for each child – this helps prevent trafficking. The permit is issued at the DGM headquarters in Kinshasa. This system is not yet available in the Provinces, but it is planned.

The Congolese authorities prefer people to return voluntarily with the assistance of IOM. Those who are forced to leave come back without substantial means/money and it is a problem for the authorities.

For example in 2006 during the election period South Africa rejected 200 people – but the authorities here said they had to wait before sending them back – and they had to split into groups. They also encouraged South Africa to return people voluntarily.

IOM assisted voluntary returns are treated the same way whichever country they come from, the only difference is in the amount of money they receive.

The package from the UK and Switzerland is almost the same – the equivalent of about £2500. The package for Belgium has now increased and is also more or less equivalent to £2200.

From South Africa, Morocco and Libya the package is €400-500, from South Africa - €100.

In 2009, President Kabila issued an invitation to members of the diaspora across Europe to return, saying that Congo needed them. 100 people came back. One person had a business plan to bring N'djili airport up to European standards but he had underestimated the level of corruption he would face - from the AVR and his proposals never amounted to anything.

His colleague though was successful – he runs a successful tourist business and is heavily involved in the upcoming Francophone Conference.

IOM is aware that anti-establishment groups are very active in London – and particularly also in Ethiopia. They had not heard of APARECO. [15]

- 4.16 [A representative of the General Inspectorate of Justice said] The DGM do not forcefully detain returnees, they just interview them to get their identity.

If a person is in possession of an object/thing which can be the subject of fraud, for example if someone is in possession of drugs they can be detained. A person will also be detained if they fight the authorities, for example during the interview process. If returnees are thought to have a contagious disease they will be put aside in a separate room.

There are no detention facilities at the airport – if a person is detained it is just to hold that person until they can be detained. There is a magistrate in N'djili (the District) where a person who is to be detained can be taken. People can be detained in a facility there for up to 5 days with a provisional arrest warrant before they are taken before a judge. If the judge accepts that further

[The representative said] that all migrants, returnees, people from different ethnic groups, women and children and those returning from the UK are all treated the same way at the airport, there is no difference. They are all treated with dignity and allowed to go to their homes without any problem.

In 2007 the Ministry of Justice gave a report on the 14th Report of the UN explaining that there is no discrimination of ethnic groups.

The representative was not aware how returnees with a criminal record or an outstanding arrest warrant would be treated at the airport – there had not been an experience of that kind of case.

The representative is politically neutral and is not aware how the Congolese authorities view returnees from the UK or the rest of Europe, although they are all treated the same in no particular way. [16]

- 4.17 [An official of the OHCHR/MOUNOSCO joint Human Rights Office] The office does not deal specifically with returnees or illegal asylum seekers expelled from abroad – However it would follow up on a case if notified that a failed asylum seeker (FAS)/returnee was detained by the Congolese Authorities.

For example the office had received emails from a representative of one NGO based in UK about the case of a returnee [name redacted] thought to be detained in DRC upon arrival and who cannot speak Lingala or French. The office was informed that the returnee's father is reportedly very ill but the family do not know where he (the returnee) is. The office is investigating the case but all the detention centres visited so far (Makala, Ndolo, DGM transit centre) has not yield[ed a] successful result...

The office was not aware of any problems faced by returnees at the airport. It was not aware of any reports of ill-treatment from Congo – except the case reported from the UK organisation.

The office noticed that there are less cases of torture or ill treatment in Kinshasa's prisons – but the conditions of the prison need attention. The cells are not appropriate.

For example, in early June, the office was informed that three people from opposition parties were arrested and detained in one of a well-known military cell. The office was informed that they had been tortured but after investigation the office found that this was not true.

There may be detention facilities at the airport – like everywhere else in the world, but since the office doesn't deal with the returnees, it cannot confirm this...

Some people abuse their power, in the case of asylum seekers expelled from abroad, they are usually not happy at all to be brought back home. So it can happen that during the interview by immigration officers at the airport, they misbehave. The officers will feel offended and use their power just to show that they are the one in charge. At which extend do they use that power? Difficult to tell. We are not saying this is the case in Kinshasa but it can happen.

The office does not see the reasons why illegal asylum seekers expelled should be detained by authorities unless the expelled people are well known as political partisans accused to be involved in "some subversives activities".

The office was not aware that returnees face problems upon arrival at the airport in Kinshasa but now it will investigate. [17]

4.18 [A representative of the Belgian Immigration Office in a written response to the questions below stated]

16. Are you aware of any reports of FAS or other returnees facing difficulties at N'djili airport? No

17. Are you aware of FAS or other returnees being detained on or after arrival? No

18. Are you able to access these places of detention? N/A

19. Are you aware of substantiated cases of FAS or other returnees being ill-treated on arrival at the airport or afterwards? No

20. If so, details (type of returnee, what, when, where, etc)? N/A

21. If FAS or other returnees are detained and / or ill-treated, do they have a particular profile? [Left blank]

22. How are the following groups treated at N'djili airport? The authorities are treating all these people as irregular migrants. Belgium doesn't send children back by force. We never specify upon arrival if the is a FAS or if he has a criminal record

- a. Irregular migrants
- b. Failed asylum seekers
- i. FAS returned voluntarily or forced
- ii. FAS returned on a charter or schedule flight
- c. Ethnic groups
- d. Women / children
- e. Returnees with a criminal record and / or outstanding arrest warrant
- f. Returnees from the United Kingdom (UK) (compared to other western European or African countries)
- g. Other groups **[18]**

- 4.19 [The same source stated] I personally monitored the group of 19 [Congolese nationals] who were sent back [by the Belgium immigration authorities on] the 6th of March [2012]. All these people were irregular migrants and only one was arrested during the anti Kabila manifestations in Brussels. They were no opponents to the regime.

The group has been identified by both DGM and ANR (which is not really usual) and was released the day after. All the allegations by the DRC Diaspora in Belgium ([about] detentions/mistreatment) were not correct. **[18]**

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5. GOVERNMENT PERCEPTION OF RETURNING CONGOLESE

- 5.01 [Members of Human Rescue said] The objective of the authorities is to weaken the opposition. When the authorities arrest someone who has been returned it is for political reasons but they do not necessarily have the evidence that a person has actually being involved with the opposition. Just living in London makes a person being associated with the opposition. **[1]**
- 5.02 [A Congolese human rights organisation said] It's true that there is a perception that the 'heat' is in the UK, that is seen as where the 'boiler' is. Therefore the government pays more attention to those who are returned from the UK.

The UK is more open in giving opportunities to 'combatants', it is known there is freedom of speech there. That's the reason why when people are returned from the UK they are looked more carefully than other countries. Those returned from the UK are also more aggressive/hot tempered since it is not easy to enter the UK. The authorities

keep an open eye, they know the UK is the 'boiler' but do not necessarily make the connection to opposition groups.

The DRC does not give opportunities for its people to go to the UK – it is very strong on its borders.

The organisation is aware of the Association of the Mothers of Therese but they did not know any of its members. [3]

- 5.03 [Representatives of Les Amis de Nelson Mandela said] Those who make asylum applications abroad are perceived by the authorities as traitors. The fact of applying for asylum shows a person is running away from them. When those people are sent back here, the authorities are very happy.

The Congolese authorities perceive returnees from the UK as traitors – the fact that they asked for asylum means they are seen as running away from the current regime.

Most of those returned are seen as people who went to UK to claim asylum (accuse the [Congolese] government). At the moment the situation is difficult because of Congolese who demonstrate in Europe. Due to the action of the 'combatants'/the diaspora, most people who went abroad are seen as part of them. [4]

- 5.04 [Representatives of Renadhoc said] People who claim asylum whether in the UK or other western European countries put the government in a bad light so the image Congolese take to other countries is not seen well here by the government, but again it is the person's profile that counts not where the person returns from. [6]

- 5.05 [Representatives of Œuvres sociales pour le développement (OSD) said that] The authorities here basically do not care about people who have sought asylum in the UK and then returned. The DRC Embassy in London should tell the Ministry of Foreign Affairs (MFA) in DRC who they are returning.

The economic situation here in DRC pushes people abroad. The authorities are aware people want to go abroad to find work. The authority knows the population is suffering but they do nothing to change that. There are people in DRC who finished university 5-6 years ago and they still have not got jobs in DRC – they are still living with their parents. If the situation changes here there won't be as many people leaving to go abroad. If a person has a good salary here the organisation is not sure that he would leave – it's more likely he would have his money and go on holiday to Europe. Currently it is a big problem, people think they should go to the UK to stay / claim asylum. [7]

- 5.06 [Representatives of the Eglise du Christ au Congo stated] Returnees from the United Kingdom (UK) (compared to other western European or African countries): there are returnees who want to go back (e.g. to the UK) as soon as they are returned. The authorities are not happy about people being returned to DRC. [8]

- 5.07 [A British Embassy official involved in human rights issues said] The Congolese authorities do not have any problems with or any particular stand point on Congolese nationals who apply for asylum in the UK or other parts of western Europe. [9]

- 5.08 [A British Embassy official responsible for matters relating to migration stated] There is no shame in going to Europe, more a feeling of 'tried and failed' – the official does not think the DGM would see that as a negative affect on DRC. [10]

- 5.09 [A human rights organisation stated that] With regards to how do the authorities perceive Congolese nationals who apply for asylum in the UK and then return (by force or voluntarily) to the DRC and to how do the authorities perceive Congolese FAS returning from the western Europe (other than the UK), the authorities say that those people give a bad image to the country but they are aware there are economic migrants. People who fight the current dictatorship in DRC prefer to go abroad. [11]
- 5.10 [Representatives of Toges Noir said] For the authorities they are economic migrants and they are aware people abroad do demonstrations to justify their case. The government argues that there is democracy here. There are countries in Europe where Congolese are not as 'hot' (engaged in politics) as the UK, France and Belgium, so when they are sent back there is no particularly deep interview, unless they are on the black list. [12]
- 5.11 [Representatives of the French Embassy said] The Congolese authorities believe that there should not be any reasons for applying for asylum. Sometimes there are asylum applications made in Europe just for having written something in a newspaper or even having drawn a caricature – but in DRC you can't put someone in prison just for putting an article in a newspaper.

France does not provide the asylum files [of returned failed asylum seekers] to the authorities. They would therefore not know – for instance - if someone belongs to a political party. The embassy was aware of APARECO – a political movement, but it would not make any difference to the attitude of the DGM to a returnee if they were an APARECO member because the French would not make this information known.

The Congolese are not allowed to have dual nationality, but some Congolese have both French and Congolese passports – these are used alternately when travelling between the two countries – which causes problems. In some cases if a Congolese person is detained in DRC and they have a French passport as well, the DRC authorities do not recognise them as French but as Congolese. However, France give them consulate assistance. [13]

- 5.12 [Representatives of the police commander of the city of Kinshasa said] Most of those who leave the country do so because they have a taste for adventure, they want to see the world. Sometimes they sell their home to go to Europe. Once they are there they use every possible technique to stay there. They declare that they are political activists but the reality is different. There are also people who go abroad bringing away millions [from their companies] and pretend to be political opponents; human rights defenders and to be involved in other activities in Europe. There are also those who leave DRC to escape justice like rapists.

Congolese who are abroad need to sell a bad image of Congo in order to stay there, they think Europe is paradise. [14]

- 5.13 [Representatives of International Organisation for Migration (IOM), said] The Congolese authorities prefer people to return voluntarily with the assistance of IOM. Those who are forced to leave come back without substantial means/money and it is a problem for the authorities. For example in 2006 during the election period South Africa rejected 200 people – but the authorities here said they had to wait before sending them back – and they had to split into groups. They also encouraged South Africa to return people voluntarily...

In 2009, President Kabila issued an invitation to members of the diaspora across Europe to return, saying that Congo needed them. 100 people came back. One person had a business plan to bring N'djili airport up to European standards but he had underestimated the level of corruption he would face - from the AVR and his proposals never amounted to anything.

His colleague though was successful – he runs a successful tourist business and is heavily involved in the upcoming Francophone Conference. [15]

- 5.14 [A member of the Inspectorate Generale of Justice said] The representative is politically neutral and is not aware how the Congolese authorities view returnees from the UK or the rest of Europe, although they are all treated the same in no particular way. [16]
- 5.15 [An official of the OHCHR/MOUNOSCO joint Human Rights Office] The office does not see the reasons why illegal asylum seekers expelled should be detained by authorities unless the expelled people are well known as political partisans accused to be involved in “some subversives activities”. [17]
- 5.16 [A representative of the Belgian Immigration Office in a written response stated] In general the authorities don't pay attention if a person had asked for asylum or not in a European country. Seeking asylum is a way to get a legal stay and everybody knows that most of the stories told during the asylum procedure are fake. There is no difference in being sent back from Belgium, France or the UK. This attitude slightly changed after the violent manifestations in Belgium after Kabila's election victory and the mistreatment/threats of DRC officials who are coming to Europe. However, we don't have any prove [sic] that people who are sent back were ill treated upon arrival. [18]

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6. NON-RETURNS SPECIFIC INFORMATION

ALLIANCE DES PATRIOTES POUR LA REFONDATION DU CONGO (APARECO)

- 6.01 [Members of Human Rescue said] The organisation is aware of APARECO which has recently formed an alliance with UDPS and ARP (General Munene).

APARECO numbers a lot of ex Mubutists – the government fears it. Its leader has a lot of information which could be used against the government.

The APARECO leader does not have the resources to look after a clandestine movement in DRC.

One member of APARECO left the group to work for the DRC government. [1]

- 6.02 [Representatives of Les Amis de Nelson Mandela said] APARECO is known in DRC – Honoré Nganda Nzambo Ko Atumba, the leader of the group is known to have initiated the campaign that Kabila is not Congolese. He is known to be an enemy of the State. [4]
- 6.03 [Representatives of Renadhoc said] The organisation considers APARECO to be the most deadly enemy of the government. There are APARECO members in DRC but they are here secretly. [6]

- 6.04 [Representatives of Œuvres sociales pour le développement (OSD) said that] The organisation is aware of APARECO and its leader – it is a politically active group in Europe. It has nothing in DRC.
- The DRC government thinks it cannot have a good relationship with APARECO as they are seen as the enemy – they all want the power.
- The leader of APARECO is an expat who was in security - the ANR, he knows a lot of secrets, he knows the origin of the President. [7]
- 6.05 [A human rights organisation in DRC stated that] The organisation was aware of APARECO. [11]
- 6.06 [Representatives of Toges Noir said] APARECO people are also on the black list, they will be mistreated. If someone is a member of APARECO there are problems since it is an opposition group and the government cannot accept this. The No.1 of APARECO was the No.1 of security services under Mobutu and has a lot of information about this country and those who run it. APARECO is on Facebook and so is very public. [12]
- 6.07 [Representatives of the French Embassy said] The Embassy was aware of APARECO – a political movement, but it would not make any difference to the attitude of the DGM to a returnee if they were an APARECO member because the French would not make this information known. [13]
- 6.08 [Representatives of International Organisation for Migration (IOM), said] It is aware that anti-establishment groups are very active in London – and particularly also in Ethiopia. They had not heard of APARECO. [15]

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MOBILE PHONE MONITORING

- 6.09 [Representatives of Association de Défense des Droits de l'Homme (ASADHO) said] The organisation is aware that mobile phones can be monitored. When there are demonstrations in Europe against the Congolese government, images are shown here and are used to identify people. ANR has a service to do this. Mobiles are controlled if someone is targeted. For instance an SMS send by a person now in London [name supplied but omitted here] and who defended Jean-Pierre Bemba in the International Court was intercepted by ANR. She was detained and accused of being involved in an attempted coup d'etat. She was arrested, raped and tortured. It was proved through evidence in the Bemba trial that this phone interception took place. [5]

There was also the case of Floribert Chebeya, (President of Voix sans Voix). He sent an SMS to a lady in MONUSCO on his way to see the police – she acknowledged receipt of the SMS but after that there was no contact from Chebeya. Special services within the police have the right to obtain any numbers they wish from the mobile operator Vodacom. The organisation is in partnership with MONUSCO and working together they have found that there are ANR officers inside VODACOM who monitor calls. [5]

'INVITATIONS' ISSUED BY THE POLICE

- 6.11 [Representatives of Renadhoc said] An invitation from the police is not an arrest warrant – a person can take their solicitor and it does not necessarily mean the person

would be arrested. It is possible to go to the police at any time when you have an invitation - but you have to go. Two invitations may be issued if a person does not turn up – but then an arrest warrant is issued and this is followed by detention.

