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Kilde:	Immigration and Refugee Board of Canada
Titel:	Democratic Republic of Congo: the notices to appear issued by the National Intelligence Agency (Agence nationale de renseignements, ANR) in Kinshasa, including the information indicated on them, the office and rank of the issuing authority, the circumstances in which they are issued and the time between the date they are issued and the date they are received; whether they are delivered directly through a third party (2006-November 2013) [COD104668.FE]
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- **Source:**
IRB - Immigration and Refugee Board of Canada
- **Title:**
Democratic Republic of Congo: the notices to appear issued by the National Intelligence Agency (Agence nationale de renseignements, ANR) in Kinshasa, including the information indicated on them, the office and rank of the issuing authority, the circumstances in which they are issued and the time between the date they are issued and the date they are received; whether they are delivered directly to the person concerned or whether they may be delivered through a third party (2006-November 2013) [COD104668.FE]
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- **ecoi.net summary:** Query response on summons / notices issued by the National Intelligence Agency (ANR - Agence nationale de renseignements) (reasons for summoning; format and content; issuing authority; delivery of notices) [ID 273316]
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Immigration and
Refugee Board of Canada

Commission de l'immigration
et du statut de réfugié du Canada

Democratic Republic of Congo: the notices to appear issued by the National Intelligence Agency (Agence nationale de renseignements, ANR) in Kinshasa, including the information indicated on them, the office and rank of the issuing authority, the circumstances in which they are issued and the time between the date they are issued and the date they are received; whether they are delivered directly to the person concerned or whether they may be delivered through a third party (2006-November 2013) [COD104668.FE]

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

1. Reasons for Issuing a Notice to Appear

According to a representative of the Embassy of Canada in Kinshasa, the National Intelligence Agency (Agence nationale de renseignements, ANR) issues notices to appear to people likely to threaten the safety of the state or to people who lead a [translation] "subversive group" or who have a "philosophy that aims to destabilize existing institutions" (Canada 5 Dec. 2013). In correspondence sent to the Research Directorate, the President of the Congolese Association for Access to Justice (Association congolaise pour l'accès à la justice, ACAJ), a Congolese human rights NGO (Radio Okapi 16 Apr. 2013), states that the ANR issues notices to appear to people [translation] "suspected of criticizing the government or accused of threatening the security inside or outside the state" (ACAJ 18 Nov. 2013). In correspondence sent to the Research Directorate, a representative of the League for Peace, Human Rights and Justice (Ligue pour la paix, les droits de l'homme et la justice, LIPADHOJ), a Congolese NGO that defends victims of human rights violations (GTDV n.d.), states that ANR officers may use notices to appear to [translation] "settle scores with people they do not like" (11 Dec. 2013). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

2. Notices to Appear and Invitations

An article published in April 2013 by Radio France internationale (RFI) states that the notices to appear issued by the ANR are also called [translation] "invitations" (21 Apr. 2013). During a telephone interview with the Research Directorate, the individual responsible for operations at the ANR explained that the notices to appear are now called [translation] "invitations" (10 Dec. 2013). However, the President of the ACAJ made a distinction between invitations and notices to appear, while stating that they have the same format (ACAJ 11 Dec. 2013). He stated that, in the case of a notice to appear, the person concerned is [translation] "arrested immediately" without warning, while, in the case of an invitation, the person is not arrested" (ibid.). Corroborating information could not be found among the sources consulted by the Research Directorate.

3. Format and Information on the Notices to Appear

Sources explain that a notice to appear consists of the following:

