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8 April 2024

COD201847.E

Democratic Republic of the Congo: Situation and treatment of members of the political opposition and the clergy by authorities, including during and since the 2023 electoral campaign (2022-March 2024)

Research Directorate, Immigration and Refugee Board of Canada

1. December 2023 Elections

According to Freedom House's *Freedom in the World 2023* report, the "electoral framework" of the Democratic Republic of the Congo (DRC) "does not ensure transparent elections in practice," and civil society and members of the opposition "frequently criticize" the Independent National Electoral Commission (Commission électorale nationale indépendante, CENI) and the Constitutional Court for "lacking independence" (2023-03-09, Sec. A3). The same source reports that the political choices of citizens and their capacity to engage in the political process are "hindered" by the military, security forces, and armed groups (Freedom House 2023-03-09, Sec. B3).

Sources report that the CENI announced that Félix Tshisekedi was re-elected president in the elections held on 20 December 2023 (US 2024-01-02; Al Jazeera 2024-01-18). Reuters reports that the CENCO-ECC [Conférence épiscopale nationale du Congo-Église du Christ au Congo], an independent joint mission of two Congolese churches created to monitor the elections, noted "'numerous irregularities likely to affect the integrity of the results'" (Reuters 2023-12-28). In correspondence with the Research Directorate, a researcher on security and peace issues at a DRC-based research institute which focuses on politics, governance, and violence, stated that the 20 December 2023 election, which was originally scheduled for one day, [translation] "was extended to five days in some polling sites due to major logistical challenges" (Researcher 2024-03-22).

An article published by the Africa Center for Strategic Studies, "an academic institution within the US Department of Defense established and funded by Congress for the study of security issues relating to Africa" (US n.d.), states that leading up to the 2023 polls, security services "cracked down on opposition candidates" (US 2023-09-29). The

researcher, however, noted that the level of [translation] "violence" during the 2023 election campaign did not reach that of previous campaigns (2024-03-22).

2. Treatment of Political Opposition Members by Authorities

According to Freedom House, while "some" political opponents have been released from prison and "some" exiled politicians have returned under Tshisekedi's government, members of political parties "still faced reprisals for criticizing the government" (2023-03-09, Sec. B1). According to a report published by the Global Centre for the Responsibility to Protect (GCR2P), an organization that advocates for populations at risk of "mass atrocity crimes" and conducts research on specific crises (GCR2P n.d.), opposition leaders, amongst others, were "arbitrarily detained and threatened" by Congolese authorities, who had also "violently suppressed peaceful demonstrations" (GCR2P 2023-11-30). Similarly, the US Department of State indicates in its *Country Reports on Human Rights Practices for 2022* that "security personnel" detained members of opposition parties, at times "den[ying] them due process" (US 2023-03-20, 10).

US *Country Reports 2022* states that the constitution gives people the right to peaceful assembly; however, the law requires that public events be reported in advance to local authorities, and this "advanced notification requirement" is sometimes used by authorities to "decline to authorize public meetings or protests organized by opposition parties or civil society groups critical of the government" (2023-03-20, 22). The same source notes that the state security forces have limited the movement of opposition leaders and "used force to prevent or disrupt opposition-organized events" (US 2023-03-20, 29).

The *Bertelsmann Stiftung Transformation Index (BTI) 2022*, which "assesses the transformation toward democracy and a market economy as well as the quality of governance in 137 countries," states that the

judicial system in the DRC is "highly corrupt" and "controlled by powerholders," and notes that "[c]ases concerning people who are close to the ruling regime remain unanswered, while cases involving leaders of the opposition and their supporters are arbitrarily pursued" (Bertelsmann Stiftung 2022, 10). Similarly, Freedom House reports that the DRC judiciary is "subject to political manipulation" and "often shows bias" against political opponents (2023-03-09, Sec. F1).

2.1 Incidents

The researcher stated that Congolese authorities implemented measures that limited fundamental freedoms of opposition members, [translation] "in particular the rights to freedom of expression, association, assembly and movement," and added that "the pre-electoral period was characterized by a climate of tension on the Congolese political scene" (2024-03-22). However, the same source indicated that [translation] "there was no systematic manhunt for members of the Congolese political opposition," and noted there were more incidents targeting opponents with "considerable political influence," "as they were likely to have an impact on the election results" (Researcher 2024-03-22). In a follow up correspondence, the researcher indicated that, in his opinion, they would also be targeted because they are the opposition parties that [translation] "organize more activities during the electoral and post-electoral period" (Researcher 2024-03-26). When asked by the Research Directorate which opponents were considered to have [translation] "considerable political influence," the researcher said that the following opposition parties "experienced a little more incidents than others":

- Ensemble pour la République with Moïse Katumbi
- Engagement pour la citoyenneté et le développement (ECIDE) with Martin Fayulu
- Leadership et gouvernance pour le développement (LGD) with Matata Ponyo (2024-03-26).