Arrest warrants can be issued by the police, the Court, the Military Court and the ANR.

On some occasions, an invitation is not issued – just an arrest warrant. Sometimes an arrest is made without a warrant – this is called 'Avis de Recherche'. [6]

- 6.12 [Representatives of the police commander of the city of Kinshasa said] There is a difference between 'an invitation to see the police' and a warrant of arrest. When the police want to see someone who has been accused of something, by a third party, they send the person what is called an 'invitation'. If the person does not turn up, the police will obtain a warrant of arrest from the courts. At that point the police are given more powers by the court. However, a warrant of arrest will be requested only after a person has ignored three invitations. [14]

NEWSPAPER ARTICLES

- 6.13 [A British Embassy official involved in human rights issues said] The media doesn't operate on western business models – newspapers are generally owned by influential people. They do not have large circulations.

It is very common to pay for an article – this is often done by political parties and NGOs and it is usual to provide refreshments at a press conference and to possibly pay the journalists too. It is easy to have an article printed with the editorial slant you want. Newspaper articles are also used to raise the profile of a [legal] case. Both sides use the media to exert pressure on the other side. This is also known to happen for example in industrial disputes where the media can be used to embarrass the other side.

High profile organisations, such as the British Embassy and others do not need to pay in this way. [9]

- 6.14 [Representatives of the police commander of the city of Kinshasa said] The police are aware that some people collaborate with newspapers to get published some 'wanted' message (i.e. that the police are looking for them) in those papers. However, those 'wanted' messages/ads are all fake. (The police could not say how much paying for such an advertisement would cost – they did not know). If someone is wanted by the police or the secret service, they would certainly not use such a method. The police would never use ads in papers if they need to get hold of someone. They do not need the media for this. If someone disappears, the police will issue a 'research order' to all their units, it will not use newspapers. [14]

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Annex A

REFERENCES TO SOURCE MATERIAL

Websites are provided where available

[1] Representatives of Human Rescue (Human Rescue /RD Congo),
<http://www.societecivile.cd/node/535>

Notes of interview conducted on 19 June 2012, [see notes in Annex E](#).

[2] An official of the Federal Office for Migration of Switzerland,
<http://www.bfm.admin.ch/bfm/en/home.html>

Notes of interview conducted on 25 June 2012, [see notes in Annex E](#)

[3] Representatives of a Congolese human rights organisation

Notes of interview conducted on 19 June 2012, [see notes in Annex E](#)

[4] Representatives of Les Amis de Nelson Mandela pour la Défense des Droits Humains

Notes of interview conducted on 18 June 2012, [see notes in Annex E](#)

[5] Representatives of Association de Défense des Droits de l'Homme (ASADHO),
<http://www.crin.org/organisations/viewOrg.asp?ID=65>

Notes of interview conducted on 18 June 2012, [see notes in Annex E](#)

[6] Representatives of Réseau National des ONGs des Droits de l'Homme (RENADHOC),
<http://www.renadhoc.org/>

Notes of interview conducted on 19 June, [see notes in Annex E](#)

[7] Representatives of Œuvres sociales pour le développement (OSD),

Notes of interview conducted on 20 June 2012, [see notes in Annex E](#)

[8] Representatives of L'Eglise du Christ au Congo, <http://www.ecc.faithweb.com/>

Notes of interview conducted on 20 June 2012, [see notes in Annex E](#)

[9] Official with responsibility for human rights, British Embassy, Kinshasa,
<http://ukindrc.fco.gov.uk/en/about-us/our-embassy/>

Notes of interview conducted 22 June 2012, [see notes in Annex E](#)

[10] Official with responsibility for matters relating to migration, British Embassy, Kinshasa
<http://ukindrc.fco.gov.uk/en/about-us/our-embassy/>

Notes of interview conducted on 22 June 2012, [see notes in Annex E](#)

[11] Representatives of a human rights organisation in the DRC

Notes of interview conducted on 20 June 2012, [see notes in Annex E](#)

[12] Representatives of Toges Noires, <http://www.societecivile.cd/node/1027>

Notes of interview conducted on 21 June 2012, [see notes in Annex E](#)

[13] Representative of the French Embassy, Kinshasa, <http://www.ambafrance-cd.org/>

Notes of interview conducted 21 June 2012, [see notes in Annex E](#)

[14] Representatives of Inspecteur Provincial de la Police, Kinshasa (police headquarters)

Notes of interview conducted on 22 June 2012, [see notes in Annex E](#)

[15] Representatives of the International Organisation for Migration (IOM)

<http://www.iom.int/jahia/Jahia/democratic-republic-of-the-congo>

Notes of interview conducted on 25 June 2012, [see notes in Annex E](#)

[16] Representatives of the General Inspectorate of Justice

Notes of interview conducted 25 June 2012, [see notes in Annex E](#)

[17] Representatives of the Office of the High Commissioner for Human Rights/United Nations Organization Stabilization Mission in the DR Congo (UN Joint Human Rights Office), Kinshasa

<http://monusco.unmissions.org/Default.aspx?tabid=10662&language=en-US>

Notes of interview conducted on 26 June 2012, [see notes in Annex E](#)

[18] An official of the Belgium Immigration Office

<https://dofi.ibz.be/sites/dvzoe/en/Pages/home.aspx>

Written submissions dated 4 September 2012, [see notes in Annex E](#)

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Annex B

TERMS OF REFERENCE (ENGLISH AND FRENCH)

Purpose

A fact finding mission (FFM) is to be undertaken by researchers from the UK Border Agency's Country of Origin Information (COI) Service between 18 and 28 June 2012 in Kinshasa. The purpose of the mission is to obtain information about the treatment of Congolese nationals returning (voluntarily and by force) to the Democratic Republic of Congo (DRC) from the United Kingdom (UK) and western Europe by the Congolese authorities.

The information provided by sources will be reproduced in a report placed in the public domain and used to assist UK immigration officials and judges involved in the asylum and human rights decision making process.

The mission will be undertaken by Amanda Wood and Eugenio Bosco of COI Service, UK Border Agency.

The UK Border Agency is an agency within the UK government's Home Office and is responsible for immigration control and asylum. More information about the UK Border Agency and COI Service can be found on our website: <http://www.ukba.homeoffice.gov.uk/aboutus/#> and <http://www.ukba.homeoffice.gov.uk/policyandlaw/guidance/coi/>

Sources

The FFM delegation have identified a range of sources that may be able to provide an informed view on the situation of Congolese nationals who return to the DRC. Sources include representatives of the United Nations and its agencies, international and domestic non-governmental organisations (NGOs), overseas diplomatic missions and the Congolese authorities.

Information provided by sources is to be used in a publicly disclosable report. However, the FFM delegation will only use and publish information provided by sources with their consent. Additionally, we will ask sources if they are willing to be identified as the source of the information they provide. Some sources may wish not to be publicly identified in order to protect themselves, their staff, or the operations of their organisation. In such cases we will ask if the source is willing to be identified in general terms, for example as "an official of an international humanitarian organisation". If sources are unwilling to agree to that level of identification the information they provide may be used anonymously.

Areas of enquiry

- Numbers of Congolese nationals (irregular migrants including failed asylum seeker (FAS); voluntary and enforced) returned to Kinshasa and more generally to the DRC
- Description of the process of return / treatment at N'djili airport
 - o Documents required for return to DRC
 - o Penalties for leaving or arriving in the DRC without a valid passport
 - o Checks undertaken by Congolese immigration authorities on arrival
 - o Identification of returnees as failed asylum seekers (FAS)
 - o Questioning and / or detention of returnees upon arrival

- o Existence of detention facilities at the airport
- o If not detained at the airport, are returnees held at other detention facilities
- o Profile of those questioned and / or detained at the airport
- Monitoring of returnees by western governments, UN and its agencies, international / local NGOs:
 - o Monitoring at N'djili airport
 - o Meeting of returnees at the airport
 - o Monitoring undertaken after arrival
 - o Support / assistance available to returnees following arrival
 - o Accessibility of western governments, NGOs, UN, etc, to returnees
- Treatment of returnees
 - o Evidence of problems faced by returnees, specifically FAS, on arrival
 - o Evidence of returnees being detained upon arrival or afterwards (i.e. en route from the airport to Kinshasa or once in their areas of origin)
 - o Documented / substantiated cases of ill-treatment
 - o Varying treatment of returnees, including the following profiles:
 - voluntary / forced returns schedule / charter flights
 - documented / undocumented
 - ethnic groups
 - women / men
 - criminal / non-criminal records
 - from where returned
- Congolese authorities perception of failed asylum seekers returned from the UK, and as compared to those returned from other western European or African countries

June 2012

Objectif

Une mission « Fact Finding » (FFM) sera entreprise par des chercheurs du service d'informations sur le pays d'origine (COI) de l'UKBA entre les 18 et le 28 juin 2012 à Kinshasa. L'objectif de la mission est d'obtenir des informations sur le traitement par les autorités congolaises des ressortissants congolais rapatriés (volontairement ou de force) vers la République démocratique du Congo (RDC) en provenance du Royaume-Uni et de l'Europe de l'Ouest.

Les informations fournies par les sources seront reproduites dans un rapport placé dans le domaine public et utilisées pour assister les fonctionnaires d'immigration britanniques et les juges impliqués dans le processus de décision relatif aux demandes d'asile et aux droits de l'homme.

La mission sera confiée à Amanda Wood et Eugenio Bosco du service COI, UKBA. L'Agence britannique aux frontières (UKBA) est une agence faisant partie du Home Office (Ministère de l'Intérieur) du gouvernement britannique et responsable des contrôles d'immigration et des demandes d'asile. Plus d'informations sur l'Agence britannique aux frontières et le service COI se trouvent sur notre site Web:

<http://www.ukba.homeoffice.gov.uk/aboutus/#> and
<http://www.ukba.homeoffice.gov.uk/policyandlaw/guidance/coi/>

Sources

La délégation FFM a identifié toute une gamme de sources en mesure de fournir des informations sur la situation des ressortissants congolais qui retournent en RDC. Les sources incluent des représentants de l'Organisation des Nations unies et de ses agences, d'organisations non-gouvernementales (ONG) nationales et internationales, de missions diplomatiques à l'étranger et des autorités congolaises.

Les informations fournies par les sources seront utilisées dans un rapport disponible publiquement. Toutefois, la délégation FFM utilisera et publiera uniquement les informations fournies par les sources avec leur consentement. De plus, nous demanderons aux sources si elles veulent être identifiées en tant que sources des informations qu'elles fournissent. Il est possible que certaines sources ne souhaitent pas être identifiées publiquement afin de se protéger, de protéger le personnel ou les opérations de leur organisation. Dans de tels cas, nous demanderons si la source accepte d'être identifiée en termes généraux, par exemple comme un « fonctionnaire d'une organisation humanitaire internationale ». Si les sources ne sont pas d'accord avec ce niveau d'identification, les informations qu'elles fournissent pourront être utilisées de façon anonyme.

Domaine de l'enquête

- Un certain nombre de ressortissants congolais (migrants irréguliers dont les demandeurs d'asile rejetés (FAS) ; volontaires et forcés) sont retournés à Kinshasa et plus généralement en RDC
- Description du processus de retour / traitement à l'aéroport N'djili
 - o Documents nécessaires pour le retour en RDC
 - o Sanctions pour quitter la RDC ou y arriver sans un passeport valide
 - o Vérifications entreprises par les autorités d'immigration congolaises à l'arrivée
 - o Identification des personnes rapatriées en tant que demandeurs d'asile rejetés (FAS)
 - o Interrogation et / ou détention des personnes rapatriées à l'arrivée
 - o Existence de lieux de détention à l'aéroport
 - o Si elles ne sont pas détenues à l'aéroport, les personnes rapatriées sont-elles détenues dans d'autres centres de détention
 - o Profil des personnes interrogées et / ou détenues à l'aéroport
- Suivi des personnes rapatriées par les gouvernements occidentaux, l'ONU et ses agences internationales, des ONG locales et internationales:
 - o Suivi à l'aéroport N'djili
 - o Rencontre avec les personnes rapatriées à l'aéroport
 - o Suivi entrepris après l'arrivée
 - o Soutien / assistance disponible pour les personnes rapatriées après leur arrivée
 - o Accessibilité des gouvernements occidentaux, des ONG, de l'ONU, etc. aux personnes rapatriées
- Traitement des personnes rapatriées
 - o Preuves de problèmes auxquels font face les personnes rapatriées, en particulier les FAS, à l'arrivée

- o Preuves que les personnes rapatriées sont détenues à leur arrivée ou après leur arrivée (c'est-à-dire en route de l'aéroport vers Kinshasa ou une fois arrivées dans leur région d'origine)
- o Cas documentés / confirmés de mauvais traitements
- o Traitements différents des personnes rapatriées, y compris les profils suivants:
 - retour volontaire / force
 - vols charter / réguliers
 - documenté / non documenté
 - groupes ethniques
 - femmes / homes
 - casier judiciaire existant / non existant
 - rapatriés d'où
- Perception par les autorités congolaises des demandeurs d'asile rejetés rapatriés du Royaume-Uni, en comparaison avec ceux rapatriés d'autres pays d'Europe de l'Ouest ou d'autres pays africains.

Juin 2012

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Annex C

QUESTIONS FOR INTERLOCUTORS (ENGLISH AND FRENCH)

Numbers of Congolese returning to DRC via N'djili airport, Kinshasa

1. Do you know how many returnees, including failed asylum seekers, travelled into Kinshasa via N'djili airport in 2011 and 2012?

Description of the process of return / treatment at N'djili airport

2. On what travel documents can Congolese nationals return to the DRC?
3. Is any other documentation required to enter the DRC?
4. Are there any penalties for leaving the DRC on a false or invalid passport?
5. What checks are returnees, including failed asylum seekers, subject to by immigration officials at N'djili airport?
6. What recording system exists at N'djili airport? (For example, do immigration officials use an electronic database or a paper-based system)
7. Are the Congolese immigration authorities able to identify returning failed asylum seekers? If so, how?
8. In what circumstances may the authorities detain a returnee?
9. Are there detention facilities at N'djili airport?
10. If there are not, and a returnee is to be detained, where are they detained?

Monitoring of returnees

11. Does your organisation monitor returning failed asylum seekers (FAS)?
12. Does your organisation meet returning FAS at N'djili airport?
13. Do you provide assistance to FAS after their arrival? If so, what and for how long?
14. How accessible to FAS is:
 - a. your organisation?
 - b. other organisations such NGOs, United Nations and western embassies?
15. Are FAS and other returnees who experience problems on return able to report these difficulties to human rights groups or other organisations?

Treatment of returnees

16. Are you aware of any reports of FAS or other returnees facing difficulties at N'djili airport?
17. Are you aware of FAS or other returnees being detained on or after arrival?
18. Are you able to access these places of detention?
19. Are you aware of substantiated cases of FAS or other returnees being ill-treated on arrival at the airport or afterwards?
20. If so, details (type of returnee, what, when, where, etc)?
21. If FAS or other returnees are detained and / or ill-treated, do they have a particular profile?
22. How are the following groups treated at N'djili airport?
 - a. Irregular migrants
 - b. Failed asylum seekers
 - i. FAS returned voluntarily or forced
 - ii. FAS returned on a charter or schedule flight
 - c. Ethnic groups
 - d. Women / children

- e. Returnees with a criminal record and / or outstanding arrest warrant
- f. Returnees from the United Kingdom (UK) (compared to other western European or African countries)
- g. Other groups

Government perception of returning Congolese

- 23. How do the authorities perceive Congolese who apply for asylum in the UK and then return (by force or voluntarily) to the DRC?
- 24. How do the authorities perceive Congolese FAS returning from the western Europe (other than the UK)?