- "Democratic Republic of the Congo" and "National Intelligence Agency" are indicated at the top left, followed by the Democratic Republic of the Congo flag, under which it states "Department of Homeland Security" (Département de la Sécurité intérieure) (DRC 10 Dec. 2013).
- The city and date of issuance of the notice to appear are indicated at the top right -the date may be indicated in handwriting or by date stamp (ibid.).
- The number of the notice to appear (ACAJ 11 Dec. 2013; LIPADHOJ 11 Dec. 2013; DRC 10 Dec. 2013), appears under the city and date of issuance (ibid.). The number of the notice to appear may be indicated in pen (ibid.).
- The designation "notice to appear" (ACAJ 11 Dec. 2013) or "invitation" (DRC 10 Dec. 2013), precedes the main content of the notice to appear (ibid.).
- All the names of the person summoned (ACAJ 18 Nov. 2013; LIPADHOJ 11 Dec. 2013; DRC 10 Dec. 2013) may be indicated electronically (ibid.).
- The address of the person summoned (ibid.; ACAJ 18 Nov. 2013).
- The address where the person must appear (DRC 10 Dec. 2013).
- The date and time when the person must appear may be indicated electronically (ibid.). According to the President of the ACAJ, people generally have 24 hours to appear before the ANR (11 Dec. 2013). However, sources note that, in some cases, the person concerned must report immediately to the location indicated, upon receipt of the notice to appear (DRC 10 Dec. 2013; LIPADHOJ 11 Dec. 2013).
- The designation "prepared in," followed by the city in which the notice to appear was issued (ACAJ 11 Dec. 2013; DRC 10 Dec. 2013), and the date when the notice to appear was issued, may be indicated in handwriting or by date stamp (ibid.). This designation appears at the bottom right (ibid.).
- The title of the person who signed the notice to appear, followed by their name in uppercase letters and signature (ibid.). The representative of the LIPADHOJ stated, however, that sometimes notices to appear are signed by [translation] "different people (various notices to appear exist)" (LIPADHOJ 11 Dec. 2013). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.
- A stamp (ibid.; ACAJ 18 Nov. 2013) corresponding to the administrative rank of the issuing authority (ibid.). The stamp is printed in ink when the notice to appear is signed by the chief administrator, but it is replaced by a seal (raised, without ink) when the notice to appear is signed by the general administrator (DRC 10 Dec. 2013). However, the representative of the LIPADHOJ stated that some notices to appear do not have a stamp (LIPADHOJ 11 Dec. 2013). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

The representative of the LIPADHOJ stated that the notices to appear are prepared on A4 format [translation] "carbon paper" (LIPADHOJ 11 Dec. 2013). They are prepared in French (ibid.; ACAJ 18 Nov. 2013). Sources state that the reason for the notice to appear is not indicated on the document (ibid. 11 Dec. 2013; Canada 5 Dec. 2013). Furthermore, the notice to appear states that the reason will be communicated [translation] "on site" (ibid.; DRC 10 Dec. 2013; LIPADHOJ 11 Dec. 2013).

4. Notice to Appear Issuing Authority

The individual responsible for operations at the ANR stated that two people may sign the notices to appear: the chief administrator or a general administrator (DRC 10 Dec. 2013). He explained that the general

administrators are the assistants to the chief administrator, who holds the highest rank at the ANR (ibid.). Similarly, the President of the ACAJ also stated that the authorities who [translation] "often" issue the notices to appear are the chief administrator and the general administrator, but he also added that the notices to appear may also be issued by a provincial director (simply called "director" [ACAJ 11 Dec. 2013]) (18 Nov. 2013). According to the President of the ACAJ, each province is led by a director (11 Dec. 2013). Contrary to the individual responsible for operations at the ANR, the President of the ACAJ stated that the chief administrator collaborates with the general administrator and that the latter holds the highest rank at the ANR (11 Dec. 2013). The representative of the LIPADHOJ stated that the notice to appear issuing authority is the general administrator and the assistant administrator (LIPADHOJ 11 Dec. 2013). However, according to him, others may issue the notices to appear (ibid.). He explained that the ANR is subdivided by provinces and districts, and that notices to appear may also be produced at those various levels as well (ibid.). He stated that the structure of the ANR is [translation] "unclear" and "difficult to understand" (ibid.). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

5. Delivery of Notice to Appear to Recipient

5.1 Officers Responsible for Delivery

In correspondence sent to the Research Directorate, a representative of the Embassy of Canada in Kinshasa, who obtained information from the individual responsible for operations at the ANR cited above, stated that notices to appear are delivered to the person concerned by intelligence officers, commonly called [translation] "officers" (Canada 5 Dec. 2013). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

5.2 Delivery Timeframe

Sources state that the timeframe between the signing of a notice to appear and when it is delivered to the recipient varies (LIPADHOJ 11 Dec. 2013; DRC 10 Dec. 2013). According to the individual responsible for operations at the ANR, the notice to appear may be delivered the same day if the recipient's address is [translation] "easy to find" (ibid.). However, like the representative of the LIPADHOJ, the individual added that the timeframe may be several days if the recipient is difficult to find (ibid.; LIPADHOJ 11 Dec. 2013). The individual responsible for operations at the ANR explained that the timeframes vary based on [translation] "logistics, the distance involved and the location of the recipient" (DRC 10 Dec. 2013).

