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IRB – Immigration and Refugee Board of Canada (Author)

Democratic Republic of the Congo: Treatment of participants in the 2018 pro-democracy movement by the government of President Felix Tshisekedi, particularly treatment of members of the Filimbi group, individuals who demonstrated in 2017 and 2018 in favour of the New Year's Eve political agreement (Accord de la Saint-Sylvestre) of 31 December 2016, as well as participants in the marches organized on 25 February 2018 by the Lay Coordination Committee (Comité laïc de coordination, CLC) (2017–January 2023) [COD200925.E]

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23 March 2023

COD200925.E

Democratic Republic of the Congo: Treatment of participants in the 2018 pro-democracy movement by the government of President Felix Tshisekedi, particularly treatment of members of the Filimbi group, individuals who demonstrated in 2017 and 2018 in favour of the New Year's Eve political agreement (Accord de la Saint-Sylvestre) of 31 December 2016, as well as participants in the marches organized on 25 February 2018 by the Lay Coordination Committee (Comité laïc de coordination, CLC) (2017–January 2023)

Research Directorate, Immigration and Refugee Board of Canada

1. Overview

Sources report that in March 2019, within a hundred days of entering office, President Felix Tshisekedi pardoned approximately 700 political prisoners (Reuters 2019-03-13; Al Jazeera 2019-03-14). Reuters states that the amnesty signalled a departure from the previous administration's "crackdown" on political dissent (2019-03-13). In addition, Al Jazeera notes that in a February 2019 trip to the Republic of Congo, Tshisekedi "urged tens of thousands of political exiles to return" to the Democratic Republic of the Congo (DRC) (2019-03-14). A UK Home Office report, citing a July 2019 response from the UN Joint Human Rights Office in Kinshasa received by the British Embassy in Kinshasa on behalf of the Home Office (Country Policy and Information Team, CPIT), indicates that there was a "slight opening up" of the democratic space following the December 2018 elections and the commitment to "improve" the human rights situation in the DRC made by President Tshisekedi after his election, where the release of "some" political prisoners was among the "most visible signs" of "a slight opening up of the democratic space" (UK 2020-01-13, 100). The same source, citing a telephone interview in September 2019 between a member of the CPIT team and the Second Secretary Political of the British Embassy in Kinshasa, adds that "since there is no single list of prisoners it is difficult to know definitively who and how many have been released," and whether their release was "due to regular process or Presidential orders" (UK 2020-01-13, 109).

The US Department of State's *Country Reports on Human Rights Practices for 2019* states that according to the Congolese Association for Access to Justice (Association congolaise pour l'accès à la justice, ACAJ), [translation] "a non-governmental and apolitical organization" based in the DRC that seeks to promote and defend human rights, democracy, and the rule of law (ACAJ 2018-11-13), there were "no reports of new political prisoners" as of 7 August 2019 since President Tshisekedi assumed office in January

2019 (US 2020-03-11, 10). However, *US Country Reports 2021* notes that there were political prisoners in 2021, "consisting primarily" of individuals who were arrested for criticizing government officials (US 2022-04-12, 14).

In an interview with the Research Directorate, the Executive Director of Friends of the Congo (FOTC), a US-based "advocacy organisation" working in partnership with the people of the DRC (FOTC n.d.), described the current human rights conditions in the DRC as "substantially better" in comparison to the period between 2016 and 2018 (Executive Director 2022-12-20). The same source added that while civic and political space has "expanded" under the Tshisekedi administration, "some" level of restriction based on "political inclinations" remains (Executive Director 2022-12-20).