Nombre de ressortissants congolais rapatriés en RDC par l'aéroport N'djili, Kinshasa

- 1. Savez-vous combien de personnes rapatriées, y compris les demandeurs d'asile rejetés, sont arrivées à l'aéroport N'djili en 2011 et 2012 ?

Description du processus de retour / traitement à l'aéroport N'djili

- 2. Quels documents de voyage les ressortissants congolais doivent-ils posséder pour retourner en RDC ?
- 3. Existe-t-il d'autres documents nécessaires pour entrer en RDC ?
- 4. Existe-t-il des sanctions pour quitter la RDC avec un passeport faux ou non valable ?
- 5. À quelles vérifications les personnes rapatriées, y compris les demandeurs d'asile rejetés, sont-elles soumises par les agents d'immigrations à l'aéroport N'djili ?
- 6. Quel système d'enregistrement existe à l'aéroport N'djili ? (Par exemple, les agents d'immigration utilisent-ils une base de données électronique ou un système au support papier)
- 7. Les autorités d'immigration congolaises sont-elles en mesure d'identifier les demandeurs d'asile rejetés ? Si cela est le cas, comment ?
- 8. Dans quelles circonstances les autorités peuvent-elles détenir une personne rapatriée ?
- 9. Existe-t-il des espaces de détention à l'aéroport N'djili ?
- 10. S'il n'en existe pas et une personne rapatriée est détenue, où est-elle détenue ?

Suivi des personnes rapatriées

- 11. Votre organisation suit-elle les demandeurs d'asile rejetés ?
- 12. Votre organisation rencontre-t-elle les demandeurs d'asile rejetés à l'aéroport N'djili ?
- 13. Offrez-vous une aide aux demandeurs d'asile rejetés après leur arrivée ? Si cela est le cas, quel type d'aide et pour combien de temps ?
- 14. Quelle est la facilité d'accès pour les demandeurs d'asile rejetés à :
 - a. votre organisation ?
 - b. d'autres organisations telles que des O.N.G., l'organisation des Nations unies ou des ambassades occidentales ?
- 15. Les demandeurs d'asiles rejetés et autres personnes rapatriées qui connaissent des problèmes à leur retour sont-ils en mesure de rapporter ces difficultés à des groupes de défenses des droits de l'Homme ou d'autres organisations ?

Traitement des personnes rapatriées

- 16. Avez-vous connaissance de rapports concernant des demandeurs d'asile rejetés ou toutes autres personnes rapatriées connaissant des difficultés à l'aéroport N'djili ?

17. Avez-vous connaissance de demandeurs d'asile rejetés ou autre personnes rapatriées étant détenu(e)s à leur arrivée ou après leur arrivée ?
18. Êtes-vous en mesure d'accéder à ces lieux de détention ?
19. Avez-vous connaissance de cas confirmés de demandeurs d'asile rejetés ou d'autres personnes rapatriées ayant subi un mauvais traitement à leur arrivée à l'aéroport ou après leur arrivée ?
20. Si cela est le cas, avez-vous plus d'informations (type de personnes rapatriées, quoi, quand, où, etc.) ?
21. Si des demandeurs d'asile rejetés ou d'autres personnes rapatriées sont détenu(e)s et / ou maltraité(e)s, ont-ils un profil particulier ?
22. Comment les groupes suivants sont-ils traités à l'aéroport N'djili ?
 - a. Migrants irréguliers
 - b. Demandeurs d'asile rejetés
 - i. Demandeurs d'asile rejetés rapatriés volontairement ou de force
 - ii. Demandeurs d'asile rejetés rapatriés par vol régulier ou charter
 - c. Groupes ethniques
 - d. Femmes / enfants
 - e. Personnes rapatriées avec un casier judiciaire et / ou sous le coup d'un mandat d'arrêt
 - f. Personnes rapatriées du Royaume-Uni (en comparaison avec d'autres pays d'Europe de l'Ouest ou d'Afrique)
 - g. Autres groupes

Perceptions du gouvernement concernant les personnes rapatriées congolaises

23. Comment les autorités perçoivent-elles les congolais qui font une demande d'asile au Royaume-Uni puis sont rapatriés (de force ou volontairement) en RDC ?
24. Comment les autorités perçoivent-elles les demandeurs d'asile rejetés congolais revenant d'un pays d'Europe de l'Ouest (autre que le Royaume-Uni)

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Annex D

GLOSSARY OF ACRONYMS

ANR - L'Agence nationale de renseignements

ASADHO - Association de Défense des Droits de l'Homme

DEMIAP - Détection militaire des activités anti-patrie

DGM - Direction Générale de Migration

IOM - International Organisation for Migration

MONUSCO - United Nations Organization Stabilization Mission in the DR Congo

OHCHR - Office of the High Commissioner for Human Rights

OSD - Representatives of Œuvres sociales pour le développement

RENADHOC - Réseau National des ONGs des Droits de l'Homme

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Annex E

INTERVIEW NOTES

Interview with: Human Rescue

Conducted by: Amanda Wood and Eugenio Bosco

Interview date: 19 June 2012

Numbers of Congolese returning to DRC via N'djili airport, Kinshasa

People leave DRC to go to Europe not realising there are problems there too. Some of these people sell everything they have – including the family house and all their belongings in order to get to Europe.

These people leave DRC with a valid passport and a short term visa (valid for 2-3 months). A visa costs about \$250-350. Congolese passports are valid for 5 years – but there is a stipulation that the passport should have at least 6 months remaining on it. People in this situation often expect to be away for 1-2 years to make enough money to come back to DRC and buy more/several houses. Once their visas expire they live clandestinely.

The DGM don't make the number of people who return to DRC public. No NGO would be able to provide such figures

IOM have responsibility for migrants but they don't take care of them. Some returnees who are not from Kinshasa are just abandoned here as their families are elsewhere. There is no assistance by international organisations.

There is no programme of reintegration for returnees to DRC.

Description of the process of return / treatment at N'djili airport

The DGM can identify failed asylum seekers (FAS) when they are sent back.

Ill-treatment of returnees is done on purpose, for political reasons. The diaspora in the UK is seen as being against the government, so FAS are greeted as members of the opposition, who tarnish the government's image, so the authorities want to take revenge.

All returnees are taken by a waiting car to the DGM Provincial prison for 'enquiry reasons'. Sometimes this detention can last one month. It is only possible to get free from this if you know someone in power.

A man was returned from France to Brazzaville, even though he came from Kinshasa (the French said it was very close to Kinshasa). He was in prison for two weeks after that.

There used to be detention facilities at the airport but this officially finished in 2005/6. The organisation could not say exactly when. The DGM are very open about arresting and then detaining people in their Provincial prison.

There is also an ANR prison (Avenue 3Z) near the British Embassy.

Monitoring of returnees

The organisation does not monitor returnees, nor meets returning FAS at the airport as it does not have the resources for all this. It cannot deal with individual cases. It does however monitor human rights abuses – generally, it does not work with individuals – only for advocacy. Sometimes returnees find themselves in a dangerous situation and contact this organisation after being released. Usually people come to this organisation to tell their stories and about their problems in detention. The organisation then makes these public by placing accounts of the individual's experiences on its website.

The organisation also advocates for people seeking asylum in Europe. They are contacted from Europe to do this.

People who have been ill-treated/tortured are confident they can tell their experiences to this organisation and to other NGOs in Kinshasa.

The organisation is aware that FAS and illegal migrants experience problems at the airport. Those who have families in Kinshasa who help them can get free from detention, but if a returnee's family is, for example, in Goma, they cannot get free.

The organisation helped a returnee in 2010 who was sent back to Kinshasa. His family were in Goma. The organisation is in partnership with MONUSCO so it asked permission for the returnee to fly to Goma in a MONUSCO plane. The returnee was able to get home this way – otherwise there would have been no way he could have reached Goma.

The organisation did not have to pay for this. However, to travel to Goma normally would cost about \$400. The returnee did not have a job. The organisation said work is very difficult to find – but if there had been work available an average wage could be \$30 a month. This money would be needed for accommodation/food etc. The organisation said that returnees without families/support can die.

Some returnees are considered to belong to opposition parties. When questioned by the DGM if a person's responses are not clear, it is assumed the person is a political activist and they are detained – sometimes for up to a year. Prison conditions are very bad, there is some food (disgusting food) and also it is very crowded that actually eating is very difficult.

The organisation can access places of detention but it is very difficult.

The treatment of returnees is related to political activity. The greatest focus is on Congolese people living in the UK where the diaspora is very strong - returnees from the UK will be treated very badly. There are also some ex Mubutu army people living in the UK – when they are sent back they are identified and ill-treated.

The organisation is aware of APARECO which has recently formed an alliance with UDPS and ARP (General Munene).

APARECO numbers a lot of ex Mubutists – the government fears it. Its leader has a lot of information which could be used against the government.

The APARECO leader does not have the resources to look after a clandestine movement in DRC.

One member of APARECO left the group to work for the DRC government.

The DGM don't take any notice of voluntary returnees unless they are identified as having a political activist background – then they are 'put on the side' / to one side at the airport, taken to prison and ill-treated.

The organisation is also aware that Congolese politicians who travel to the UK have been ill-treated. In Belgium the Congolese President of the Senate was beaten.

The organisation is aware that some people who had demonstrated in South Africa after the November '11 election have been returned, but it has not monitored them.

All returnees are treated in the same way. Political affiliation is more important to the DGM than a person's ethnic background.

Women and children are also 'put on the side' and may be detained – but they are segregated from the men. They stay outside the prison during the day (while the men are inside) and they have a separate living area inside.

People with criminal records or outstanding arrest warrants who return are arrested. They would only have been able to leave DRC with financial assistance – so would be people with money/friends with money/political wealth background.

Government perception of returning Congolese

The objective of the authorities is to weaken the opposition. When the authorities arrest someone who has been returned it is for political reasons but they do not necessarily have the evidence that a person has actually being involved with the opposition. Just living in London makes a person being associated with the opposition.

Interview with: Federal Office for Migration of Switzerland, Swiss Embassy, Kinshasa
Conducted by: Amanda Wood and Neil Roberts
Interview date: 25 June 2012

In 2011 the Swiss returned 9 to Kinshasa and 7 more returned voluntarily. During the election period the Congolese authorities asked them to suspend returns. There have been no returns in 2012 to date (25/06). They normally return about 10-20 people a year. There is charter flight planned for the 5th July, 2012. The charter flight returned 7 people on July 4th 2012.

Description of the process of return / treatment at N'djili airport

Voluntary returnees travel on emergency documents or a passport. The Congolese Embassy in Switzerland is now able to issue passports. The Embassy can also issue Laissez passers (LPs). OK

The representative was once member on a multilateral fact-finding mission in the DRC (February 2007). During an interview at the DGM Headquarters, the mission was shown full crates of passports (forged, wrong holder, etc.) that had been seized at Ndjili Airport by the DGM. Asked about what would happen to the person using such a document to exit the country, the DGM answered: 'Nothing: by seizing the travel document and the flight ticket, the punishment is sufficient'.

Once identity is confirmed, the DGM offer help to get to the city – or call the family to say the person is back in Congo. If the returnee is met by their family at the airport they just leave after the ID checks are completed.

There was no information about the possible cost of the help offered by the DGM to assist with onward travel to the city or to contact the family.

Eighteen months ago DGM were working with paper, but now have an electronic system. Now they have information ahead of arrivals. [Previously the DGM had an electronic system called Pisces – provided by the Americans].

The documentation provided by the Swiss to DGM cannot identify them as failed asylum seekers (FAS). However if a returnee voluntarily tells the DGM that he claimed asylum – or the reason for doing so, that is out of the hands of the Swiss authorities.

According to international laws, the Swiss authorities must inform the DGM if a person is known to be a danger to the Congolese State.

If a person claims to be a political activist and his asylum claim is found to be not credible, he/she can leave Switzerland freely and with assistance. However, if/she does not leave the system gets more compelling and he/she might be deported.

If an asylum seeker is himself in danger, or if he/she is not fit to travel, he/she will not be deported.

There are military barracks on the site of N'djili airport but the Swiss authorities do not have access to it.

The Swiss have been all over the civil Airport – a delegation of 8 was allowed to check upon every corner and space, –but did not see any detention facility.

There are several security services that operate at the airport –it is not possible to know if those security people are meant to be there or not, if they are working officially or not. They would not need to catch people on the spot; they would just need to identify and watch them in order to arrest them later, if ever.

Monitoring of returnees

The Swiss do not directly monitor returnees, but they do monitor voluntary returns by visiting some returnees' projects 1 or 2 years later. For example they know of a returnee who got funding from Switzerland for a reintegration project and is now a hairdresser and is doing well.

Assistance to FAS ends at the airport when they are handed to the DGM with their travel documentation and personal belongings. The Swiss federal office for migration have no office in Kinshasa, but they can be reached by phone, fax and email or over the Swiss Embassy.

Treatment of returnees

It is not thought that the legal status of the person (FAS or returnee) has any bearing on whether or not they are ill-treated at the airport. The Swiss have no documented cases of ill-treatment at the airport. If there was thought to be an issue with ethnicity this would be reflected in the asylum process – as it used to be, but now there is no distinction between groups. There might be trouble for a woman travelling alone – just because she is a woman, her status would make no difference. Families with children only return from Switzerland to DRC on a voluntary basis.

If a person has an outstanding DRC arrest warrant, it would be a breach of Article 3 to return that person to DRC. She would not be deported under those circumstances. If a serious criminal is returned – for example someone who has committed a rape and has already served the corresponding sentence in Switzerland, it would be necessary to inform DGM, but the person would remain free since she already paid her debt to the society.

Interview with a Congolese human rights organisation
Conducted by: Amanda Wood and Eugenio Bosco
Interview date: 19 June 2012

Numbers of Congolese returning to DRC via N'djili airport, Kinshasa

The organisation does not have figures on the number of returnees to Kinshasa.

Description of the process of return / treatment at N'djili airport

Usually those coming back without documents (sans papiers) are not detained. They are interviewed and identified but not detained or mistreated. The treatment depends on what the person has done. If has caused some trouble in DRC or used forged documents, or is perceived to be against the government may experience problems

There are no places to detain people at the airport.

Monitoring of returnees

The organisation does not do any monitoring but have still something to do with returnees from Europe.

The organisation can meet returning FAS at N'djili airport but discreetly. At the airport they do not work in the front line, they work discreetly through intermediaries, both inside and outside the airport.

The organisation's name means they are there to provide assistance to detainees. They provide legal assistance to detainees by meeting with the solicitor who works in the prison, where there is one. They visit ordinary prisons, including Makala central prison, high courts' prisons, lower courts' prisons and the prisons police stations have in local boroughs' They also visit the prison at the DGM regional headquarters in Kinshasa.

People are normally aware of the organisation which is generally known through word of mouth. Those who are aware tell families and it is approached to see if they can provide legal assistance and get people released.

There is a cultural problem in reporting difficulties to human rights groups and Embassies. There is also a problem with the system in DRC. If a returnee is detained or even under surveillance they will find it difficult to contact this organisation and others, although the family, if there is one, will be able to do this.

At the airport there are no facilities to detain people, just an office where returnees are interviewed. If they have to be detained, they will be brought to the DGM headquarters. ANR is present at the airport but acts discreetly, without coming to light. Any action is taken by DGM. It works this way: the person arrives, is received by DGM, the normal formalities to enter DRC are dealt with but returnees will be interviewed. No torture or mistreatment can happen at this stage. After the interviews DGM decide whether a

person can be freed. If they want to arrest a person, this is later (it doesn't happen at the airport).

Treatment of returnees

The organisation is not aware of FAS or other returnees facing difficulties at the airport. The organisation is not able to access places of detention.

Each returnee is a specific case. They have to say why they are returned. The authorities are interested in this. For instance if a person has made some declarations against the government they can have problems once in DRC. Someone who has demonstrated against the government while abroad or even human rights defenders can face problems

With regards to how the following groups treated at N'djili airport:

Irregular migrants and failed asylum seekers: there is a difference. If someone chooses to return voluntarily they would not have problems but someone forced to come back to DRC may face problems. FAS can have a particular profile, but not always. If someone made a declaration in DRC (against the government before they left – they would face ill-treatment at the airport. DGM is in control of the exit and entry of all passengers

Voluntary returned FAS: do not have any problems when they come back through the airport.