According to sources, Chérubin Okende, a member of parliament and spokesperson for opposition party [Ensemble pour la République (HRW 2023-07-14)], was found shot dead in his vehicle in July of 2023 in Kinshasa (US 2023-09-29; HRW 2023-07-14). An official from Okende's party told HRW that Okende disappeared after going to the Constitutional Court "regarding a declaration of assets he had filed after he resigned as minister of transportation in December 2022," and that he was found shot dead the next day (2023-07-14). Sources report that on 29 February 2024, Okende's death was "ruled a suicide" by the prosecutor general of the Court of Cassation in Kinshasa but that this verdict was rejected by his party (Reuters 2024-02-29; *The EastAfrican* 2024-03-02).

The researcher stated that on 21 December 2023, [translation] "opposition presidential candidates called for the December 20 elections to be annulled due to malfunctions at polling stations" (2024-03-22). According to an article by the Associated Press (AP), during a demonstration in Kinshasa on 27 December 2023 protesting the elections results and organized by opposition candidate Martin Fayulu, along with four other candidates, police fired tear gas and rubber bullets, and AP journalists saw law enforcement "physically assaulting" protesters (2023-12-27). The AP and Reuters indicate that the protest had been banned by police (AP 2023-12-27; Reuters 2023-12-27). The AP reports that demonstrators were throwing rocks and burning tires, and some had barricaded themselves inside Fayulu's headquarters while the tear gas and rubber bullets were fired by police (AP 2023-12-27). According to the AP and Reuters, Fayulu (Reuters) or Fayulu's assistant (AP) stated that 11 protesters were injured during the demonstration (AP 2023-12-27; Reuters 2023-12-27).

Sources report that on 29 May 2023, police were at the scene of an opposition march in Kinshasa organized by opposition leaders (US 2023-09-29; Africanews 2023-05-21). The Africa Center for Strategic Studies article indicates that "over 30 people were seriously injured" as

"police violently broke up" the protest organized by the "main opposition leader" Martin Fayulu, by former governor Moïse Katumbi, and by parliamentarian and former minister Delly Sesanga Hipungu (US 2023-09-29). Africanews reports that the police indicated that the protesters had "deviated from the authorised route through the city" (Africanews 2023-05-21). According to the Africa Center for Strategic Studies, President Tshisekedi "publicly congratulated" the police chief responsible for breaking up the demonstration, "sending a message that such acts will be tolerated" (US 2023-09-29).

The article by Africa Center for Strategic Studies states that Salomon Kalonda, a top advisor to presidential candidate Moïse Katumbi, was arrested by military intelligence at the airport following the 29 May 2023 demonstration (US 2023-09-29). According to sources, Kalonda was arrested for state security reasons for allegedly being in contact with the M23 rebel group (US 2023-09-29; Radio Okapi 2023-05-06). The same Africa Center for Strategic Studies article notes that the arrest occurred "despite the military not having powers of arrest under Congolese law and it being illegal for civilians to be held in military facilities" (US 2023-09-29).

Sources report that presidential candidate and former Tshisekedi ally Jean-Marc Kabund was arrested for charges that include "insulting the president" (US 2023-09-29; Freedom House 2023-03-09, Sec. B1) and was sentenced to seven years in prison (US 2023-09-29). According to Freedom House, Kabund had launched the Alliance for Change, a new opposition party, the month prior to his arrest (Freedom House 2023-03-09, Sec. B1).

Sources report that leader of opposition party Franck Diongo was arrested on 20 June 2023 in Kinshasa by security agents before being released from a military prison on 15 July 2023 (Radio Okapi 2023-07-15; HRW 2023-08-22). Sources indicate that Diongo was accused of illegal possession of a weapon (Radio Okapi 2023-07-15; HRW 2023-08-

22), with Radio Okapi indicating that he was also accused of being involved in a [translation] "brawl," alongside his political party (Radio Okapi 2023-07-15).

