

Flygtningenævnets baggrundsmateriale

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**COI QUERY**

Country of Origin/Topic	Democratic Republic of Congo (DRC)
Question(s)	1. Information on the immigration control process at N'djili airport, Kinshasa (2018-2019) 2. Information on the treatment of returnees arriving in Kinshasa by the immigration authorities or other state agencies, including when and how (2018-2019) 3. (If information is available in response 2.) Information as to the reasons why returnees were detained, on their profiles, their treatment during detention (2018-2019) 4. What organisations in the DRC monitor human rights generally and returns in particular? (2018-2019)
Date of completion	3 July 2019
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Contributing EU+ COI units (if applicable)	BE, DK, IE, NL, NO, SE

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

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The target audience is caseworkers, COI researchers, policy makers, and decision making authorities. The answer was finalised on 3 July 2019. Any event taking place after this date is not included in this answer.

COI QUERY RESPONSE

1. Information on the immigration control process at N'djili airport, Kinshasa (2018-2019)

The website of the Democratic republic of Congo's (DRC) Directorate General for Migration (*Direction Générale de Migration*, DGM) contains information on the services provided at the borders, as well as on the control procedures when entering the DRC territory, including entry conditions for the Congolese diaspora. DGM staff intervenes in border areas with the tasks of managing migratory flows; gathering intelligence (including systematic collection of personal data of migrants; management of entry and exit bans; development of statistics on migrants; surveillance of 'target' people and strategic locations; fight against organised cross-border crimes); managing official trips and travel of personalities.¹

According to the DGM website, any foreigner of Congolese origin is authorised to obtain an entry visa at the border of the Democratic Republic of Congo. Their Congolese nationality of origin can be proved by:

'A family name being part of the Congolese cultural heritage;
The presentation of a birth certificate;
The presentation of an old passport or an old Congolese identity card;
All other documents'.²

A report by Belgium Cedoca published in June 2019 on the treatment of returnees in DRC states that a Belgian immigration officer stationed in Kinshasa referred in December 2017 that people forcibly repatriated from Belgium are confined by DGM for identification purposes upon their arrival at N'djili airport. Repatriated persons may also undergo a second check by the National Intelligence Agency (*Agence Nationale de Renseignements*, ANR), but this is not always the case. During the monitoring of a flight from Brussels to Kinshasa on 26 March 2019, the Belgian officer explained that only DGM officials carried out checks of the returned persons, while there was no control carried out by the ANR.³

Although not specifically referring to repatriated persons, the United States Department of State (US DoS) report on Human Rights Practices (covering the year 2018) observed that State Security Forces (SSF) and Rebel and Militia Groups (RMGs) have established checkpoints at airports and on roads and they 'routinely harassed and extorted money from civilians for supposed violations, sometimes detaining them until they or a relative paid.'⁴

2. Information on the treatment of returnees arriving in Kinshasa by the immigration authorities or other state agencies, including when and how (2018-2019)

¹ DRC, DGM, Visa pour la Diaspora, n.d., (unofficial translation by EASO), [url](#)

² DRC, DGM, Visa pour la Diaspora, n.d., (unofficial translation by EASO), [url](#)

³ Belgium, Cedoca, COI Focus RDC. Le traitement réservé par les autorités nationales à leurs ressortissants qui retournent dans le pays, 14 June 2019, (unofficial translation by EASO), [url](#) p. 11

⁴ US DoS, 2018 Country Reports on Human Rights Practices: Democratic Republic of Congo, 13 March 2019, [url](#)



Updated information on the treatment of returnees to Kinshasa by the immigration authorities or other state agencies was scarce among all sources consulted.

In June 2019, Catherine Ramos, director of the British organisation Justice First,⁵ published an update of previous reports⁶ on the treatment of Congolese repatriated from UK to DRC between 2015 and 2019. According to this source, there were cases of returned Congolese being detained upon arrival at N'djili airport, requested to pay airport officials in order to avoid arrest or leave the airport, accused of being a 'spy/combatant, if they do not hand over items sent to them from the UK.' Other problems faced by returnees and listed by this source include: disappearance, destitution and hunger as result of not having any family members in Kinshasa, lack of identification documents, no access to medication for schizophrenia, HIV and PTSD, exposure to malaria and typhoid.⁷ Further, the same source noted:

'An allegation which is not being taken into consideration when assessing risk on return is that Congolese people, formerly resident in the UK, have been recruited by the DRC authorities and are now working with DGM in Kinshasa. These are people who have been part of Congolese communities in the UK, who have attended demonstrations, weddings, parties and funerals and who have photographs of such events. According to a source, the new computer system at N'djili airport holds the names of all those who have claimed asylum. A Congolese detainee in a UK Immigration Removal Centre told me that, during his re-documentation interview with the Congolese Immigration official based in London, the official proposed he go back to the DRC to 'work with us.'⁸

3. (If information is available in response 2.) Information as to the reasons why returnees were detained, on their profiles, their treatment during detention (2018-2019)

A report published by the Forced Migration Review (FMR) in February 2017 observed that Congolese authorities may consider claiming asylum to another country as an 'act of treason'. Mentioning the 2011 Justice First report, the FMR article noted that almost all returned asylum seekers were 'imprisoned, tortured, forced to pay a ransom, raped or subjected to sexual harassment'.⁹

In her 2019 report, author Catherine Ramos mentioned cases of returned people who have been arrested upon their arrival to Kinshasa (between 2012-2018). In one case, a returned person, whose father was a well-known combatant in London, was arrested on arrival at N'djili airport on 18 October 2017. The source further adds:

⁵ Justice First is a UK-based charity providing legal services to asylum seekers in the UK. For more information, see Justice First, About us, n.d., [url](#). A director of Justice First, Catherine Ramos has carried out monitoring of returnees in DRC since 2007, including during a research visit to Kinshasa in 2011. For more information, see Ramos C., Unsafe Return III: Removals to The Democratic Republic of the Congo 2015–2019, 9 June 2019 [url](#) p. 5

⁶ Ramos, C., Unsafe Return: Refoulement of Congolese Asylum Seekers, 24 November 2011, [url](#); Ramos C., Unsafe Return II, 3 October 2013, [url](#)

⁷ Ramos, C., Unsafe Return III: Removals to The Democratic Republic of the Congo 2015–2019, 9 June 2019 [url](#) pp. 11-12

⁸ Ramos, C., Unsafe Return III: Removals to The Democratic Republic of the Congo 2015–2019, 9 June 2019 [url](#) p. 7

⁹ FMR, Post-deportation risks for failed asylum seekers, February 2017, [url](#)

‘He was kept in a holding place before his transfer to prison, where he was detained in solitary confinement for a year. The Congolese NGO which came into contact with him in prison on 26 July 2018 arranged for a solicitor to accompany him to court in Kinshasa/Kalamu where he was granted conditional bail on 5 October 2018. Conditions of bail included not leaving Kinshasa and answering bail each Monday and Friday. When he failed to answer bail, a search warrant was issued for him. The accusation against him was participation in insurrectional movements. He had been in prison since his arrival at N’djili airport. The NGO stated that he had been held in degrading conditions and had suffered torture.’¹⁰

A study released by the Migration Policy Institute (MPI) in May 2019 reported that repatriated Congolese face suspicion upon their arrival and at times they are exposed to arbitrary arrest and detention by police officers with alleged accusation of criminal activities. Out of the 15 returned persons interviewed by MPI for their study, 4 referred being detained upon arrival for a period between 2 and 55 days. They were held in military prison, at the police post, or at the headquarters of the national security service. Among the persons interviewed, seven reported having to resort to family connections or paying bribes ranging from 25 to 3 000 euro in order to being able to leave the airport safely. The same source further pointed out:

‘The systematic nature of these arrests and detention is, despite this evidence, difficult to prove, in part because of how the justice and penitentiary system operates. For example, two deportees interviewed in Kinshasa explained that the Congolese police had asked them to sign documents certifying that they had been released without torture, detention, or fines. After they signed, the police agents asked them for a “present.” Each gave roughly 25 to 35 euros, about half of the monthly salary of a secondary school teacher. In the words of one interviewee: “It’s better to lose money than to take the risk to be picked up by national intelligence”.’¹¹

4. What organisations in the DRC monitor human rights generally and returns in particular? (2018-2019)

Some of the most relevant local organisations in DRC working on the protection of human rights include:¹²

- Alliance pour l’Universalité des Droits Fondamentaux (AUDF)¹³
- Association Africaine de Défense des Droits de l’Homme (ASADHO)¹⁴
- Association Congolaise pour l’Accès à la Justice (ACAJ)¹⁵
- Fonds pour les Femmes Congolaises (FFC)¹⁶
- Promotion de la Déclaration des Droits de l’Homme (PDUDH)

¹⁰ Ramos, C., Unsafe Return III: Removals to The Democratic Republic of the Congo 2015–2019, 9 June 2019 [url](#) p. 23

¹¹ MPI, After Deportation, Some Congolese Returnees Face Detention and Extortion, 23 May 2019, [url](#)

¹² UN, Convention contre la torture et autres peines ou traitements cruels, inhumains ou dégradants, CAT/C/SR.1725, 30 April 2019, [url](#), p. 2

¹³ AUDF, Connaitre AUDF ONG, n.d., [url](#)

¹⁴ ASADHO, Blog ASADHO – RDC, latest updated 30 March 2011, [url](#)

¹⁵ ACAJ, A Propos de l’Acj, n.d., [url](#)

¹⁶ FFC, About us, n.d., [url](#)



- Voix des Sans Voix (VSV)¹⁷
- Action des chrétiens pour l'abolition de la torture au Congo (ACAT Congo)¹⁸

The United Nations Joint Human Rights Office (UNJHRO) has the mandate to monitor the human rights situation in the DRC and assist the state to respond to human rights violations.¹⁹ As part of UNJHRO, the United Nations Organization Stabilization Mission in the DR Congo (MONUSCO) is the UN agency with the mandate to protect civilians, humanitarian personnel and human rights defenders under imminent threat of physical violence and to support the Government of the DRC in its stabilisation and peace consolidation efforts.²⁰

Concerning the monitoring of returnees in particular, the International Organization for Migration (IOM) has deployed the Displacement Tracking Matrix (DTM) in seven provinces of the DRC (Kasaï, Kasaï Central, Kasaï Oriental, Lomami, Sankuru, South Kivu, Tanganyika), in order to collect up-to-date information on internally displaced persons (IDPs) and returnees, and support humanitarian response.²¹

¹⁷ VSV, Qui Somme Nous, n.d., [url](#)

¹⁸ Namati, Action des chrétiens pour l'abolition de la torture au Congo (ACAT), 9 June 2019, [url](#)

¹⁹ UNJHRO is comprised of the MONUSCO Human Rights Division (HRD) and the former Office of the UN High Commissioner for Human Rights in the DRC (OHCHR/DRC). For more information, see: MONUSCO, Activities – Human Rights, n.d., [url](#)

²⁰ MONUSCO, Mandate, n.d., [url](#)

²¹ IOM, Democratic Republic of the Congo - Displacement Tracking Matrix. Key Findings - February - November 2018, 18 February 2019, [url](#)



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