Forced return FAS: will face problems when they come back through the airport.

Ethnic groups: Treatment is not related to the ethnic groups. The law and the procedures to follow are neutral. Treatment depends rather on the person. If someone had problems in DRC in the past can face problems when returned.

Women and children: There is no aggressive treatment towards women and children. The legal system in DRC treats them as 'incapable', they are protected.

Criminal record or outstanding arrest warrant: someone who has an outstanding arrest warrant will be arrested.

Returnees from the UK and other countries: there is no difference in their treatment, all returnees are returnees, Schengen, UK, US it does not make any difference. The organisation is aware that there have been allegations about differences of treatment for the UK but it is just rumours.

Government perception of returning Congolese

It's true that there is a perception that the 'heat' is in the UK, that is seen as where the 'boiler' is. Therefore the government pays more attention to those who are returned from the UK.

The UK is more open in giving opportunities to 'combatants', it is known there is freedom of speech there. That's the reason why when people are returned from the UK they are looked more carefully than other countries. Those returned from the UK are also more aggressive/hot tempered since it is not easy to enter the UK. The authorities keep an open eye, they know the UK is the 'boiler' but do not necessarily make the connection to opposition groups.

The DRC does not give opportunities for its people to go to the UK – it is very strong on its borders.

The organisation is aware of the Association of the Mothers of Therese but they did not know any of its members.

Interview with: Les Amis de Nelson Mandela
Conducted by: Amanda Wood and Eugenio Bosco
Interview date: 18 June 2012

Numbers of Congolese returning to DRC via N'djili airport, Kinshasa

The organisation did not know the specific numbers of people returned from the UK. However, had heard on MONUSCO radio of a bulk number due to return from the UK and this caused concern. This number included visitors, not just failed asylum seekers (FAS) or irregular migrants.

Description of the process of return / treatment at N'djili airport

When there are this type of returns (i.e. on charter flight), the organisation is informed but without being given names or details. Returnees from the UK are first questioned and identified, their belongings searched to see what their political affiliation is. This investigation is carried out by the DGM & the ANR (sometimes the ANR wear DGM uniforms). There have been some cases of people being mistreated once sent back to DRC but not necessarily returnees. Sometimes if there is no notification, people disappear with the involvement of special forces and ANR.

Congolese returnees from South Africa were sent to Lumumbashi (Kasapa) and mistreated. After that, the government has arranged a way of welcoming returnees. In February/March 2012 Spain returned 53 people - these were taken by the government from the airport to a restaurant and given \$100 each. The organisation said this was a PR exercise.

FAS do not return with passports, but with a document - from this it is known exactly what type of traveler a person is. On arrival returnees (not only from the UK) are interviewed by DGM and then the ANR take over. The only way out of this situation is if the person (or someone acting for them) knows someone in power.

Returnees may be put in one of the rooms at the airport. They will then be taken by car to the main ANR prison in Kinshasa. Once there they have no access to a lawyer or their family. If the organisation are made aware of this detention they can work with MONUSCO who can get access to this prison, but often the ANR deny that the person has been detained. In some cases if MONUSCO know people in the ANR it may be possible to find out where the person has been detained.

It is very dangerous to send back people from the UK because it is known that Congolese in the UK are against the government. The group of 'combatants' started in the UK.

Monitoring of returnees

The organisation does not monitor returnees yet but they can do it if there is a specific request.

Occasionally, the organisation meets returnees secretly at the airport with the cooperation of people who work there.

The organisation does not assist returnees financially, but it does help them legally: it informs them of their rights and helps defend them. For example it investigated the situation of a returnee from Sweden, [name given but not provided here]. He was able to tell the Swedish government that he had been ill-treated and tortured by the ANR. As a result the Swedish government arranged for him to return to Sweden. (He is a pastor and had been working in Sweden for 10 years and had a wife and children there). He had been taken straight from the airport by the Republican Guard in the boot of a car to an ANR prison. Someone there let him call his family which is how the organisation knew about him.

In order to look good/improve its image the ANR is known to release people, but then recapture them again and then these people disappear they are not released again.

Returnees have no problem accessing the organisation. People come to talk about what has happened to them, it helps them to talk about it and the government has to be more careful in how they deal with these people once their story is known.

There is also easy access to ASADHO and VSV.

The organisation is aware of ill-treatment of returnees at the airport, it often happens. The DGM and ANR will search people's belongings to see if they are linked to the European combatants and also to see if they have any family in DRC. Those without family are at risk of disappearing.

The organisation knows of one man who returned to the airport clothed in jeans and a t-shirt. These and all of the rest of his clothes and all of his belongings were confiscated by ANR and Republican Guard. Sometimes just some things are confiscated not all of a person's belongings.

The organisation have not heard about returnees from the UK disappearing. Sometimes people disappear because they want to – they don't investigate those cases.

The organisation heard about 30 returnees from Belgium who could not be found and the organisation was told they were sent to Katanga at the beginning of May 2012. It tried to make contact with a fellow NGO based there. The organisation cannot go to Katanga to investigate because it is too expensive to travel there.

They have access to prisons but if the organisation asks to visit a person in prison, the person is moved and put elsewhere so it can't see them. Sometimes when MOUSCO tries to see someone in ANR detention, the ANR changes the person's name so MONUSCO cannot visit them.

Those FAS who are arrested do not necessarily have a specific profile. Just the fact of having been in Europe. If someone has been in Europe, the authorities think the person actively opposes the current government and are very much wanted by the authorities here. If they do not have an influent person to help them they are going to be mistreated. If the authorities find anything against the government (even a printout from the internet), this can be a problem. When irregular migrants return from Europe it is assumed they have money. It also assumed that because they left in the way they did they are looking to side with the opposition so they are going to be ill-treated. If people come and go from DRC up to a year even, that is not a problem, it is those people who

have been gone for a long time that will be ill-treated. If the DGM find a photo of President Kabila in a person's luggage and that person says Kabila is good, the person is not ill-treated. Congolese people see themselves as weak and they see salvation coming from Europe.

Those who have been abroad are deemed as being enemies of the State. The authorities (DGM), speaking in Swahili described these people as 'Waduwi wa inje' - enemy of the state.

Also if a person sounds (by their speech) as though they originated from Kasai (the home of Tshisekedi) or from Equateur (the home of Jean Pierre Bemba) - these people will be very badly ill-treated.

Women and children are not ill-treated at the airport. However, if a woman returnee traveling alone is found to be associated with someone who is known to be against the government then she will be ill-treated – but it is very rare for this to happen to a woman.

A person who returns with a criminal record or an outstanding arrest warrant will be arrested straight away.

People in this position make a lot of noise in order not to be returned.

Those who return from the UK are more ill-treated than others. It is known there is more liberty of expression and stronger opposition to Kabila in the UK than in Belgium or France.

Both OFPRA (French) and the German and Belgian authorities have been to meet the organisation to talk about monitoring returnees – for 6 months.

Government perception of returning Congolese

Those who make asylum applications abroad are perceived by the authorities as traitors. The fact of applying for asylum shows a person is running away from them. When those people are sent back here, the authorities are very happy.

APARECO is known in DRC – Honoré Nganda Nzambo Ko Atumba, the leader of the group is known to have initiated the campaign that Kabila is not Congolese. He is known to be an enemy of the State.

The Congolese authorities perceive returnees from the UK as traitors – the fact that they asked for asylum means they are seen as running away from the current regime.

Interview with: Association de Défense des Droits de l'Homme (ASADHO)

Conducted by: Amanda Wood and Eugenio Bosco

Interview date: 18 June 2012

Numbers of Congolese returning to DRC via N'djili airport, Kinshasa

Do not have exact number of returnees in 2011 and 2012. When people are returned and when there are special charter flights, ASADHO are not informed. They are sometimes informed later if people are detained as families contact them.

Description of the process of return / treatment at N'djili airport

Congolese nationals return to the DRC with passports but some of them return without documents.

No other documentation is required to enter the DRC.

Penalties for leaving DRC without a valid passport: this should be questions for immigration (i.e. DGM) to answer but returnees are interviewed and sometimes detained by ANR.

Most of those returned are seen as people who went to UK to claim asylum (accuse the [Congolese] government). At the moment the situation is difficult because of Congolese who demonstrate in Europe. Due to the action of the 'combatants'/the diaspora, most people who went abroad are seen as part of them. Those with financial means pay money in DRC for those who are detained to be released.

Recently a young lady who was student in the UK [name provided but omitted here] was supposed to be returned to DRC. However, her father contacted ASADHO asking them to gather some evidence. He argued that it would have been dangerous to return her as she had been demonstrating (about the Congolese election) in the UK against the Congolese government (and she had been seen on television doing this). She was eventually returned on a scheduled Air France flight. ASADHO tried to find out what treatment she had after being returned. They understand she had been taken directly from the tarmac in the airport by some 'sympathetic' DGM people who had been contacted by her father. She is still in hiding.

There are a lot of returnees from South Africa (around 50 people) who were sent to Katanga, Buluwo prison, after being returned, and are still there. This is a political prison with high security. They had demonstrated in South Africa just after the Congolese election.

The DGM should be able to identify FAS – they have a register of who went and who came in. All airports in the country have the presence of the Republican Guard. There is a lot of smuggling at the airport.

The organisation does not have information about detention facilities at the airport, but there are many places at the airport where people may be kept.

DGM has a small prison in their provincial headquarters in Kinshasa. Before the police used to detain people in Kim Maziere, which is now closed. ANR keep people in 'cachots' [underground cells]. No one other than the ANR can enter ANR prisons.

A resident of Ireland (not a returnee) [name provided but omitted here] who came here with a project, was taken from Kinshasa and detained for 9 months without access and tortured. He is now in Makala (in Kinshasa) prison being accused of funding the movement who was supposed to kill the president in February 2011. He was accused of being sent to DRC by the number 1 of APARECO. This suggests that those coming from Europe are seen as a danger to the government.

Monitoring of returnees

In principle the organisation does not monitor returning failed asylum seekers but they are frequently contacted by foreign partner organisations and even government department like the French OPFRA [Organisation pour le Refugies et apatrides] asking them to investigate allegations.

The organisation does not meet returning FAS at N'djili airport unless they are notified in advance, most of the time by families.

They do not provide financial assistance to FAS after their arrival but can provide legal assistance and check why returnees are detained but ANR does not like ASADHO to be involved – they do not like the fact that ASADHO are implicating ANR in the detention. Sometimes families prefer ASADHO not to be involved so it doesn't make the situation worse.

The organisation is in Kinshasa and people know where to find them. They have a website and they can also be found through other NGOs. Sometimes people are referred to them through personal contact (e.g. Amnesty International). In the past the organisation used to have agreements with western embassies (Switzerland, Germany and an MoU with Spain). Embassies used to inform them. They were also used by the Dutch embassy. There was a case in the Netherlands of a former Mubuto officer who had applied for asylum. A Dutch court asked ASADHO to look into that case, which they needed information about. They found out he had been involved in some crimes and was excluded from international protection. Other organisations like Voix de sans Voix (VSV) and the Friends of Nelson Mandela are also accessible.

Treatment of returnees

Returnees are not treated like normal passengers. They are put aside/ 'on the side' (which is also another kind of discrimination). ASADHO does not have specific information about ill-treatment and most flights arrive in the late evening. One thing is sure though: returnees are intimidated in order to get money from them (the DGM and the ANR know the returnees have money with them). This is not only the case of returnees and FAS but also for normal passengers. For FAS it is just worse.

ASADHO have access to normal prisons as lawyers but not to those run by ANR (cachots) and other illegal/unofficial places of detention.

The organisation is aware that mobile phones can be monitored. When there are demonstrations in Europe against the Congolese government, images are shown here and are used to identify people. ANR has a service to do this. Mobiles are controlled if someone is targeted. For instance an SMS send by a person now in London [name supplied but omitted here] and who defended Jean-Pierre Bemba in the International Court was intercepted by ANR. She was detained and accused of being involved in an attempted coup d'etat. She was arrested, raped and tortured. It was proved through evidence in the Bemba trial that this phone interception took place.

There was also the case of Floribert Chebeya. He sent an SMS to a lady in MONUSCO on his way to see the police – she acknowledged receipt of the SMS but after that there was no contact from Chebeya. Special services within the police have the right to obtain any numbers they wish from the mobile operator Vodacom.. The organisation is in partnership with MONUSCO and working together they have found that there are ANR officers inside VODACOM who monitor calls.

Treatment at the airport of the following groups:

Irregular migrants and failed asylum seekers are interconnected. They both have to go through a formal interview (proces verbale) to be identified and some of them may be detained. Those with money have to pay to be released. Those who have applied for asylum abroad are considered to have given a bad image to the government and identified as members of the opposition. They will be asked about their reason for applying for asylum. If returnees are found to have a political connection they are sent to the ANR.

After the 2006 fight [for the presidency] between Kabila and Bemba, those from the Equateur province were considered to be supporters of Bemba. There were people detained, almost 100. Some of them are still in detention. Now those from Kasai are identified with Tshisekedi. If someone is from Katanga they are well treated because the number one [i.e. president Kabila] is from there. All the staff at the airport are from Katanga.

The general secretary of UDPS was invited to speak to a conference in Germany but was taken from the airport while attempting to leave, taken to a cachot and was subsequently tortured and suffered a broken neck. He has since tabled charges against the ANR.

Women / children face no problem returning through the airport. If someone has an outstanding arrest warrant they will be arrested straight away. As for criminal record, it is difficult to say.

Government perception of returning Congolese

See section above

Interview with: Renadhoc

Conducted by: Amanda Wood and Eugenio Bosco

Interview date: 19 June 2012

Numbers of Congolese returning to DRC via N'djili airport

After the election there were a lot of returnees - 'combatants' sent back. These included people from Belgium, the Netherlands, France and UK.

Approximately 3 months ago a Belgian army flight brought back Congolese who were living in Europe. There were 70 cases returned from Belgium.

The organisation said it was difficult to give an exact number between 2011 and 2012, but it was aware of some specific cases. In the past Amnesty International used to send them a list of people who were being returned – but now they don't do this regularly. In the past having the list was beneficial as they were able to go the airport to welcome them.

Now it seems returns are a secret operation – the DGM and the ANR can do what they want. When you search for the information – there is no clear information. You hear – 10 in some place, a few elsewhere – no clear explanation on where to find them. It is difficult to have access to see people. It seems that returns are secret because most times the flights arrive late at night. The organisation did not have access to the tarmac night or day.

In March 2011, 60 Congolese returnees were sent by force from South Africa. Not all of them were sent back to Kinshasa (where their families were) some of them were sent on a special plane to Lumumbashi, Katanga and were put in Kasapa prison.

In prison in DRC, people just get to eat food provided by their families as the government is not able to look after prisoners. So when they were sent to Katanga they found it difficult to find food and didn't eat. In principle the authorities should have sent them to Kinshasa.

In March 2012 approximately 70 people were returned from Europe on charter flights. They had no contact with their families and the organisation was not aware of their arrival. They were left to the mercy of the intelligence services, the DGM and the ANR.

Description of the process of return / treatment at N'djili airport

Sometimes when you talk to returnees they say that they have been picked up on the street in Europe to be returned and they haven't had time to contact Renadhoc.

The organisation has a system called ALERT. Sometimes they receive calls from outside the country or when a person is in prison or taken from the street and they can't contact the organisation themselves.

When returnees are sent back from Europe they are taken by the DGM or the ANR so when the organisation interviews them it is discreetly. The Civil Society or the solicitor doesn't have access to the information.

The ANR and the DGM know very well which returnees are failed asylum seekers (FAS). On charter flights and scheduled flights they know, because the returning country tells the DGM before they leave. The FAS can't escape the security services. When these people claim asylum they say bad things about DRC so when they get back the government knows they are enemies of the government.

It is difficult to say in which specific circumstances returnees are detained – they are all arrested.

