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Briefing Notes Summary

Group 62 – Information Centre for Asylum and Migration

DR Congo – July to December 2024

31 December 2024

08 July 2024

Death penalty for 25 army soldiers

On 03.07.24, the military court of the Butembo garrison in the province of North Kivu sentenced a total of 25 soldiers of the Congolese army, including two captains, to death. The charges were "fleeing from the enemy", "embezzlement of war material" and "insubordination". The 31 defendants included four civilian wives of the soldiers who had allegedly received the embezzled materials and goods. They were acquitted for lack of evidence. On 13.03.24, the Congolese government had lifted the moratorium on the death penalty that had been in place since 2003 for military personnel found guilty of treason and for members of armed groups or criminal gangs (cf. BN of 25.03.24).¹

05 August 2024

M23: Ceasefire agreed

Following mediation by Angola, on 30.07.24, the DR Congo and Rwanda agreed a ceasefire in the conflict between the Rwandan-backed rebel group Mouvement 23 Mars (M23) and the Congolese security forces. The conflict, which broke out at the end of 2021 and is concentrated in the province of North Kivu, continues to claim civilian lives and has displaced around 1.7 million people (cf. BN of 29.01., 19.02., 11.03. and 15.04.24). According to reports, the indefinite ceasefire shall enter into force on 04.08.24. No further details are known, the reports said. An analyst from the International Crisis Group (ICG) expressed scepticism about the durability of the ceasefire, for one, because the public communiqué did not explicitly name M23. Previously, two consecutive humanitarian ceasefires of two weeks each had been partially ignored. The first ceasefire, which began on 05.07.24, had been announced by the US.

According to further reports, on the first day of the ceasefire, M23 took control of the town of Ishasha on the border with Uganda without a fight after the Congolese army and the self-defence groups allied with it, known as Wazalendo, had withdrawn. In Kinshasa, 26 people allegedly linked to M23 are currently being tried, most of them in absentia. They are accused of war crimes, participation in an insurgency and treason. On 29.07.24, the public prosecutor's office demanded the death penalty in 25 cases. The former chairman of the electoral commission (CÉNI) Corneille Nangaa is one of the absent defendants. On 15.12.23, he had announced the founding of the political-military alliance Alliance Fleuve Congo (AFC) from Kenya, which M23 had also joined, reports said.²

12 August 2024

M23: Death sentences pronounced

On 08.08.24, the verdict was handed down in the trial against 26 people allegedly linked to the rebel group Mouvement 23 Mars (M23) or to the politico-military alliance Alliance Fleuve Congo (AFC) (cf. BN of 05.08.24). According to media reports, all defendants were sentenced to death, most of them in absentia. In an interview on 07.08.24, President Félix Tshisekedi accused his predecessor Joseph Kabila of supporting the AFC alliance and using it to prepare an uprising.

In the country's east, assistance forces of the Southern African Development Community (SADC), which had replaced a corresponding mission of the East African Community (EAC), are operating in support of the DR Congo against M23 (cf. BN of 04.12.23, 19.02. and 15.04.24). On 06.08.24, the UN Security Council allowed the UN peacekeeping mission in the Democratic Republic of the Congo (MONUSCO) to support the SADC mission by adopting Resolution S/RES/2746 (2024). MONUSCO itself is in a slow process of phased withdrawal.³

19 August 2024

Mpox: WHO declares international health emergency

On 14.08.24, the WHO declared a public health emergency of international concern. The WHO had already done this once before in 2022. The emergency is due to the ongoing spread of a variant of the more dangerous endemic clade 1b of the Mpox-causing virus, particularly in the DR Congo. According to a report presented on 15.08.24, more than 15,600 potential Mpox infections and 548 deaths have been recorded in the DR Congo since the beginning of the year. The northern, eastern and central provinces have been particularly affected so far.

According to the report, Mpox (formerly monkeypox) is mainly characterised by skin rashes in the form of blisters. It is transmitted by close contact with infected persons or contaminated materials. Cases of the current variant have also been reported in Burundi, the Central African Republic, Congo (Republic of), Rwanda and Uganda. Vaccination against Mpox is possible. However, there is a major shortage of vaccines, tests and treatment in Africa.⁴

02 September 2024

Ceasefire fails due to further fighting

The ceasefire between the Congolese armed forces (FARDC) and the rebel group Mouvement 23 Mars (M23) in the east of the country has broken down after fighting intensified again near key areas between Lake Edward and Lake Kivu. The M23 rebels and Congolese forces blamed each other for an exchange of fire on 25.08.24. M23 stated that they had taken up arms after their airspace in Lubero and Rutshuru had been violated by the FARDC. The FARDC countered that no aeroplanes had been able to fly in North Kivu due to the bad weather. Despite the ceasefire agreed in July 2024, M23 had made significant territorial gains, including the strategically important town of Kirumba.