In contrast, CIVICUS, an international alliance of civil society organizations headquartered in South Africa that aims to "strengthen citizen action" (CIVICUS n.d.), indicated that while it "welcomed measures taken by [the] DRC in 2019 under President Tshisekedi to open democratic space," there were "ongoing civic space violations in 2020" (2020-10-02). Similarly, Human Rights Watch (HRW) states that the "crackdown" in 2020 was in "stark" contrast with President Tshisekedi's first year in office, which was marked by a "significant decline in political repression" (2021-01-28). Sources note that journalists and activists faced "threats," "harassment," "intimidation" and "arbitrary arrests" (CIVICUS 2020-10-02; HRW 2021-01-28), "often" due to "accusations of contempt of officials or defamation" (CIVICUS 2020-10-02). Similarly, *US Country Reports 2021* states that "[a]uthorities sometimes intimidated, harassed, and detained journalists, activists, and politicians when they publicly criticized the government, president, or the SSF [state security forces]" (US 2022-04-12, 21). A report by the UN High Commissioner for Human Rights, on the human rights situation in the DRC between 1 June 2021 and 31 May 2022 "based on information gathered and cases of violations and abuses" documented by the UN Joint Human Rights Office in the DRC, states that the human rights situation "remains a concern" despite a "decrease" in the number of human rights "violations and abuses" (UN 2022-08-10, 1, 2). The same source, however, indicates that there was an "upward trend" in human rights violations during the "last quarter" of the reporting period, with an "increased involvement of the Congolese National Police and the National Intelligence Agency in tracking" journalists, human rights defenders and political opponents "against a backdrop of political tensions in the provinces, a troubled electoral process and the imposition of the *état de siège* (state of siege), which has been used as a pretext to restrict freedoms" (UN 2022-08-10, 2, emphasis in original). For further information on the situation and treatment of human rights organizations and human rights activists by authorities, see Response to Information Request COD201411 of March 2023.

2. Treatment of Participants in the 2018 Pro-Democracy Movement by the Government of President Felix Tshisekedi

In correspondence with the Research Directorate, a lecturer at the University of Ottawa who studies the DRC noted that Tshisekedi's presidential decree to release 700 political prisoners "explicitly" stated that the pardon was intended for "all those arrested for demonstrating to demand democracy between 2015 and 2018" (Lecturer 2022-12-20). Similarly, Radio France internationale (RFI) quotes Tshisekedi's Chief of Staff as asking that those [translation] "'affected by the arrest of a family member between 1 January 2015 and 31 December 2018 come forward'" and "assured that all those who were arrested for political reasons could be released" (2019-03-14).

According to the Executive Director, "young people" are not "sent into exile or jail" as opposed to the previous administration (2022-12-20). Similarly, the Lecturer noted "improvement" in the human rights situation in the DRC, which was "far from the repression of demonstrations, arbitrary arrests, or extrajudicial executions of the Kabila era" (2022-12-20). According to the same source,

the National Intelligence Agency (Agence nationale de renseignements, ANR) no longer arrests people for their opinions or for certain political offenses. There has been a decrease in human rights violations due mainly to the reduction in the number of these violations attributed to the defence and security forces, but also a reduction in the number of violations attributed to armed groups. ... [However], there is still a lot of abuse of power, especially on the part of the police force. (Lecturer 2022-12-20)

In contrast, HRW reports that the ANR arrested two activists in North Kivu province following their participation in a peaceful demonstration in Butembo in April 2021 (2021-07-19). HRW researchers found, based on telephone interviews with "83 people," including "victims of abuse," lawyers, activists, and journalists conducted between January 2020 and January 2021, "at least 109 cases of arbitrary arrests and harassment" by the government, and notes that the ANR was "involved in at least 16 cases" (HRW 2021-01-28). An Amnesty International report on North Kivu and Ituri based on 44 telephone interviews with "victims and their relatives, judges, prosecutors, lawyers, Congolese human rights defenders, UN officials, journalists, and humanitarian workers in North Kivu, Ituri, and Kishasa," as well as data from the UN and civil society organizations and analysis of Congolese laws, indicates that in February 2022, a provincial Member of Parliament for North-Kivu was "arrested and held incommunicado" for three days at the provincial headquarters of the ANR in Goma "without access" to a lawyer and family members (2022-05-10, 3,19).

2.1 Treatment of Members of Filimbi [1]

The information in the following paragraph was provided by the FOTC Executive Director in a telephone interview with the Research Directorate:

"Some" of the individuals who participated in the 2018 pro-democracy movement are either part of or are "in alignment" with the Tshisekedi government, including members of Filimbi. The Filimbi members who were in exile [during the Kabila administration] are now back in the country, and no longer have the same "concern" as when they fled the country between 2015 and 2018; they can speak and organize "freely," as well as "criticize the current administration" and move "without any restriction." The Filimbi group is "active" in Kinshasa where they are working on projects and opening offices. Except for the provinces of North Kivu and Ituri [see section 3 of this Response], the human rights situation in Kinshasa and other parts of the country is "fundamentally" different from the situation in 2017–2018. Members of the Filimbi and the Struggle for Change (Lutte pour le changement, Lucha) [2] are able to "move freely" (Executive Director 2022-12-20). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