All returns are to Kinshasa but not all returnees are from Kinshasa so some of them are completely lost. The government doesn't look after them – they live in their own responsibility. Those who come from the countryside whether in detention or released the government doesn't take attention of them. Those without family in Kinshasa – they become mentally affected with no one to care for them – no support so become mentally ill – some just die.

As an example of non assistance from the government – the government collected some people from Libya and just didn't help them – haven't helped them at all.

There are no proper detention facilities at the airport but some offices - ANR and DGM, police and army - which transform from offices to detention places during the evening.

For example – the President of the UDPS was put in an office overnight and then taken to the DGM Provincial Prison. The law allows a person to be detained for up to 40 hours.

These are places of detention:

ANR – (Direction Exterieur /avenue 3Z)

Demiap (Kintambo)

DGM (Direction Provinciale Kinshasa)

Demiap – AFRD (Military)

DGM Kin Maziere - still exists

Police Kin Maziere – closed

There are also some 'cachots' in police offices

Monitoring of returnees

If the organisation is informed of people returning they can monitor them. Both governments (UK and DRC) are not respecting human rights. One for sending people back, the other one for not respecting returnees. There is no way of stopping returns but each time people are returned they are arrested and disappeared.

Returnees let the organisation know about their experiences in detention. This is not a humanitarian organisation, we offer advocacy. If the returnee has a problem we take note and put information about it on our website. We also do monitoring to see if a person has been released or not. Sometimes we send people to see the Red Cross.

When people are returned they are happy to talk to Renadhoc – and to other NGOs, but sometimes it is difficult, sometimes they are scared to contact organisations. The organisation has a free telephone number - the ALERT system, sometimes they contact this number. When some of them get their belongings taken this organisation helps them get them back.

Treatment of returnees

The treatment of returnees is very bad. Some of them when they are released you know they have been ill-treated. 'Strong interviews' means torture is not excluded. Some of them have mental health problems now.

The organisation is aware the FAS or other returnees face difficulties at the airport – after people have been released from detention they tell them their experiences.

Human rights defenders (organisations and solicitors) officially have no access to ANR places of detention.

Which province people come from and their political allegiance makes a difference . For example people from Equateur countryside, if the DGM know you are from there they will associate you with Jean Pierre Bemba and the MLC – or if from Kasai – the association will be with the UDPS, whether or not a person belongs to a particular group.. But all returnees get ill-treated, it doesn't make any difference.

The DGM can tell where a person is from by their name – or through questions in the interview.

The organisation had not heard anything new about the treatment of women and children but in 2002 they were aware that a mother and her five children were released from the airport – the husband was detained.

When the government arrests people they do it very quickly and in secret which means people can disappear / be killed very easily.

An invitation from the police is not an arrest warrant – a person can take their solicitor and it does not necessarily mean the person would be arrested. It is possible to go to the police at any time when you have an invitation - but you have to go. Two invitations may be issued if a person does not turn up – but then an arrest warrant is issued and this is followed by detention.

Arrest warrants can be issued by the police, the Court, the Military Court and the ANR.

On some occasions, an invitation is not issued – just an arrest warrant. Sometimes an arrest is made without a warrant – this is called 'Avis de Recherche'.

Where the returnee comes from doesn't make any difference to the treatment they receive -sometimes with Frontex flights it is a bulk delivery so it is difficult to know where people are from (UK, Belgium, Netherlands or other countries). The way you are treated does not depend on where you return from but rather on your profile, especially political allegiance and on the province from which you originate in DRC

Government perception of returning Congolese

People who claim asylum whether in the UK or other western European countries put the government in a bad light so the image Congolese take to other countries is not seen well here by the government, but again it is the person's profile that counts not where the person returns from

The organisation considers APARECO to be the most deadly enemy of the government. There are APARECO members in DRC but they are here secretly.

They added that they used to have agreements with embassies and to be informed about returnees to make monitoring easier. The British Embassy should send information to them in order for them to monitor.

Interview with: Œuvres sociales pour le développement (OSD)

Conducted by: Amanda Wood and Eugenio Bosco

Interview date: 20 June 2012

Numbers of Congolese returning to DRC via N'djili airport

The organisation does not have a precise idea of the number of returnees.

This organisation looks after people who have been mistreated. In 2010 it dealt with 80 people, but last year it had 150 cases – some of these were people who were injured in the demonstrations around the time of the November '11 election. (A young man was brought to the meeting who had been shot in the leg – he had a wound - now much

healed with scarring on 50% of one leg below the knee. He is now able to walk – but was not before).

The organisation is aware of two cases of returnees who have been ill-treated. They noted that such cases are the only cases they received in terms of violations of this type involving cases from the UK.

a) In January 2010 a solicitor from London [name given but not disclosed here] contacted the organisation asking it to carry out a psychological assessment on a returnee [name given but not disclosed here]. The returnee had spent some days in the DGM Provincial prison where he had been ill-treated. The organisation did not know why the ill-treatment had taken place.

b) In 2008 there was a case of ill-treatment for a returnee from London also at the DGM Provincial prison. The organisation provided this person with medical assistance. They produced a medical report which was sent to this person's solicitors

c) The organisation was also aware of ill-treatment concerning two Schengen cases from 2009 and two from 2010. OSD was not aware of these until contacted by the national authorities of those Schengen countries and asked to find out what was happening. The organisation helped with information for the asylum decision in these cases and then afterwards gave information about treatment on return. The Schengen authorities also wanted to know whether the returnees were being tracked by the authorities and if they were still wanted people.

Those cases had been taken to DGM prisons where they were beaten with truncheons and were forced to sleep on the floor and had no food to eat. Their families had to give money to release them. Sometimes if the families know where their relatives are they take food. It would cost not less than \$250 to release someone – but it depends on what the charge is as to how much release costs. Some people stay there, some (when it is assumed they have no family) get moved to Makala prison.

There was no particular profile of the 6 returnees mentioned above, but some belonged to activist groups - against the regime and had taken part in demonstrations in the UK or Europe.

Description of the process of return / treatment at N'djili airport

Congolese Immigration authorities are able to identify failed asylum seekers (FAS): they have a register of all the returns. For all returnees the DGM should have a list of names. The DGM also has a list of names of people to send out of DRC – usually to West Africa.

The DGM now (since 2010) has a data/computer identification system, so from this system they can know all the information about people travelling. They know who goes out and who comes in. The organisation couldn't say how many people had travelled during 2011-2012.

If there is a return the DGM has to check him to take his money - this is a source of revenue for the DGM.

There are two possible outcomes for returnees at the airport:

1. DGM take money and release, or
2. If there is important information or the person is wanted – take money and detain

'Important information' would be political activist connections or a problem with the government in place. If a DGM officer released someone with either of these backgrounds they would be in trouble.

When returnees are sent back, the DGM headquarters are informed. Some returnees arrive at the airport with a migration officer who hands them over to the DGM. They then take them to the Provisional prison and decide if they can send them to prison. This is for all returnees – women and children too.

When people are returned they are first taken to the DGM Provincial prison where some stay 10 days.

There is no specific detention place at the airport so returnees are put in a car and sent to the Provincial prison.

Monitoring of returnees

France and Belgium asked the organisation to monitor specific returnee cases. OSD dealt with 10 cases like this in 2011 – they were given the names and addresses of the returnees and asked to find out if they were still in trouble. They investigated more cases from France than the other countries.

The organisation has also been asked to provide information for ongoing asylum cases – such as queries about whether or not a particular Church exists – or for information about FGM in Kasai.

OSD does not yet meet returnees at the airport – it is too public and they would be seen as giving information against the government.

They do however offer medical assistance, sometimes food assistance, sometimes legal assistance and also psychological assistance.

The organisation is accessible to returnees, as are the other organisations in Kinshasa that could help such as NGOs, embassies and the like in Kinshasa.

When talking about ill-treatment the returnee has to be comfortable talking to an organisation – they are comfortable talking to OSD. OSD also sometimes, takes the returnee to their home to help reintegrate them.

The organisation works with OPFRA and also with migration services in Belgium and some Schengen countries during the asylum claim – these countries ask them to help with the asylum decision – they sometimes talk on the phone.

Treatment of returnees

The Organisation is not generally aware of reports of FAS or other returnees facing difficulties at the airport. They are contacted by the persons who are returned or by human rights organisations.

The organisation cannot access places of detention – it can be done but it is not easy and it needs to be carried out discreetly. Members of the organisation can gain access by pretending to be a member of the detained person's family. If it was known that they are human rights defenders they would not be able to gain access.

If irregular migrants return to the airport with an expired visa they are going to face some problems.

Returnees who are forced to return have to be interviewed by the DGM who then decide what to do with them.

In some cases it makes a difference if a person has a different ethnic background. People who come from Equateur are associated with Mobutu and Jean-Pierre Bemba, those from Kasai with Tshikendi. Both ethnic groups are ill-treated – even if the person has ID – for example people from Kasai can be identified by their name – they are automatically tabled as being members of Tshikendi's party – or as one of his family members.

The organisation has heard there is a new code to be used by the DGM to identify a certain group of people – they will receive no pity and then ill-treatment, it is code 32 – but it is not in use yet.

Returnees with a criminal record or an outstanding arrest warrant go straight to prison – the DGM do not waste time on an interview they just take them there straight away.

There is no real difference between the treatment received by returnees from the UK and Europe – but there is a difference between those and West African countries. For example people who return from Angola are put somewhere and then released, but returnees from Europe are sent to detention.

Government perception of returning Congolese

The authorities here basically do not care about people who have sought asylum in the UK and then returned. The DRC Embassy in London should tell the Ministry of Foreign Affairs (MFA) in DRC who they are returning.

The economic situation here in DRC pushes people abroad. The authorities are aware people want to go abroad to find work. The authority knows the population is suffering but they do nothing to change that. There are people in DRC who finished university 5-6 years ago and they still have not got jobs in DRC – they are still living with their parents. If the situation changes here there won't be as many people leaving to go abroad. If a person has a good salary here the organisation is not sure that he would leave – it's more likely he would have his money and go on holiday to Europe. Currently it is a big problem, people think they should go to the UK to stay / claim asylum.

The organisation is aware of APARECO and its leader – it is a politically active group in Europe. It has nothing in DRC.

The DRC government thinks it cannot have a good relationship with APARECO as they are seen as the enemy – they all want the power.

The leader of APARECO is an ex pat who was in security - the ANR, he knows a lot of secrets, he knows the origin of the President.

Interview with: Eglise du Christ au Congo
Conducted by: Amanda Wood and Eugenio Bosco
Interview date: 20 June 2012

Numbers of Congolese returning to DRC via N'djili airport, Kinshasa

The Church does not know how many returnees, including failed asylum seekers, travelled into Kinshasa via N'djili airport in 2011 and 2012. The delegation were advised to talk to those who control the airport.

Description of the process of return / treatment at N'djili airport

With regards to travel documents used by Congolese nationals return to the DRC, returnees come back like prisoners, without documents. Lots of them are without passports. People travel to Europe on their passports but once they are there and the visa expires, passports disappear. Sometimes people are taken straight from work – and they don't have their documents with them [and have no other opportunity to collect them from their homes]. There is also the problem of establishing whether people are actually from Congo as there are people from Angola and Cameroon pretending to be from DRC. The church can help with the identification process and in contacting embassies to take their nationals back.

The Church had no information on any other documentation required to enter the DRC or on penalties for leaving the DRC on a false or invalid passport.

With regards to the checks, returnees, including failed asylum seekers, are subject to by immigration officials at N'djili airport, returnees are brought to the DGM offices in town, the church is not notified. In the case of Germany, the authorities there inform an associated church in Germany and the church here can go to the airport to see how returnees are treated. There is an agreement. Once returnees arrive at the border, they are handed over to the church by DGM. The Congolese government has no infrastructure and here there is no civil society either to look after returnees if they are for example ill. With regards to other countries, if the church is contacted it is able to look after them, if not they are unable to do so. When the church receives returnees it has to report back to Germany. This monitoring is done to avoid ill-treatment of returnees. For other countries, the church is not aware as they are not contacted. Solicitors from Germany sometimes ask the church information before people are returned. In Germany they take 9 years before deciding to send someone back. The church mainly takes care of humanitarian cases, they would not be willing, for instance, to take on criminal cases. The church receives returnees to see in what conditions they are. Some of them might have fought before entering the flight to avoid being deported.

With regards to information on what recording system exists at N'djili airport, and on whether the Congolese immigration authorities are able to identify returning failed asylum seekers, this is done by DGM and ANR as well as IOM, with the biometric data contained in passports and they also take fingerprints. Returnees are provided with a small piece of paper with a number to go to DGM. In the airport they create a list of returnees: one copy goes to DGM Provincial office, another to the DGM headquarters. Returnees coming back from Europe have identity to show they are Congolese, from this the DGM help them to get a passport. Some people have been ill-treated in the

country where they have been sent back from so some don't bother to get a passport – they just stay in DRC without a passport.

In principle, the authorities do not detain returnees at the airport. They make an effort to reunite returnees with their families. DGM does not want to take care of them. If returnees have no family in Kinshasa, they just stay in the DGM office.

There are no detention facilities at N'djili airport. Returnees are brought to the DGM offices in town.

Monitoring of returnees

The church monitors returning failed asylum seekers and meets returning FAS at N'djili airport. When there were recently returnees from South Africa, the church went to meet them at the airport.. They are a big Church and they have people in the migration services – and at the airport. The DGM number one of Protocol is a member of their Church.

It also provides assistance to FAS after their arrival. Some of them had left some money in banks' accounts and asked the church to access them. When people are returned, they return with nothing. It is not favourable to return people from the UK. Countries sending people back to DRC should alert the country of origin so that they are aware of the numbers. Also if the identities of cases are mentioned (as well as people's skills), some of them could be kept by the church as volunteers and the church could help them to reintegrate into society.

The church is easily accessible to FAS but they cannot say whether other organisations such NGOs, United Nations and western embassies are also easy to contact or whether FAS and other returnees who experience problems on return are able to report these difficulties to human rights groups or other organisations.

Treatment of returnees

The church is not aware of any reports of FAS or other returnees facing difficulties at N'djili airport. The church receives returnees and efforts are made to send them back to their families. Some of them prefer to stay in Kinshasa for work. Between their arrival and the time a job is found, they face a difficult situation which sometimes they consider as mistreatment. The Church said it would be beneficial if the returnees were able to access money in bank accounts on arrival back in DRC and to be able to bring some of their belongings with them. Otherwise it is difficult to reinsert them back into the community. Some Congolese asylum seekers in Europe say they are ill-treated in DRC in order not to be returned. There was the case for instance of Congolese pastor who went to on mission to Germany and told the church in Germany that he would be mistreated if returned. The church spent a lot of money trying to sort his situation out but he didn't return.

The church has never been informed of returnees in detention.

They are able to access places of detention, especially if their bishop goes there. They also have chaplains in some prisons.

The church is not aware of substantiated cases of FAS or other returnees being ill-treated on arrival at the airport or afterwards.

With regards to how are the following groups treated at N'djili airport:

- a. Irregular migrants
- b. Failed asylum seekers
 - i. FAS returned voluntarily or forced
 - ii. FAS returned on a charter or schedule flight – the church does not have specific information about the above categories
- c. Ethnic groups: in DRC there are tribes rather than ethnic groups. Tutsi, for instance are not returned.
- d. Women are treated in the same manner (as other returnees), children are not sent back.
- e. Returnees with a criminal record and / or outstanding arrest warrant: not mentioned

Government perception of returning Congolese

Returnees from the United Kingdom (UK) (compared to other western European or African countries): there are returnees who want to go back (e.g. to the UK) as soon as they are returned. The authorities are not happy about people being returned to DRC

Interview with: a British Embassy official involved in human rights issues
Conducted by: Amanda Wood and Eugenio Bosco
Interview date: 22 June 2012

Description of the process of return/treatment at N'djili airport

The official had no knowledge of the process at the airport.

Monitoring of returnees

The British Embassy does not routinely monitor returnees after arrival and processing in DRC. It is ready to investigate allegations of mistreatment, however, should it receive complaints.