Following mediation by Angola, the DR Congo and Rwanda agreed a ceasefire in the conflict between the Rwandan-backed rebel group Mouvement 23 Mars (M23) and the Congolese security forces on 30.07.24 which was to come into force on 04.08.24. Experts were rather sceptical about the ceasefire's stability, especially as the public communiqué had not explicitly named M23 and two consecutive humanitarian ceasefires of two weeks each had been partially ignored (cf. BN of 05.08.24).⁵

09 September 2024

129 dead in attempted Makala prison break

In the night of 01.09. to 02.09.24 inmates of the country's largest prison, Makala Central Prison in the capital Kinshasa, attempted a prison break. According to the Congolese authorities, a total of 129 people died in the attack. 24 people were killed by shots fired after warnings, the majority of the deaths were due to the jostling crowds and the stampede. More than 50 other people were injured and several women were raped during the mayhem. During the attempted escape, fires broke out in several buildings of the prison complex. The government made it clear that

none of the detainees had managed to escape. The opposition questions the government's account and fears a significantly higher number of victims.

According to local media correspondents, the army has cordoned off the surrounding area and reinforced its troops around the prison. On 03.09.24, electricity and food supplies were restored to the prison.

The Ministry of the Interior has convened a commission of enquiry. Voices from civil society, the political opposition and human rights organisations have criticised the security forces' crackdown and the large number of fatalities. They are calling for a joint and independent investigation into the events. Among other things, these voices suspect that the Makala prison's chronic overcrowding caused many of the deaths. Human rights organisations recently reported up to 15,000 detainees in the prison complex, which is designed for just 1,500 prisoners. The prison conditions are correspondingly problematic. The majority of detainees are still awaiting trial.⁶

Opposition politician arrested

Agents of the Congolese National Intelligence Agency (Agence nationale de renseignement, ANR) arrested opposition politician Seth Kikuni on 02.09.24. According to one of Kikuni's political advisors, violence was used in the process. Two of his associates, who were also arrested, were released on 04.09.24. As far as is known right now, Kikuni is still in the custody of the ANR. The authorities have not yet commented on the reasons for the arrest. Kikuni's political companions suspect that he was arrested for his opposition views and activism against the government. A few hours before his office was stormed, Kikuni is said to have published a post about the attempted escape from Makala prison, questioning the government's account and describing the event as a massacre and execution of citizens.

In June 2023, Seth Kikuni and his partner Lubaya launched a movement against Felix Tshisekedi's government, arguing that the government was illegitimate, corrupt and had no real plans for the country. Kikuni was a presidential candidate in 2018 but withdrew his candidacy in favour of Moïse Katumbi in the December 2023 presidential elections.⁷

30 September 2024

400 cases of human rights violations in July 2024

In a statement published on 02.09.24, the Joint United Nations Office for Human Rights (BCNUDH) in the DRC announced that it had identified 400 human rights violations and offences across the entire country for the month of July 2024. Compared to the month of June 2024 when over 300 cases had been recorded, the number increased by around 20 %. The human rights violations and abuses documented in July affected 1,487 people, including around 770 men, 140 women, 55 boys, 40 girls and some people whose age and gender remained unknown. In its statement, the BCNUDH blamed armed groups, the Congolese armed forces (FARDC), but also the national police for the number of victims. The fighting in the east of the country, in particular the attacks by armed groups on the civilian population in the areas of Beni, Masisi, Lubero, Mambasa and Djugu, are responsible for the majority of serious human rights violations and abuses, BCNUDH said. 340 of the 400 documented cases originate from the conflict areas. Another reason for the increase is the rising number of cases documented during public protests in Kinshasa and Haut-Katanga as well as cases of rape with subsequent execution of the victims.⁸