5.3 Information Indicating Whether Notices to Appear May Be Delivered to a Third Party

The President of the ACAJ stated that notices to appear may be delivered to the recipient's home or to their work (11 Dec. 2013). According to the representative of the LIPADHOJ, notices to appear can be delivered to the recipient's spouse or to the recipient's child if they are an adult (11 Dec. 2013). The individual responsible for operations at the ANR stated that, generally, the notice to appear is delivered directly to the recipient but that, in [translation] "rare cases only," notices to appear may be "delivered to the recipient's wife, if the recipient is absent" (DRC 10 Dec. 2013). He stated that in this case the ANR officer delivering the notice to appear must ensure [translation] "that the wife is able to deliver it to her husband shortly" (ibid.). Furthermore, the President of the ACAJ stated that notices to appear are not always delivered and that sometimes [translation] "we look for a person and bring them in" (11 Dec. 2013).

5.4 Acknowledgement of Receipt

The individual responsible for operations at the ANR stated that, when the notice to appear is delivered to the recipient, the latter must sign an acknowledgement of receipt, which is considered to be a [translation] "piece of evidence" (DRC 10 Dec. 2013). Similarly, according to the President of the ACAJ, an acknowledgement of receipt is required; he added that if the recipient refuses to sign, it is noted (11 Dec. 2013). However, the representative of the LIPADHOJ stated that the acknowledgement of receipt is not always required (11 Dec. 2013). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

According to the President of the ACAJ, when a person is invited or summoned, they must appear alone, without a lawyer or family member (11 Dec. 2013). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

5.5 Measures Taken if the Recipient Refuses to Cooperate

The individual responsible for operations at the ANR stated that, if the recipient refuses to cooperate and report to the location indicated, intelligence officers are sent [translation] "in order to take them by force, without violence" (DRC 10 Dec. 2013). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

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

Association congolaise pour l'accès à la justice (ACAJ). 18 November 2013. Correspondence from the President to the Research Directorate.

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Canada. 5 December 2013. Embassy of Canada in Kinshasa. Correspondence from a representative to the Research Directorate.

Democratic Republic of the Congo (DRC). 10 December 2013. Agence nationale des renseignements (ANR). Telephone interview with the individual responsible for operations.

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Ligue pour la paix, les droits de l'homme et la justice (LIPADHOJ). 11 December 2013. Telephone interview with a representative.

Radio France internationale (RFI). 21 April 2013. "Au Katanga, trois acteurs de la société civile partent en exil." <<http://www.rfi.fr/afrique/20130421-province-katanga-rdc-societe-civile-exil-anr-lubumbashi>> [Accessed 2 Dec. 2013]

Radio Okapi. 16 April 2013. "RDC : la justice congolaise est privatisée par 'des hommes forts,' note une ONG." <<http://radiookapi.net/actualite/2013/04/16/rdc-la-justice-congolaise-est-privatisee-par-des-hommes-forts-note-une-ong/>> [Accessed 18 Dec. 2013]

Additional Sources Consulted

Oral sources, including: The representatives of the following organizations were unable to provide information for this Response: Institut Vie et Paix; Interpol; Ligue des électeurs; National Democratic Institute; Democratic Republic of the Congo – ministère du Plan et Suivi de la mise en œuvre de la révolution de la modernité.

Attempts to contact representatives of the following organizations were unsuccessful: Association africaine des droits de l'homme; Association des femmes avocates de la République démocratique du Congo; Association des femmes juristes congolaise; Centre des droits de l'homme et du droit humanitaire; Comité des observateurs des droits de l'homme; Democratic Republic of the Congo – ministère de l'Intérieur, Sécurité, Décentralisation et Affaires coutumières, ministère de la Justice; Embassy of Canada in the Democratic Republic of the Congo; Embassy of the Democratic Republic of the Congo in Ottawa; Groupe Justice et Libération; Ligue des droits de la personne dans la région des Grands Lacs.

Internet sites, including: Africetime; Afriqinfos; Agence congolaise de presse; AllAfrica; Amnesty International; Le Congolais; *Congo indépendant*; Congo Tribune; *Courrier International*; ecoi.net; Echos Grands-Lacs; Eupol RD Congo; Factiva; Fédération internationale des ligues des droits de l'homme; Freedom House; Global Rights; GlobalSecurity.org; Human Rights First; Human Rights Watch; Infobascongo.net; *Jeune Afrique*; Kongo Times!; Lexadin; Pambazuka News; *Le Potentiel*; *La Prospérité*; Slate Afrique; Sociétécivile.cd.; United Nations – High Commissioner for Human Rights, Integrated Regional Information Networks, Refworld, ReliefWeb; United States – Department of State; Université de Kinshasa; Université de Kisangani; Université de Lubumbashi; West Africa Elections Observers Network.