Two officials from the British Embassy were at the airport to witness the arrival and processing of 5 returnees in June 2012.

The British Embassy does not provide assistance to failed asylum seekers (FAS) after their arrival.

The British Embassy is accessible to FAS. It would be possible to phone, email or just turn up if there was a problem. Genuine complaints will be heard. There is a multiplicity of local and international NGOs in Kinshasa and elsewhere who specialise in human rights issues who would take up the cases of returning Congolese nationals if they experience problems.

The United Nations monitor the whole spectrum of human rights in DRC – but tend to focus on the most serious violations, often associated with ongoing conflict in Eastern

DRC. It has focussed on migration issues - specifically the cases of people returned from Angola. The UN sent teams to the borders to investigate – this is an issue which is considered very seriously and at high levels. The Deputy Secretary General of the UN visited DRC a few weeks ago and took an interest in this.

Treatment of returnees

The British Embassy is only aware of reports of returnees facing difficulties in the UK regional media. The official was not aware if those reports covered the situation at the airport and if the problems occurred at the airport or after.

The Embassy is aware of unsubstantiated reports of returnees being detained. For example there was a question raised by a parliamentarian recently, but there has been nothing substantiated. The UK parliamentarian contacted the Foreign and Commonwealth Office (FCO) suggesting that a returnee in June 2012 had been detained and mistreated, but the Embassy had had no evidence to support this. This is the only case which has been expressly communicated to the FCO in the 18 months that the official has been at the Embassy. The person was one those returned from the UK with a charter flight in June 2012.

The Embassy is able to access places of detention.

The Embassy is not aware of any returnees being detained. The official has not witnessed any problems faced by a particular ethnic group or by women upon return and had no knowledge of the treatment faced by irregular migrants or failed asylum seekers who are returned.

The issue of returned FAS from the west doesn't get a lot of attention here, unless it's a case like that of Jimmy Mubenga, the returnee who died during the process of being returned to Angola (he was of Congolese origin and had family in DRC).

Government perception of returning Congolese

The Congolese authorities do not have any problems with or any particular stand point on Congolese nationals who apply for asylum in the UK or other parts of western Europe.

Newspapers

The media doesn't operate on western business models – newspapers are generally owned by influential people. They do not have large circulations.

It is very common to pay for an article – this is often done by political parties and NGOs and it is usual to provide refreshments at a press conference and to possibly pay the journalists too. It is easy to have an article printed with the editorial slant you want. Newspaper articles are also used to raise the profile of a case. Both sides use the media to exert pressure on the other side. This is also known to happen for example in industrial disputes where the media can be used to embarrass the other side.

High profile organisations, such as the British Embassy and others do not need to pay in this way.

Conducted by: Amanda Wood and Eugenio Bosco
Interview date: 22 June 2012

Numbers of Congolese returning to DRC via N'djili airport Kinshasa

There were no returnees in 2011 and 5 in 2012. It is understood that until 2012 there had been no UK returns for 3 years.

Description of the process of return/treatment at N'djili airport

Congolese nationals normally return on an ETD (Emergency Travel Document)

A number of British citizens have been arrested because their visas had expired – but they are just held at the airport.

There was also a person arrested for a visa offense but on further checks it was discovered that he had outstanding arrest warrant. He also owned the house his brother lived in (where a cache of weapons had been found) – and he had connections to a rebel group. The person was detained for about 9 months.

There is a computerised migration system at the airport.

The official was not aware of any way the Congolese authorities would be able to identify failed asylum seekers (FAS) who voluntarily returned. There is collaboration between DGM, the British Embassy (who issued 2 ETDs) and the Congolese Embassy in London for forced migration. The Embassy does not discuss details of Foreign National Offender. Returnees are just referred to as 'returnees' – not FNOs.

It is believed that only high profile people who were believed to be a threat to the State may be detained.

The official does not know if there are detention facilities at the airport – physically it is small building, so could not imagine where they would be.

Returnees are detained at Makala prison for regional offenses, at Demiap prison (ANR) for crimes against the State and at N'Dolo (military prison) for crimes against the military. The British Embassy has access to all these prisons. It has consular access to ANR detention centres.

Conditions at all prisons are quite poor. The families of most British nationals detained there deposit money with the British Embassy so that food and bottled water can be provided, otherwise detainees get one meal a day and unbottled water. The prison is not dangerous just run down. In Makala, prisoners are allowed to keep their mobile phones with them.

Mobile phones are not allowed in N'Dolo prison, but detainees are allowed to make 2 phone calls a week. No phone calls can be made from Demiap.

Monitoring of returnees

The British Embassy does not monitor returns, but because we have recently restarted returns it currently oversees them at the airport.

The 5 people who returned in June 2012 were provided with \$100 each for onward travel. None provided home addresses to the Embassy otherwise travel would have been arranged to their homes, free of charge.

The British Embassy and the other key Embassies are easily accessible – all have areas open to the public. The EU Mission is also accessible as are NGOs, of which there are a lot. Not all of them deal specifically with returnees but a large number deal with human rights issues.

Treatment of returnees

The Embassy is only aware of reports of ill-treatment through London. At the time the official was at the airport overseeing the transit through the airport of the 5 returnees a call was received from London saying that there have been allegations that the 5 returnees had been arrested. The official left the airport about 2 hours after the flight landed and saw no ill-treatment during that time. When the official left the airport the returnee's had been through the documentation process. A call has since been made to the DGM to ensure the returnees were ok. Makala, Demiap and N'Dolo prisons will also be contacted to see if any of the returnees have been detained, however these facilities are not obliged to disclose information since the returnees are not British citizens. It has not been possible to make contact with the returnees as they did not provide the Embassy (or UKBA) with any contact details. Their friends or family could contact the Embassy if there was a problem.

The Embassy is not aware of any substantiated cases of FAS or other returnees being ill-treated on arrival at the airport or afterwards.

The Embassy is not aware how irregular migrants are treated at the airport. The DGM may not be aware of the identity of FAS who return voluntarily because they travel on an ordinary flight and with a passport. DGM are aware of forced returns because of the documentation process.

The Embassy is not aware that women and children face any ill-treatment passing through the airport. It does not know about the treatment of ethnic groups, however Pygmies face discrimination in the country – but this is more an attitude issue, which doesn't lead to ill-treatment.

The DGM commented that only 5 people were returned from the UK – other countries return people in much greater numbers.

There is no shame in going to Europe, more a feeling of 'tried and failed'- The official does not 'think the DGM would see that as a negative affect on DRC.

Interview with: a human rights organisation in DRC
Conducted by: Amanda Wood and Eugenio Bosco
Interview date: 20 June 2012

The organisation has a programme to welcome Congolese returnees, to observe and take information on their situation and also to welcome voluntary returns too. For many years the organisation has welcomed Congolese returning from Europe and USA. They publish a magazine and issue press releases. There have been allegations in the past that some Congolese had been mistreated or had been detained/disappeared after

being returned. The international public has to be aware of such issues, which is the purpose of the magazine.

Numbers of Congolese returning to DRC via N'djili airport, Kinshasa

The organisation believes that in total around 50 returnees, including failed asylum seekers, travelled into Kinshasa via N'djili airport in 2011 and 2012 from Europe and UK. However, they do not have specific statistics because they no longer work closely on this issue after no longer having funds. For instance, in March 2012 19 people were returned from Belgium and in 2011 around 20 from the UK.

Description of the process of return / treatment at N'djili airport

With regards to travel documents used by Congolese nationals returning to the DRC, ETDs [Emergency Travel Documents] are used instead of passports. Returns for Belgium and France are negotiated by the embassies.

No information on any other documentation required to enter the DRC, only passports and ETDs. Regarding penalties for leaving the DRC on a false or invalid passport, there are penalties, according to Congolese penal law, even imprisonment.

With regards to the checks, returnees, including failed asylum seekers, are subject to by immigration officials at N'djili airport, the pilots of airplanes with returns flights have ETDs or other documents. Returnees are usually escorted by immigration officers or police officers of the countries returning them. Once returnees are out from the plane, documents are handed over to DGM and returnees are sent to an office called 'office of control and fraud'. There, they are interviewed (a procedure called 'proces verbale', i.e. oral hearing), they are identified and rarely photographed. After this, if there is nothing, they can be released. If not, they are sent to the DGM detention centre in Kinshasa but only certain cases, the majority of people are released but often after some of their belongings are taken away. It is assumed that returnees have money. This of course is not done officially. Returnees are intimidated and told that if they do not pay money [to DGM] there could be problems. This is frequently done outside of the control of the authorities above [DGM personnel].

With regards to information on what recording system exists at N'djili airport, their system is new. It was provided with the support of IOM, in the last two years. However, recording information is frequently done on paper. The organisation also manages voluntary returns but there are only a few cases because even failed asylum seekers (FAS) who have no money would rather stay abroad than return to DRC. Last year [2011] there was the case of a FAS from Belgium who wanted to return to DRC voluntarily with the idea of a project to establish a drinks warehouse to reintegrate into society here. The Belgian government gave him €700 but when this person lived in Belgium he used to have more than that. Therefore someone like this person would like to go back to Belgium and this is what happens generally as there are not enough funds [for voluntary returns].

The Congolese immigration authorities are able to identify returning failed asylum seekers as they are always informed. When returnees arrive here there is an interview during which the authorities can establish this. When people are sent back, documents are given directly to DGM.

It is difficult to say whether the authorities detain returnees at the airport. The organisation mentioned the case of a DRC politician who was mistreated in the UK by

some Congolese 'combatants' and some of them were asylum seekers. All people who are believed to be 'combatants' are mistreated once returned. Some asylum seekers use this to justify the fact they should not be returned to DRC. Congolese returnees from South Africa were detained, but not all returnees are detained, only those who are supposed to belong to the 'combatants'.

There are no detention facilities at N'djili airport, as far as the source is aware.

Returnees are detained at the DGM detention centre in Kinshasa, the so called 'transit centre' at the DGM provincial offices. The organisation had suggested having an office at the airport because otherwise it's difficult to know what happens there. Some returnees are sent to ANR detention places. Most of those who are sent there are those who were 'black-listed'. For instance political militants who were abroad and had disturbed the Congolese authorities while in the UK. Also the origin plays a role: a person originally from the Equateur province (from where Mobutu and Bemba originate) may have problems.

Monitoring of returnees

The organisation monitors returning failed asylum seekers but currently with difficulties

The organisation meets returning FAS at N'djili airport but not as frequently now as they used to.

The association provides assistance to FAS upon return. In 2007, a person [name provided but omitted here] was returned from the UK. He had been tortured during the flight back from the UK. He had torture marks and wounds in the head and problems with his genitals. He was helped by this organisation who also contacted the British Embassy. This person had been fighting with escorts and was restrained by them. He arrived in a very bad condition.

The organisation is accessible to FAS. The first point of contact for the organisation is at the airport. If not, they can find it anyway. Some organisations in Belgium inform the source there are returns (this was the case of returns in March 2012).

The organisation starts to give confidence to returnees. They are usually aggressive and nervous once returned. Once that is done, the returnees can talk about what they went through, for example the returnee from 2007 was able to explain his treatment and give accounts of the torture. Returnees also then feel able to contact other human rights organisations.

Treatment of returnees

They are aware of some difficulties faced by returnees at N'djili airport through some press releases. Detention by DGM officials is common.

With regards to returnees being detained on or after arrival, there is the case of a human rights activist [name provided but omitted here] from Cabinda in Angola who wanted to attend an international conference in Zimbabwe and was intercepted and detained by DGM (in their provincial 'Transit' centre). Human rights organisations put a lot of pressure to have him released (this happened in 2011).

The organisation is able to access places of detention, DGM centres a little bit; ANR detention centres not at all. Officially human rights organisations are not allowed to access the prisons of security services (ANR) only the official prisons.

The profile of those FAS and other returnees who are detained or ill-treated is to be perceived as a political opponent or provenance, for instance Equateur province or Kasai or being a former military official or being close to people who used to be in the Mobutu regime.

With regards to how are the following groups treated at N'djili airport, they are all welcome but the differences start once they are interviewed. ANR and DGM have specific information (a wanted list):

Irregular migrants

Failed asylum seekers

i FAS returned voluntarily or forced

ii FAS returned on a charter or schedule flight – the organisation does not have specific information about the above categories

Ethnic groups [see above]

Women and children: there are no cases of mistreatment.

Returnees with a criminal record and / or outstanding arrest warrant: if there is a warrant of arrest, the person will be definitely arrested and would be lucky if human rights groups become aware of the case, otherwise the person could disappear.

Returnees from the United Kingdom and from other western European or African countries) all receive the same treatment if they are not on the black list

No other groups were mentioned.

Government perception of returning Congolese

With regards to how do the authorities perceive Congolese nationals who apply for asylum in the UK and then return (by force or voluntarily) to the DRC and to how do the authorities perceive Congolese FAS returning from the western Europe (other than the UK), the authorities say that those people give a bad image to the country but they are aware there are economic migrants. People who fight the current dictatorship in DRC prefer to go abroad.

The organisation was aware of APARECO.

Interview with: Toges Noir

Conducted by: Amanda Wood and Eugenio Bosco

Interview date: 21 June 2012

Numbers of Congolese returning to DRC via N'djili airport, Kinshasa

Previously the organisation had precise figures because when people had to be returned they were informed from Europe about charter flights. Currently the organisation does not have this type of information. Sometimes the organisation is told after a flight, but not before. There are people being sent back every day from African countries but in Europe there is a lot of noise when people are sent on individual flights

Description of the process of return / treatment at N'djili airport

Passports are needed to return to DRC but in the case of returnees they do not have passports so they are 'put on the side' to await investigations to find out if they are Congolese. When people are returned from Europe, they are escorted by police who have their documents, these documents are then handed over to the DGM.

Returnees frequently do not have passports. DGM uses other methods to establish whether they are Congolese which includes a search of their pockets and other belongings.

There are penalties for leaving DRC with a fake passport. If you are caught you are arrested and put in detention.

DGM are concerned about establishing the citizenship of returnees but they work together with ANR who want to identify each person who enters DRC. There are persons on the black list, they [DGM + ANR] have lists of people who make demonstrations and disturb the DRC authorities in Europe.

For a while (probably for the last four years, after the introduction of DRC biometric passports), the authorities at the airport have been using electronic data to get hold of information about people getting in and out from the country.

For the authorities it's difficult to identify failed asylum seekers (FAS). They can only know from the documents they receive from escorts. Those documents, however, usually only mention that people were illegally in a country (i.e. they were irregular migrants) without specifying they are FAS.

When returnees arrive, almost all of them are going to be detained. There is the example of people who were recently returned from South Africa, who were detained and sent to Lubumbashi (Katanga), because they were returned after demonstrations held in South Africa during the presidential elections. When they were released, they could not find their way in Kinshasa because they are not from here. Some of them are still detained.

It takes 2 days by plane to get here from Lubumbashi, but by train or bus it would take a month.

In May 2012 there were some Congolese sent back from London. Ten of them were detained by DGM agents and were released only by paying money to them (their families did it). One of them is now in Bas-Congo.

There has been a recent return from Sweden. The family had arranged something with certain DGM officials for the person to be taken from the tarmac at the airport and brought to the family. This was also in May 2012. This person had not been in Sweden for long, was planning to apply for asylum but did not have the opportunity. The organisation could not say exactly how much this safe passage from the tarmac would have cost – but it thought not more than \$500.

DGM does not have detention facilities at the airport. They keep people in their offices, then people are brought to the DGM provincial headquarters, there are many who are detained there.

Monitoring of returnees

The organisation had some Angolan cases. The DRC and Angolan governments have made an agreement to return people by force. Those Angolans did not want to return as they felt in danger there. They were nevertheless returned by force.

Before, when they were informed, the organisation could meet returning FAS at the airport but now it's difficult. They do not have the means or the resources to assist them financially. A few years ago, the civil society had made some projects to help returnees but it did not last. [The civil society is a collective term for non government organisations including NGOs, Churches and other voluntary groups].

The organisation is easy to access for returned failed asylum seekers (FAS) and there is no problem at all in accessing other organisations. Sometimes people also express their problems to other human rights groups or organisations.