According to sources, Jacky Ndala, of the opposition party Ensemble pour la Republique, was granted presidential amnesty by Tshisekedi on 18 June 2022 (Politico 2022-06-18; US 2023-03-20, 13) after being sentenced to two years in prison "on charges of incitement to civil disobedience for allegedly encouraging Ensemble party members to protest a draft law barring citizens with one non-Congolese parent from presidential office" (US 2023-03-20, 13).

3. Situation of Clergy Members in the DRC

A BBC Afrique article states that while the DRC is a secular state, religion is [translation] "omnipresent" in the country where, according to Vatican estimates, 49 percent of the population is Catholic, and 35 percent is Protestant (BBC Afrique 2023-12-13). Sources state that the Catholic Church plays a significant role in the country's social system, particularly in the fields of education and health care (BBC Afrique 2023-12-13; Bertelsmann Stiftung 2022, 14;), where it [translation] "replaces" the State or is the "first partner of the State ... compensating [for] the lack of public services" (BBC Afrique 2023-12-13). According to *BTI 2022*, the Catholic Church "played a leading role in challenging former President Kabila" in 2016 for not holding elections at the conclusion of his term, and "continues to criticize" current president Tshisekedi, for "not doing enough" to address the country's social situation (Bertelsmann Stiftung 2022, 7). The BBC Afrique writes that the National Episcopal Conference of Congo (Conférence épiscopale nationale du Congo, CENCO) has closely monitored the local socio-political landscape in the last three decades, [translation] "often" stepping forward to denounce issues "such as corruption, bad governance and abuses by the authorities" (BBC Afrique 2023-12-13).

BTI 2022 states that religious organizations, given their significant presence in civil society, also hold seats designated for civil society within state institutions like the Independent National Electoral Commission (CENI) (Bertelsmann Stiftung 2022, 7). According to the US Department of State's *International Religious Freedom Report for 2022*, under Congolese law, eight "major" religious groups are tasked with appointing the head of CENI (2023-05-15). The same source notes that the eight religious groups include "the Catholic Church, Protestant groups, the Muslim community, the Salvation Army, the Independent Church of Congo, the Kimbanguists, the Revival Church, and the Independent Orthodox Church" (US 2023-05-15). Sources indicate that the Catholic Church has participated in the coordination of national elections by deploying its own observers to monitor the electoral process (Vatican News 2023-01-26; Bertelsmann Stiftung 2022, 5).

An article by Voice of America (VOA) Africa, a US-based international broadcaster that is funded by the US Congress (VOA n.d.), reports that, at a Christmas mass, the Archbishop of Kinshasa described the December 2023 election as "a gigantic organized disorder" (VOA Africa 2023-12-25).

On 22 June 2023, CENCO released an open letter with a list of concerns over the country's socio-political situation that was signed by 45 Catholic Church leaders (CENCO 2023-06-22). The letter states that CENCO acknowledges the efforts made by the government and CENI in organizing the 2023 elections; it notes, however, that [translation] "these advances are not sufficient for the organization of truly credible elections" (CENCO 2023-06-22). The letter points to a [translation] "tense political climate," citing the "the violent repression of opposition demonstrations, the restriction of opponents' freedom of movement, attempts at discriminatory draft legislation, the instrumentalization of justice and arbitrary arrests" (CENCO 2023-06-22). The letter also reports instances of "violent" acts and "intimidation" against member bishops of CENCO during a "pastoral visit to Kasumbalesa" on 18 June 2023 (CENCO 2023-

06-22). An article by 7sur7.cd, a Congolese news site, reports that police arrested 10 unidentified youths in Kasumbalesa for [translation] "attacking the parish of the Catholic Church" during a visit by bishops of CENCO on 18 June 2023 (2023-06-29). According to the same source, the spokesperson of the Congolese National Police in Haut-Katanga stated that [translation] "some injuries were recorded among members of the police force"; however, according to a vicar, no bishops were hurt (7sur7.cd 2023-06-29).