2.2 Treatment of CLC [3] Leaders and Participants of the CLC marches

The Lecturer stated that leaders of the CLC came "out of hiding about 13 months after the launch of actions to demand political alternation in the DRC [4] and a few days after the inauguration of Felix Tshisekedi" [on 24 January 2019] (2022-12-20). The same source added that President Tshisekedi "cancelled" the arrest warrants that were issued in January 2018 by the previous administration against five of the eight CLC leaders for calling marches to demand full implementation of the New Year's Eve Agreement (Lecturer 2022-12-20).

Similarly, sources indicate that on 29 January 2019, the members of the CLC who were living underground decided to come out of hiding (*Jeune Afrique* 2019-02-07; RFI 2019-01-31) in the days following the investiture of the new president, Félix Tshisekedi (RFI 2019-01-31). According to the words of the CLC spokesperson, reported by *Jeune Afrique*, the [translation] "'level of insecurity'" experienced by the members of the movement "'has significantly declined'" (*Jeune Afrique* 2019-02-07).

Further information on individuals who participated in the CLC marches could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

3. Treatment of Pro-Democracy Protesters in North Kivu and Ituri

Sources report that in May 2021, President Tshisekedi "declared" a "state of siege" in the eastern provinces of North Kivu and Ituri (Al Jazeera 2022-

06-21; Freedom House 2022-02-24, Key Developments in 2021), in order to replace civilian authorities with military officials, to "combat armed groups" and to return control of the area to the government (Freedom House 2022-02-24, Key Developments in 2021). The Executive Director stated that under the state of siege, practices by the authorities "akin" to those in place from 2017 to 2018, including restricting freedom of assembly and "arbitrary arrest" of civil society groups such as Lucha, "exist" (2022-12-20).

The Lecturer stated that the protesters who participated in the 2018 pro-democracy movement are "more at risk in the eastern part of the DRC, where there is insecurity in general" (2022-12-20). Similarly, the Executive Director indicated that Lucha members are "more at risk" in Beni and Butembo and the surrounding areas in eastern DRC, as they have been "very active" in organizing against violence in the region (2022-12-20). The UN report notes that in April 2022, a military tribunal in Beni, North Kivu sentenced 12 Lucha activists to "12 months in prison and the payment of 250,000 Congolese francs [C\$166] in court costs" for "disobedience" of the national law after they organized a "peaceful sit-in" before the Beni City Hall in November 2021 (UN 2022-08-10, para. 13). Similarly, HRW reports that the ANR arrested two Lucha activists after they participated in a "peaceful demonstration" on 19 April 2021 in Butembo, North Kivu; the same source further observes that it was a "part of a government crackdown" on pro-democracy groups, which had been "tightening since early 2020" (2021-07-19). Sources state that the two Lucha activists, arrested on 19 April 2021 and charged with "'inciting civil disobedience'" and "'threat of attack,'" were released 24 July 2021 (FLD 2021-11-10; Actualite.cd 2021-07-25) "on bail"; however, the charges remained "pending" (FLD 2021-11-10). HRW adds that since martial law was imposed in the region on 6 May 2021, the activists' case will be heard by the military court (2021-07-19).

The Executive Director noted that activists have been "criticizing" the government since they do not see the state of siege as the "answer to ending the violence" in the region; however, the treatment of activists in eastern Congo is due to the state of siege rather than "any discrimination" (2022-12-20). However, HRW indicates that, "[i]n 2021, the authorities often cracked down on dissenting voices, including human rights and democracy activists, journalists, and peaceful protesters" (2022-01-13). Radio Okapi, a radio station managed by the UN Organization Stabilization Mission in the DRC (MONUSCO) (Radio Okapi 2014-09-22), reports that in January 2021, a military tribunal in Beni acquitted eight Lucha activists who were charged with [translation] "sentry violence, sabotage and malicious destruction" during a demonstration in December 2020 (2021-01-20). HRW reports that the eight Lucha activists "marched to call for peace and to criticize the United Nations peacekeeping mission in Congo" in December 2020, and were brought to trial on "fabricated"

charges of "sabotage and violence against state security guards" (2021-01-21).