Treatment of returnees

The organisation has not seen written reports of FAS and other returnees facing difficulties at the airport. They had only had conversations related to Angolan cases, mentioned by UNHCR. The only reports that the organisation has received from Europe is that when people are 'found' (caught in an irregular situation), they are sent back.

It is not easy to access places of detention because of the security services, they do not – at least officially – have access to either DGM or ANR places of detention. They can access the DGM provincial detention centre but can only call the person out, without going inside the prison, and talk to the person in the presence of DGM officials.

There is the phenomenon of 'combatants' who are against the DRC authorities and attack DRC officials when they are in Europe/UK. Those people are on the black list. When there is a group return to DRC, the authorities cannot make a difference between 'combatants' and other returnees. DGM officials accuse returnees of being 'combatants' to take money from them but if they are real combatants there is a different treatment.

Last year there was a female returnee from Europe who was sent to Makala prison after being returned. Her family did not have time to make arrangements with DGM, i.e. paying money to them, when she was still in the DGM detention centre. According to the law, you can only detain people for 48 hours in the DGM provincial detention centre but some people stay there for two months. This person was freed and is now

attempting to go back to Europe. In Makala they do not treat people badly but conditions are not appropriate.

APARECO people are also on the black list, they will be mistreated. If someone is a member of APARECO there are problems since it is an opposition group and the government cannot accept this. The No.1 of APARECO was the No.1 of security services under Mobutu and has a lot of information about this country and those who run it. APARECO is on Facebook and so is very public.

Those returnees who are detained and / or ill-treated at the airport have a specific profile. ANR agents are on social media and have managed to infiltrate those networks (such as Facebook and Twitter) where political opponents exchange messages. ANR agents can easily get information on people's profiles. People who originate from the province of Equateur and Kasai are also of interest and are targeted.

With regards to how various groups are treated at N'djili airport, there is not much difference between irregular migrants and failed asylum seekers (FAS) because they do not know who is who. When people arrive, ANR want to know why people are returned, they take money from them.

There is not a lot of difference between FAS returned voluntarily or forced or FAS returned on a charter or schedule flight. The difference is that when there is a charter flight, DGM and all the other security services – ANR and the Republican Guard as well are getting ready for the opportunity to get more money – they know it will be a good revenue – better than from the government.

There is no problem for women and children who return.

Returnees with a criminal record and / or outstanding arrest warrant - if they are small crimes it can be fine, i.e not a problem. The judiciary is not strong enough to follow each person's case unless someone informs DGM or ANR or if ANR officials have a specific interest in following a case or if you are on the black list, they can arrest you.

The United Kingdom and France is where the 'boiler' is (i.e. where the opposition is active) and where 'combatants' are. There are some cases from the UK and Europe which are delicate. The perception is that when a person comes back from there they would be associated with the opposition. When those 10 people were returned from the UK the press mentioned they were 'combatants' but they were in fact just found to be irregular migrants

Government perception of returning Congolese

For the authorities they are economic migrants and they are aware people abroad do demonstrations to justify their case. The government argues that there is democracy here. There are countries in Europe where Congolese are not as 'hot' (engaged in politics) as the UK, France and Belgium, so when they are sent back there is no particularly deep interview, unless they are on the black list.

Interview with: The French Embassy
Conducted by: Amanda Wood and Eugenio Bosco
Interview date: 21 June 2012

Numbers of Congolese returning to DRC via N'djili airport, Kinshasa

The embassy does not have these figures because returnees come back from everywhere, France, Europe, USA and elsewhere.

Description of the process of return / treatment at N'djili airport

Returnees need ETDs (Emergency travel documents), issued by the DRC embassy and EU letters for voluntary returns. This can be a problem because their embassy may have recognised them as DRC nationals just for their linguistic ability over the phone. Sometimes staff at Congolese embassies are in co-operation with Congolese [who would have to be returned, but don't want to] and take bribes in order not to recognise a person as a DRC national, making it impossible for that person to be returned.

The embassy is able to make some investigations in DRC to establish if a person is Congolese (for instance with the verification of an address provided). In that case DGM can issue a 'sauf-conduit (a type of ETD – a Consular ETD) [allowing the return of the person].

Leaving DRC on a false or invalid passport is in theory a crime punishable with detention but not in practice, people are just interviewed and then allowed to go free. In DRC most documents are fake anyway.

DGM verify that returnees are Congolese. With regards to the recording system available at the airport, they use an electronic system called SIRP, provided by IOM. At the airport there are DGM; RVA (Régie des voies Aériennes) - in charge of the security of airports and in charge of the restricted area; in the public areas there are police; DGM; ANR; the army and the Republican Guard.

DGM do not detain people for immigration matters. This happens if you have committed crimes here or for example if a returnee has committed a crime [the example given was murder] in the country the person has been returned from. In which case, the DGM will be looking out for their arrival. Therefore people are not detained for being returned but for the crimes.

All the asylum seekers accuse the Congolese government of lack of democracy, a lack of human rights and of security. Returned failed asylum seekers cannot be identified as the embassy [and French government] does not give the DRC authorities information about the asylum applications of returnees. They do not tell the government why people are sent back. They just say they were people who were in France irregularly.

DGM does not have detention facilities at the airport. They detain people in town at their headquarters. Most of the time, they send foreigners there. If someone has to be prevented from flying they will be also taken there by DGM.

Monitoring of returnees

Monitoring of returned failed asylum seekers is not done once returnees leave the airport, however representatives of the French Embassy are at the airport when returned people arrive, mainly on scheduled flights. They have not seen charter flights recently. Only once they witnessed a charter flight from the Netherlands and France.

The French embassy is the only embassy to monitor migration at the airport – they are the only ones to have a police presence in Kinshasa.

The embassy does not provide any assistance to returnees. Already France has to send 3 policemen for every returnee, it's enough. DGM does so [provides assistance to returnees].

The embassy is not accessible to returned failed asylum seekers and anyway French officials have already seen them at the airport. Returnees are well treated and the embassy could not see what type of difficulties there could be. The embassy does not know how accessible NGOs, UN and western embassies could be but does not think they are accessible. They can however easily report problems experienced upon return to human rights group and other organisations.

Here, in DRC, returnees are not mistreated upon return. The embassy has not heard about people being mistreated by DGM. On the other hand, returnees frequently complain about western countries. There are always problems in the aircrafts [with returnees]. Frequently returnees have to be restrained. Sometimes other people on the flight support them with some protest and are taken off the flight.

The embassy has not heard about returnees facing difficulties at the airport or being detained on or after arrival. They are not aware of any substantiated cases of returnees being ill-treated on arrival or afterwards. Returnees are not detained, just interviewed and sent back to their families.

The embassy has access to prisons but only for French nationals.

Treatment of returnees

With regards to the treatment at the airport of irregular migrants versus failed asylum seekers and voluntary returns versus enforced returns, DGM does not know who the failed asylum seeker are and there are no differences in terms of the two types of returns as well as in being returned on scheduled or charter flights.

There are no differences for various ethnic groups, everybody is well treated. If people do not have families in Kinshasa, DGM helps them to reach relatives.

The embassy has never experienced the return of women and children and France does not return minors without insurance they have family able to welcome them.

With regards to returnees with criminal records and / or an outstanding warrant of arrest, if the authorities are aware that the person is returning they will be detained.

All returnees irrespective of whether they are from Europe, USA, South Africa, Canada or elsewhere are treated in the same way.

France has 5 scheduled flights to Kinshasa a week – there is a representative from the embassy at the airport everyday – mainly to look at fraud issues. [These flights do not necessarily contain returnees].

Government perception of returning Congolese

The Congolese authorities believe that there should not be any reasons for applying for asylum. Sometimes there are asylum applications made in Europe just for having written something in a newspaper or even having drawn a caricature – but in DRC you can't put someone in prison just for putting an article in a newspaper.

France does not provide the asylum files [of returned failed asylum seekers] to the authorities. They would therefore not know – for instance - if someone belongs to a political party. The embassy was aware of APARECO – a political movement, but it would not make any difference to the attitude of the DGM to a returnee if they were an APARECO member because the French would not make this information known.

The Congolese are not allowed to have dual nationality, but some Congolese have both French and Congolese passports – these are used alternately when travelling between the two countries – which causes problems. In some cases if a Congolese person is detained in DRC and they have a French passport as well, the DRC authorities do not recognise them as French but as Congolese. However, France give them consulate assistance.

Interview with: Representatives of the police commander of the city of Kinshasa
Conducted by: Amanda Wood and Eugenio Bosco
Interview date: 22 June 2012

Numbers of Congolese returning to DRC via N'djili airport, Kinshasa

The police do not have information on this. They advised delegation to speak to DGM who have all the figures.

Description of the process of return / treatment at N'djili airport

For the moment DGM is a separate service. However, with the police reform (which the UK has assisted in funding), in the near future DGM will be integrated into the police. The decree has been already signed, they are just awaiting its implementation.

There are five services operating at the airport:

- DGM
- ANR
- RVA (Régie des Voies Aériennes)
- OCC (Congo Office of Control)
- Customs agents

The police have already created a border police which is being trained to intervene at the airport when needed. The police are only in charge inside the country. The tarmac at the airport is already considered a neutral/international area. Only DGM can operate there. The identification of returnees is done by DGM, the police have nothing to do with this. Even the verification of addresses is done by DGM.

The police never deal with returnees. The police only intervene when there are foreigners in transit camps, the police keep them safe.

If people have to be returned here, they need to be identified as Congolese citizens. There are DGM people going to UK, The Netherlands and Belgium to identify Congolese who have to be returned, a team of about 3-4 people go. In the UK this is known as operation Orbit. Once a representative of DGM went to Belgium to identify people, out of 24 people to be interviewed, only 20 were Congolese, there were also

Angolans. DGM are asked to identify Congolese from London and Europe. There are some simple questions that can be used for this. There is mix of nations. Some people from other countries come here and then go abroad and say they are from DRC. Also people from DRC can say they are from somewhere else. There are lots of West Africans who are illegally in DRC and going to Angola and when they are sent back from there they say they are from DRC but they are not.

When returnees are sent back here, DGM are aware. The same team who had identified them abroad (including the UK) welcome them here. After quick controls are made by DGM according to Congolese law, returnees are free to go.

80 per cent of them already have some small business here. They sent money to their families from abroad in order for them to set up some business.

Some returnees are from the countryside or even from the east but generally they can all easily integrate in Kinshasa. If they are tempted to go back to Europe, it's not from here. It is very easy to go to Brazzaville or Angola. To go to Brazzaville you only need a 'laissez passer'. Therefore the police/DGM cannot tell whether they are going back to Europe from there. DRC is a country bordering ten countries, only with natural borders. In addition it should be noted that tribes often live both sides of the border. For instance a tribe called Karund is present in Zambia, DRC and Angola (Cabinda). It's the same for Hutus and Tutsis, they are in Rwanda as well as Burundi. People find it very easy to go abroad, they can cross borders on foot without the need for cars and other forms of transport.

If there are returnees with criminal records and / or an outstanding warrant of arrest, the police cannot deal with this. It will be dealt with by the Ministry of Justice which is totally separate from the police. There is a difference between 'an invitation to see the police' and a warrant of arrest. When the police want to see someone who has been accused of something, by a third party, they send the person what is called an 'invitation'. If the person does not turn up, the police will obtain a warrant of arrest from the courts. At that point the police are given more powers by the court. However, a warrant of arrest will be requested only after a person has ignored three invitations.

The police are aware that some people collaborate with newspapers to get published some 'wanted' message (i.e. that the police are looking for them) in those papers. However, those 'wanted' messages/ads are all fake. (The police could not say how much paying for such an advertisement would cost – they did not know). If someone is wanted by the police or the secret service, they would certainly not use such a method. The police would never use ads in papers if they need to get hold of someone. They do not need the media for this. If someone disappears, the police will issue a 'research order' to all their units, it will not use newspapers.

Government perception of returning Congolese

Most of those who leave the country do so because they have a taste for adventure, they want to see the world. Sometimes they sell their home to go to Europe. Once they are there they use every possible technique to stay there. They declare that they are political activists but the reality is different. There are also people who go abroad bringing away millions [from their companies] and pretend to be political opponents; human rights defenders and to be involved in other activities in Europe. There are also those who leave DRC to escape justice like rapists.

Congolese who are abroad need to sell a bad image of Congo in order to say there, they think Europe is paradise.

Interview with: International Organisation for Migration (IOM)

Conducted by: Amanda Wood and Neil Roberts

Interview date: 25 June 2012

The organisation was not aware how many returnees travelled to Kinshasa via N'djili airport in 2011 and 2012. It only deals with voluntary returnees.

Description of the process of return /treatment at N'djili airport

Officially people arrive at the airport with a passport, but also for voluntary returnees a laissez passer (ETD) is used. Those with this document are directed to a specific DGM office at the airport. This is for all people returning on a laissez passer (LP) – not just voluntary returnees. These people are questioned – they have to justify why they have returned with a LP and don't have a passport – then they are released. The DGM keep the original LP – a copy is given to the returnee to take with them.

As well as a LP (issued by the Congolese Embassy in London), the returnees also have an internal document – a consent form. This is organised between IOM in the country the person is returning from (e.g. the UK IOM) and the DRC IOM. Both offices have a copy. Once the LP has been issued IOM starts the process of return after a counselling on the voluntary return and reintegration assistance option process.

The organisation is aware that a person with fake documents will be detained by DGM, but wasn't aware for how long – or what would happen following detention.

In another case a refugee travelling to Canada for resettlement from DRC leaving from Brazzaville had difficulty because neither his passport nor visa were stamped (passport sent to Nairobi for visa). This took a long time to sort out at N'djili airport – so long that he missed his flight – but he was not detained, it was not a criminal case.

In terms of checks by immigration officials at the airport, voluntary returnees who have requested assistance by IOM (not all voluntary returns do): a letter is sent to DGM to inform them that someone is returning with the assistance of IOM. IOM representatives are at the airport before the plane lands.

The voluntary returnee is directed to the specific office as has a LP. DGM are aware of the person's return because IOM have already told them that they are assisting the person. The person answers a few questions – it's clear when someone returns with IOM – there are no problems.

Sometimes the DGM contact IOM if there is a voluntary returnee who IOM are not there to meet - this is when a returnee has not asked for help from IOM (assistance on arrival and secondary transportation). If they are asked they are always at the airport in advance to meet the plane.

In 2008/9 there was a person who returned from Belgium – IOM got the message too late – they were not contacted by IOM in Belgium until the morning after the flight. But DGM called IOM when the plane landed – IOM had a special arrangement with someone in the DGM and he drove the returnee home (IOM reimbursed the DGM the cost of a taxi fare for the journey).

IOM make arrangements well in advance when they are expecting a returnee – the road to the airport is very busy so they prefer to leave a couple of hours earlier than needed. They also need petty cash for parking (\$12 for the whole day).

The DGM now have an electronic system to record migration information – they are well equipped. This was part funded by IOM and the UK. It's called PIRS – Personal Identification and Recording System. The same system is also in Yema and Lufu (Bas Congo) and in Kamvivira (South Kivu).

[An IOM representative included a comment in the approved notes of the interview] The system can be further developed to include biometric information but for the time being, it's simply recording the available passport data, including the photograph if I'm not mistaken

The organisation was not aware if DGM would be able to identify failed asylum seekers (FAS). Although imagined that PIRS could record different categories, such as business man/ student/ single migrant etc. The organisation only deals with two groups – family reunification and the resettlement programme.

In the past DGM used to keep people in their office – and in the past they were involved with Kin Maziere – a special place for the police where people were kept.

In 2009 IOM had a voluntary return case who was detained for 24 hours due to an administrative error. The LP for the person recorded him as being a former ANR employee - but this was a mistake by the Embassy in Brussels. The DGM kept him just for questioning. IOM who had unusually not received a copy of the LP before the person travelled called the Embassy immediately - the Embassy called the DGM and the person was released. It was later found that a person in the Embassy had a problem with the traveller and with malicious intent had added false information to the LP.