CENCO also expressed concerns over the Special Brigade (Brigade spéciale de l'UDPS, Force du progrès, BSU), of the Union for Democracy and Social Progress (Union pour la démocratie et le progrès social, UDPS) [President Tshisekedi 's party], alleging in the letter that the special brigade [translation] "sometimes collaborates with the police to hunt down political opponents and other peaceful citizens with a critical view of the country's current governance" (CENCO 2023-06-22). Corroborating information on the actions of the BSU could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

In a statement addressing church goers in Mbuji-Mayi on 25 June 2023, President Tshisekedi stated the Catholic Church and the State should collaborate but that [translation] "'some'" individuals have taken "'a dangerous turn that could divide'" the country, representing "'a drift'," the President added, that he would not accept (DRC 2023-06-25). When asked by *Jeune Afrique* about allegations by the UDPS party that the Catholic Church was [translation] "taking up the cause of the opposition," Archbishop Fulgence Muteba Mugalu said that "CENCO is neither a partner of the opposition nor an enemy of the regime," and added that UDPS's accusations are "unfounded" (*Jeune Afrique* 2023-06-28).

According to the researcher, [translation] "the clergy continued to speak out on behalf of their followers" and participated in discussions with members of the opposition, while some members of the clergy

"clearly called on their followers to vote for opponents" (2024-03-22). The same source noted that unlike the 2018 elections, there were no [translation] "arrests" or "repression" against the clergy during the December 2023 elections (Researcher 2024-03-22). The researcher explained that this was due to the lack of mobilization or presence, in the December 2023 elections, of the Lay Coordination Committee (Comité laïc de coordination, CLC), a group organized by [translation] "lay" members of the Catholic Church (2024-03-26). The researcher stated that during the 2018 elections CLC mobilized church goers and held demonstrations demanding elections which resulted in the church being targeted, resulting in [translation] "some" clergy being "threatened" and others "injured" (2024-03-26). For additional information on the CLC, these protests and the authorities' response, see Response to Information COD106273 of April 2019.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.


References

7sur7.cd. 2023-06-29. Patient Lukusa. "Haut-Katanga : 10 jeunes aux arrêts pour avoir attaqué des évêques de la CENCO à Kasumbalesa." [Accessed 2024-03-28]


Africanews. 2023-05-21. Daniel Bellamy with Agence France-Presse (AFP). "DRC: Police Clash with Opposition Protesters in Kinshasa." [Accessed 2024-03-19]

Al Jazeera. 2024-01-18. Tafi Mhaka. "DR Congo's Shambolic Election Should Be a Wake-up Call for the SADC." [Accessed 2024-03-13]

Associated Press (AP). 2023-12-27. Sam Mednick. "Opposition Candidate in Congo Alleges Police Fired Bullets as Protesters Seek Re-do of Election." [Accessed 2024-03-11]

Bertelsmann Stiftung. 2022.  "Congo, DR." *Bertelsmann Stiftung's Transformation Index (BTI) 2022.* [Accessed 2024-02-28]

British Broadcasting Corporation Afrique (BBC Afrique). 2023-12-13. Ousmane Badiane & Pamela Bamanay. "Élections en RDC 2023 : 'il ne faut pas que l'on pense que le travail des églises consiste à s'opposer au régime qui est en place' - Révérend Eric Senga." [Accessed 2024-03-13]

Conférence épiscopale nationale du Congo (CENCO). 2023-06-22.  "Pour des élections crédibles peuple congolais, réveille-toi de ton sommeil!." [Accessed 2024-03-14]

Democratic Republic of Congo (DRC). 2023-06-25. "Le président Félix Tshisekedi rappelle que l'Etat et l'église catholique doivent collaborer pour la stabilité et l'unité du pays." [Accessed 2024-03-22]

The EastAfrican. 2024-03-02. "DRC Says Opposition Politician Died by Suicide." [Accessed 2024-03-19]

Freedom House. 2023-03-09. "Democratic Republic of the Congo." *Freedom in the World 2023.* [Accessed 2024-03-14]

Global Centre for the Responsibility to Protect (GCR2P). 2023-11-30. "Democratic Republic of the Congo." [Accessed 2024-02-28]

Global Centre for the Responsibility to Protect (GCR2P). N.d. "About Us." [Accessed 2024-03-14]

Human Rights Watch (HRW). 2023-08-22. "DR Congo: Crackdown on Opposition Ahead of Elections." [Accessed 2024-03-19]

Human Rights Watch (HRW). 2023-07-14. Thomas Fessy. "Opposition Politician's Murder Shakes Congo." [Accessed 2024-03-15]

Jeune Afrique. 2023-06-28. Stanis Bujakera Tshiamala. "Félix Tshisekedi doit se libérer des pasteurs et des charlatans assoiffés d'argent."