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.

Notes

[1] The Filimbi movement is a Congolese pro-democracy civil society movement that "advocates against poor governance and human rights abuses"; it organizes peaceful actions including sit-ins, protests, debates and press conferences (FLD n.d.a).

[2] Struggle for Change (Lutte pour le changement, Lucha) is a non-violent and non-partisan youth civil society movement that "advocates for social justice and accountability in the DRC" (FLD n.d.b).

[3] *Le Point*, a French weekly news magazine, reports that the Lay Coordination Committee (Comité laïc de coordination, CLC) is a group of eight members who describe themselves as lay members of the Catholic Church and define the movement launched by the CLC as a [translation] "Christian laity movement" (*Le Point* 2018-05-31).

[4] A joint report prepared by the UN Organization Stabilization Mission in the Democratic Republic of the Congo (Mission de l'Organisation des Nations Unies pour la stabilisation en République démocratique du Congo, MONUSCO) and the UN Office of the High Commissioner for Human Rights (OHCHR) indicates that on 31 December 2017, the CLC organized protests in Kinshasa and other Congolese cities to enforce the maintenance and respect of the 31 December 2016 political agreement (UN 2018-03, para. 8). Several sources report that on 31 December 2016, the government in power and the opposition signed a political agreement, which was negotiated under the aegis of the National Episcopal Conference of Congo (Conférence épiscopale nationale du Congo, CENCO), on the management of the country until the next elections and on the organization of the elections (*Jeune Afrique* 2016-12-31; *Le Devoir* 2018-03-31; Justice et paix 2017-12, 2).

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Additional Sources Consulted

Oral sources: director of African studies at a Canadian university; director of a conflict research group at a university in Belgium; Health Education Community Action, Leadership Africa; legal consultant in the DRC; New York University – Congo Research Group; Peace Direct; professor at an American university whose research focuses on political crisis and peace building in the DRC; professor at a Canadian university whose research interests includes African politics; professor at a Canadian university who studies dynamics of violence and other forms of social mobilization in the DRC; professor at a Canadian university who studies political crises and civil conflicts as well as governance and contentious politics in the DRC; professor of African studies at a Canadian university; reader at a British university whose research focuses on the intersections between migration and mobility within Africa; research chair at a Canadian university whose work focuses on African politics; researcher at a Belgian university who studies the role of power relations, knowledge production, and information politics in the DRC; researcher at a German university who studies humanitarian military intervention, armed groups, and local structures of rule in the DRC; Widows for Peace Through Democracy.

Internet sites, including: Austrian Red Cross – [ecoi.net](#); Bertelsmann Stiftung; Better World Campaign; Canadian Association of African Studies; Council on Foreign Relations – [Global Conflict Tracker](#); Democracy Now!; Freedom from Torture; International Crisis Group; *The Mail & Guardian*; The New Humanitarian; New York University – Congo Research Group; Progressive International; Security Council Report; Tricontinental Centre; UN – [ReliefWeb](#); World Movement for Democracy; Voice of America.

Associated documents

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Congo, Democratic Republic

Query response on the Democratic Republic of the Congo: Treatment of participants of the 2018 pro-democracy protests by authorities (2017 - January 2023) (treatment by the government of president Felix Tshisekedi; members or supporters of the groups Filimbi and Lay Coordination Committee (CLC); treatment of pro-democracy protesters in Nord-Kivu and Ituri provinces)

République démocratique du Congo : information sur le traitement réservé par le gouvernement du président Félix Tshisekedi aux personnes ayant participé au mouvement prodémocratie de 2018, tout particulièrement le traitement réservé aux membres du groupe Filimbi, aux personnes qui ont manifesté en 2017 et en 2018 pour faire respecter l'accord politique de la Saint-Sylvestre du 31 décembre 2016, de même qu'aux participants aux marches organisées le 25 février 2018 par le Comité laïc de coordination (CLC) (2017-janvier 2023) [COD200925.EF] (Response, French)

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Austrian Red Cross
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(ACCORD)

Wiedner Hauptstraße
32, 1041 Wien
T +43 1 589 00 583
F +43 1 589 00 589
info@ecoi.net

Contact
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