There are no detention facilities at the airport. A few years ago (before 2008) the UK and Belgium looked into the possibility of funding a detention place that the DGM could use for people accused of migration offences – to avoid them being put in other places of detention with mainstream criminals. However nothing ever became of this.

There are DGM detention facilities but the organisation didn't know the exact location – but possibly at the DGM headquarters.

Monitoring of returnees

When a person requests assistance to return with IOM help starts from the country they are leaving. Initially returnees are given counselling and an explanation of how the package works, what they will get and for how long. Then IOM purchases air tickets, the returnee packs luggage, goes to the airport and is given some cash. In the UK voluntary returnees receive £500 – but this is provided reintegration assistance grant in two instalments. Between 2005 and 2010 a different system was used to get the money (mostly in kind) to the returnee through the supplier or training institution but now returnees arrive with a visa card and once IOM Kinshasa are given the go ahead from London they give the returnee authorisation to go to the bank.

IOM in Kinshasa are informed when the returnee proceeds with the counselling, at that time if a physical address is known IOM locates where the returnee will head to and if necessary will arrange tickets for the onward journey from Kinshasa. IOM also pay for

overnight accommodation in Kinshasa and for any additional travel. DGM are also informed of the returnee's imminent arrival.

IOM has offices in Bunia, Bukavu, Kisangani, Gemena and Goma. If the returnee is travelling anywhere where there is no IOM office local trustworthy NGOs are contacted to assist the returnee.

Returnees do not receive the money straight away (and then not cash) – once they are home, if there are accessible internet facilities they email IOM [or using an alternative method of communication] get a business plan/ quotations/ ideas and when IOM in the UK find the proposals acceptable they give permission for IOM Kinshasa to provide the first payment. The second instalment is made after 6 months.

IOM used to follow up to see how the person was getting on - but not now as the voluntary return contract is with Refugee Action. IOM have only assisted two cases in 2011.

IOM is easily accessible, they do share the compound, but the entrance to the yard is open and there is someone there to direct people to IOM. You can see reception as soon as you enter the building, there is no problem and you don't need an appointment.

IOM was not aware of other NGOs who dealt with returnees but the Red Cross were supporting some rejected returnees from Belgium.

In the past the Jesuit Refugee Services were intending to have a reception centre but couldn't raise the money to do that. Some human rights NGOs are involved with returnees but there are some problems – for example VSV no longer have an office at the airport.

Treatment of returnees

There were about 40 Congolese nationals rejected from South Africa in 2008. The flight was supposed to land in Kinshasa, but it transited to Lumumbashi and everyone disembarked. This was a problem because the returnees' families were in Kinshasa so there was no support from them when they landed. So when they disembarked they required assistance but the authorities did not help.

The returnees asked for help from the Katanga Provisional Governor who is known to be a humanitarian sort of guy – he paid for them to fly back to Kinshasa. They stayed for about three weeks at N'djili without assistance.

IOM did have an office in Lumumbashi at the time, but it refused to help as the group were not voluntary returnees and outside the IOM mandate.

[A IOM representative included a comment in the approved notes of the interview] I would disagree with the statement that this assistance would have been outside the mandate. IOM can help 1. with voluntary return and 2. with humanitarian and reintegration assistance after voluntary and non-voluntary returns. The other issue is funding – if and [sic] IOM country mission has no specific budget to address a situation, it can't provide assistance.

IOM is not aware of any voluntary returnees facing problems at N'djili airport, but they did remember a case from the UK in 2008 [first name supplied, but omitted here]. On arrival at the airport the person didn't ask for assistance but made his own way through.

When processing with counselling and the reintegration assistance payment, one or two days before he went to the cement shop opening (his reintegration activity) by the IOM office, the British Embassy said that his friends had reported mistreatment – he had lost some money when questioned and his documents had been kept. But when he arrived at the office in the normal way he had his consent form and all the other usual documents. He didn't report any problem directly - the bad news only came from the UK. He went through the normal process and set up a cement shop.

It turned out that when he left the airport without seeking assistance from IOM to travel into Kinshasa (about a 45 minute drive, depending on the traffic), some men with a taxi helped him leave. He went to a bar with them and they made him pay for their beer, which he did. Before they got to his home they asked for more money – which he gave them because he had not yet reached his home, he felt obliged to do so.

In the past, particularly at the time of the 2nd republic, the general understanding was that returnees were seen to be opponents of the regime, but nowadays things have changed positively.

Many returnees are detained for 24/48 hours, but those with a criminal background would be detained longer. DGM may detain for migration problems, but IOM were not aware who would detain people in other circumstances.

IOM are sometimes asked by voluntary returnees' friends for help. Some returnees who were detained by DGM some weeks or months after see their friends who returned with the assistance of IOM come to the office asking for the same IOM package, but IOM cannot help – they are told they should have signed up for it before they returned. Some of them say they thought when they heard about the assistance originally it was a way to get people to return – they didn't trust it.

IOM were not aware how migrants and returnees other than the voluntary ones it assists, different ethnic groups, returnees with criminal records or those returning from the UK are treated at the airport.

Families with children who fly out of the airport are required to have an exit permit for each child – this helps prevent trafficking. The permit is issued at the DGM headquarters in Kinshasa. This system is not yet available in the Provinces, but it is planned.

The Congolese authorities prefer people to return voluntarily with the assistance of IOM. Those who are forced to leave come back without substantial means/money and it is a problem for the authorities.

For example in 2006 during the election period South Africa rejected 200 people – but the authorities here said they had to wait before sending them back – and they had to split into groups. They also encouraged South Africa to return people voluntarily.

IOM assisted voluntary returns are treated the same way whichever country they come from, the only difference is in the amount of money they receive.

The package from the UK and Switzerland is almost the same – the equivalent of about £5002500. The package for Belgium has now increased and is also more or less equivalent to £5002200.

From South Africa, Morocco and Libya the package is €400-500, from South Africa - €100.

In 2009, President Kabila issued an invitation to members of the diaspora across Europe to return, saying that Congo needed them. 100 people came back. One person had a business plan to bring N'djili airport up to European standards but he had underestimated the level of corruption he would face - from the AVR and his proposals never amounted to anything.

His colleague though was successful – he runs a successful tourist business and is heavily involved in the upcoming Francophone Conference.

IOM is aware that anti-establishment groups are very active in London – and particularly also in Ethiopia. They had not heard of APARECO.

Interview with: General Inspectorate of Justice
Conducted by: Amanda Wood and Neil Roberts
Interview date: 25 June 2012

The representative advised the delegation to talk to someone in the Ministry of the Interior about the number the number of returnees to N'djili airport in 2011 and 2012 – that information is not held by the department. He also recommended talking to the DGM.

Description of the process of return / treatment at N'djili airport

Documents for returnees are normally provided by the country of return, the representative was not aware of what specific documentation is required.

Normally when a person travels he has a passport which says he is Congolese, but sometimes a person may destroy any identifying documentation (such as a passport or ID [electoral card] to avoid being tracked where they are going – or to hide where they are from.

Travelling on a false passport is illegal with a sentence of 5 years.

Sometimes returnees are put through a medical check to make sure they are not bringing any contagious disease to DRC. Since a returnee is someone who has been illegally in another country the representative is not aware that the DGM can ask for anything more than the documents the returnee has with them or perhaps an ID card.

The recording system at the airport is electronic; there is a computer there to access migration information.

The following services are present at the airport:

AVR (Aviation Security)

DGM

National Police

OCC (Office of Control)

DGDA (Customs)

The DGM do not forcefully detain returnees, they just interview them to get their identity.

If a person is in possession of an object/thing which can be the subject of fraud, for example if someone is in possession of drugs they can be detained. A person will also be detained if they fight the authorities, for example during the interview process. If returnees are thought to have a contagious disease they will be put aside in a separate room.

There are no detention facilities at the airport – if a person is detained it is just to hold that person until they can be detained. There is a magistrate in N'djili (the District) where a person who is to be detained can be taken. People can be detained in a facility there for up to 5 days with a provisional arrest warrant before they are taken before a judge. If the judge accepts that further detention is warranted the person can then be detained in Makala Central prison for up to 15 additional days before being charged.

The representative said that all migrants, returnees, people from different ethnic groups, women and children and those returning from the UK are all treated the same way at the airport, there is no difference. They are all treated with dignity and allowed to go to their homes without any problem.

In 2007 the Ministry of Justice gave a report on the 14th Report of the UN explaining that there is no discrimination of ethnic groups.

The representative was not aware how returnees with a criminal record or an outstanding arrest warrant would be treated at the airport – there had not been an experience of that kind of case.

The representative is politically neutral and is not aware how the Congolese authorities view returnees from the UK or the rest of Europe, although they are all treated the same in no particular way.

Interview with: OHCHR/MOUNOSCO joint Human Rights Office

Conducted by: Amanda Wood and Neil Roberts

Interview date: 26 June 2012

There are 19 Human Rights field offices in DRC comprising one in Kinshasa which has 6 staff and one vehicle – its resources are limited to efficiently cover Kinshasa's and its 24 communes.

The office does not deal specifically with returnees or illegal asylum seekers expelled from abroad – However it would follow up on a case if notified that a failed asylum seeker (FAS)/returnee was detained by the Congolese Authorities.

For example the office had received emails from a representative of one NGO based in UK about the case of a returnee [name provided but omitted here] thought to be detained in DRC upon arrival and who cannot speak Lingala or French. The office was informed that the returnee's father is reportedly very ill but the family do not know where he (the returnee) is. The office is investigating the case but all the detention centres visited so far (Makala, Ndolo, DGM transit centre) has not yield successful result.

Monitoring of returnees

The office does not monitor or meet returnees at the airport - it doesn't have the resources to do so. It does not provide assistance unless it is informed that a person is in detention and then it would investigate the case and to make sure the individuals human rights are respected and protected and the individual is treated humanely.

The office is planning to discuss this issue with its NGO partners to find one that could monitor returnees. This will require financial support and at the moment [it is] not possible to provide that support since this is not directly part of our mandate. So there is a need to find an NGO that really wants to deal with this issue on its own funding. The office does work with partner NGOs that were very helpful during the elections.

The office is accessible and it has a duty phone which the public can use if they have a problem (this was very useful during the election period). This allows the office to respond quickly to serious reported cases.

The office is aware that people with problems can access other NGOs/ organisations in Kinshasa. There are a lot of others Human Rights organisations in DRC and particularly in Kinshasa.

Treatment of returnees

The office was not aware of any problems faced by returnees at the airport. It was not aware of any reports of ill-treatment from Congo – except the case reported from the UK organisation.

The office noticed that there are less cases of torture or ill treatment in Kinshasa's prisons – but the conditions of the prison need attention. The cells are not appropriate.

For example, in early June, the office was informed that three people from opposition parties were arrested and detained in one of a well-known military cell. The office was informed that they had been tortured but after investigation the office found that this was not true.

There may be detention facilities at the airport – like everywhere else in the world, but since the office doesn't deal with the returnees, it cannot confirm this. The following detention facilities exist in Kinshasa:

Prisons:

Makala for civilians

N'dolo – for uniformed people

Other detention places:

ANR

DEMIAP – Intelligence/military

Republican Guard and some other places such as police cells, amigos etc...

The organisation does not have access to ANR detention centre but it has a good working relationship with its General Administrator of this institution. Other known detention centres (mentioned above) are accessible.

The office has also just finished a week of training on sexual violence and abuse with civilian and military magistrates.

Some people abuse their power, in the case of asylum seekers expelled from abroad, they are usually not happy at all to be brought back home. So it can happen that during the interview by immigration officers at the airport, they misbehave. The officers will feel offended and use their power just to show that they are the one in charge. At which extend do they use that power? Difficult to tell. We are not saying this is the case in Kinshasa but it can happen.

The office does not see the reasons why illegal asylum seekers expelled should be detained by authorities unless the expelled people are well known as political partisans accused to be involved in "some subversives activities".

The office was not aware that returnees face problems upon arrival at the airport in Kinshasa but now it will investigate.

Written submissions provided a Belgian Immigration Official.

Email dated: 4 September 2012

Numbers of Congolese returning to DRC via N'djili airport, Kinshasa

1. Do you know how many returnees, including failed asylum seekers, travelled into Kinshasa via N'djili airport in 2011 and 2012?

In 2011 124 persons were denied access on the territory (inadmissible persons) coming from Kinshasa. from January till June 2012 48 persons were denied access and turned back to the DRC.

In 2011 Belgium deported 18 DRC nationals and in 2012 30 DRC nationals

Description of the process of return / treatment at N'djili airport

2. On what travel documents can Congolese nationals return to the DRC? Valid DRC passport or travel document issued by the DRC Embassy in Brussels

3. Is any other documentation required to enter the DRC? No

4. Are there any penalties for leaving the DRC on a false or invalid passport? No

5. What checks are returnees, including failed asylum seekers, subject to by immigration officials at N'djili airport? The identity of the returned person is checked by the DGM (Immigration)

6. What recording system exists at N'djili airport? (For example, do immigration officials use an electronic database or a paper-based system) Paper based system

7. Are the Congolese immigration authorities able to identify returning failed asylum seekers? If so, how? Yes, by interview with the person

8. In what circumstances may the authorities detain a returnee? We never had that particular case. In most of the cases the person leaves the airport the same day of arrival after having been identified by the DGM

9. Are there detention facilities at N'djili airport? No

10. If there are not, and a returnee is to be detained, where are they detained? The DGM has a transit centre in town where they are detaining their illegal migrants. As soon as they buy their flight ticket back home they are released!

Monitoring of returnees

11. Does your organisation monitor returning failed asylum seekers (FAS)? Not on an individual basis

12. Does your organisation meet returning FAS at N'djili airport? No

13. Do you provide assistance to FAS after their arrival? If so, what and for how long?
No

14. How accessible to FAS is:

- a. your organisation? Easy if we wish to go to meet them, we go to the airport; sometimes for special needs – persons who need medical assistance after their arrival
- b. other organisations such NGOs, United Nations and western embassies?
No problem, they have to contact DGM officials

15. Are FAS and other returnees who experience problems on return able to report these difficulties to human rights groups or other organisations? I am not aware of such cases

Treatment of returnees

16. Are you aware of any reports of FAS or other returnees facing difficulties at N'djili airport? No

17. Are you aware of FAS or other returnees being detained on or after arrival? No

18. Are you able to access these places of detention? N/A

19. Are you aware of substantiated cases of FAS or other returnees being ill-treated on arrival at the airport or afterwards? No

20. If so, details (type of returnee, what, when, where, etc)? N/A

21. If FAS or other returnees are detained and / or ill-treated, do they have a particular profile?

22. How are the following groups treated at N'djili airport? The authorities are treating all these people as irregular migrants. Belgium doesn't send children back by force. We never specify upon arrival if there is a FAS or if he has a criminal record

- a. Irregular migrants

- b. Failed asylum seekers
 - i. FAS returned voluntarily or forced
 - ii. FAS returned on a charter or schedule flight
- c. Ethnic groups
- d. Women / children
- e. Returnees with a criminal record and / or outstanding arrest warrant
- f. Returnees from the United Kingdom (UK) (compared to other western European or African countries)
- g. Other groups

Government perception of returning Congolese

23. How do the authorities perceive Congolese who apply for asylum in the UK and then return (by force or voluntarily) to the DRC?

24. How do the authorities perceive Congolese FAS returning from Western Europe (other than the UK)?

In general the authorities don't pay attention if a person had asked for asylum or not in a European country. Seeking asylum is a way to get a legal stay and everybody knows that most of the stories told during the asylum procedure are fake. There is no difference in being sent back from Belgium, France or the UK. This attitude slightly changed after the violent manifestations in Belgium after Kabila's election victory and the mistreatment/threats of DRC officials who are coming to Europe. However, we don't have any prove that people who are sent back were ill treated upon arrival.

I personally monitored the group of 19 who were sent back the 6th of March. All these people were irregular migrants and only one was arrested during the anti Kabila manifestations in Brussels. They were no opponents to the regime.

The group has been identified by both DGM and ANR (which is not really usual) and was released the day after. All the allegations by the DRC Diaspora in Belgium (detentions/mistreatment) were not correct.

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