[Accessed 2024-03-19]

Politico. 2022-06-18. Dominique Malala. "RDC : Beneficaire d'une grâce présidentielle, Jacky Ndala quitte la prison en homme libre." [Accessed 2024-03-18]

Radio Okapi. 2023-07-15. "Justice : Franck Diongo bénéficie d'une liberté provisoire." [Accessed 2024-03-22]

Radio Okapi. 2023-05-06. "RDC : Salomon Idi Kalonda poursuivi notamment pour atteinte à la sûreté de l'Etat." [Accessed 2024-03-19]

Researcher, Democratic Republic of the Congo (DRC). 2024-03-26. Correspondence with the Research Directorate.

Researcher, Democratic Republic of the Congo (DRC). 2024-03-22. Correspondence with the Research Directorate.

Reuters. 2024-02-29. "Congo Opposition Spokesman's Death Ruled a Suicide." [Accessed 2024-03-19]

Reuters. 2023-12-28. Ange Adihe Kasongo. "Congo Rules out Election Re-run as Observers Flag Irregularities." [Accessed 2024-03-20]

Reuters. 2023-12-27. Benoit Nyemba & Ange Adihe Kasongo. "Congo Police Disperse Banned Election Protest as Opposition Cries Foul." [Accessed 2024-03-14]

United States (US). 2024-01-02. Department of State, Africa Center for Strategic Studies. "Elections in the Democratic Republic of the Congo: A Persistent Crisis of Legitimacy." By Paul Nantulya. [Accessed 2024-01-02]

United States (US). 2023-09-29. Department of State, Africa Center for Strategic Studies. "The Democratic Republic of the Congo's Quest for Democracy Faces a New Test." By Paul Nantulya. [Accessed 2024-02-28]

United States (US). 2023-05-15. Department of State. [!\[\]\(b39c89771cd6fb2128a8c57aa7d97f9a_img.jpg\) "Democratic Republic of the Congo." *International Religious Freedom Report for 2022*](#). [Accessed 2024-02-28]

United States (US). 2023-03-20. Department of State. [!\[\]\(d0a1791f26d167e866e44ebbf83efebe_img.jpg\) "Democratic Republic of the Congo." *Country Reports on Human Rights Practices for 2022*](#). [Accessed 2024-02-27]

United States (US). N.d. [Africa Center for Strategic Studies. "Who We Are."](#) [Accessed 2024-03-13]

Vatican News. 2023-01-26. Lisa Zengarini. ["An Overview of the Church in the Democratic Republic of Congo."](#) [Accessed 2024-03-18]

Voice of America Africa (VOA Africa) with Agence France-Presse (AFP). 2023-12-25. ["DRC Archbishop Urges Restraint After Election Chaos."](#) [Accessed 2024-03-14]

Voice of America (VOA). N.d. ["Mission and Values."](#) [Accessed 2024-03-19]

Additional Sources Consulted

Oral sources: Association for Catholic Information in Africa; Conférence épiscopale nationale du Congo; CSW; Église du Christ au Congo; Engagement pour la citoyenneté et le développement; Ensemble pour la République; International Christian Concern; International Crisis Group analyst; La Voix des sans-voix pour les droits de l'Homme; Observatoire congolais des droits de l'Homme; assistant professor at a Canadian university whose research focuses on the dynamics of violence in the DRC; associate professor at a Canadian university whose research focuses on the history of modern Africa; professor at a Belgian university whose research focuses on conflict and development in Africa; professor at a Congolese university whose research focuses on urban governance in the DRC; professor at an American university whose research focuses on African electoral politics; professor at an American university whose

research focuses on peacebuilding in the DRC; professor at an American university whose research focuses on political and economic development.

Internet sites, including: African Policy Research Institute; Agence congolaise de Presse; All Africa; Amnesty International; Atlantic Council; Austrian Red Cross – ecoi.net; Belgium – Commissariat général aux réfugiés et aux apatrides; Catholic News Agency; Deutsche Welle; France – Office français de protection des réfugiés et apatrides; France 24; Germany – Federal Office for Migration and Refugees; *Jane's Intelligence Review*; Kofi Annan Foundation; *La Croix*; La Libre Afrique; *Le Monde*; Open Doors; Radio France internationale; Sight Magazine; TV5 Monde; United Kingdom – Home Office.

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