07 October 2024

Situation in the east

Various NGOs and international organisations are warning that the population in the east of the Democratic Republic of the Congo is exposed to severe suffering as a result of human rights violations and flagrant breaches of international humanitarian law in the continuing conflict. It is reported that a number of non-state groups are perpetrating ongoing violence in armed conflicts in the east of the country. This violence is said to have forced more than 940,000 people to flee the region in the first half of 2024. Tens of thousands of people have fled to the camp for displaced people in Goma, for example, where precarious medical and humanitarian conditions prevail. An unprecedented number of victims and survivors of sexual violence were reportedly documented and treated in the Democratic Republic of the Congo in 2023, amounting to over 25,000 cases in total. This trend is reported to have

continued in the first months of 2024. The overwhelming majority of these victims and survivors are said to have lived in the camp for displaced people in Goma. Considering that the number of cases of sexualised violence in 2023/2024 is by far the highest ever documented by NGOs and organisations in the Democratic Republic of the Congo, all national and international actors are called upon to take action to afford protection to the people in the east of the country as a matter of urgency.⁹

21 October 2024

UN: Approx. 1 billion people displaced in 2024

The UN High Commissioner for Human Rights, Volker Türk, reported at a press briefing on 08.10.24 that some 940,000 people had been displaced in the Democratic Republic of the Congo in 2024. Noting that he had obtained this figure from humanitarian sources, he said that the total number of internally displaced people had thus risen to more than 6.4 million. He added that the Democratic Republic of the Congo was also the country with the highest level of food insecurity in the world, with 23.4 million affected. Observing that the country is among the five poorest in the world, he said that one in six people subsisting in extreme poverty in Africa south of the Sahara lived in the Democratic Republic of the Congo. Türk noted that the illegal exploitation of the country and the illegal trade in natural resources had fuelled the conflicts in the east, which were plunging the population into ever greater poverty. In view of the humanitarian situation in the country, he also appealed to the Congolese president to attach the utmost priority to ending the conflict in the east.¹⁰

11 November 2024

Revision of the constitution announced

At a public rally in Kisangani in the north-east of the country on 23.10.24, president Félix Tshisekedi announced that he intended to revise the constitution of the Democratic Republic of the Congo in 2025 and to put together a commission comprising various strata of society for this purpose. Tshisekedi averred that the constitution had "weak points" and was "not geared to the country's realities." He observed that a number of articles in the constitution required amendment, including those which limit the head of state's tenure.

Members of Tshisekedi's governing party, Union pour la Démocratie et le Progrès Social (UDPS), launched the debate on amendment of the constitution back at the beginning of October 2024. The opposition criticised the proposal, warning that it was a plan by Tshisekedi to remain in power. The president retorted that it was ultimately for the people to decide on a change to the president's term in office. In December 2023 Tshisekedi was re-elected for a second and - under the current constitution - final term in office (cf. BN of 08.01.24).

Former president Joseph Kabila's coalition Commun pour le Congo (FCC) spoke out against the planned change to the constitution and published a declaration on 27.10.24 calling on the people to mobilise and obstruct the proposed amendments. According to FCC, the planned reform represents "a threat to peace, unity and the country's stability."

In 2015, the then president Joseph Kabila's camp also attempted to amend the same constitution, but was forced to abandon its efforts under pressure from the church, the people on the street and the opposition.

The current constitution dating from 2006 is the third constitution of the Democratic Republic of the Congo to be adopted by a referendum and was last revised in 2011.¹¹

16 December 2024

SPT calls for mechanism to prevent torture

In a press statement on 11.12.24, the UN Subcommittee on Prevention of Torture (SPT) called for urgent measures in the Democratic Republic of the Congo to prevent torture, in view of the inhumane prison conditions in the country. An SPT delegation undertook a fact-finding mission to the Democratic Republic of the Congo from 01.12. to 07.12.24, in the course of which it paid unannounced visits to a number of detention facilities, including two prisons, a number of police stations and cells at the Palace of Justice and conducted confidential interviews with inmates, prison officers, police officers and medical staff.

The head of the delegation stated that while the country had made initial progress in establishing a national prevention mechanism, fast implementation was now of the essence. He noted that the NPM was necessary in order to remedy the poor prison conditions which the delegation had observed and to prevent torture and mistreatment. Overcrowded cells which were totally unsuitable for detaining people for more than 48 hours had been witnessed not only at prisons but also at police stations and courts. He identified the systematic practice of holding defendants in pre-trial detention for too long as the main cause of the problem.

A study undertaken in the Democratic Republic of the Congo on behalf of Jeune Afrique to examine the prison conditions in the country in the wake of the fatal uprising and break-outs at Makala prison at the beginning of September 2024 (cf. BN of 09.09.24) has revealed that around 80 % of those in custody are still awaiting trial. Overcrowding and excessively long pre-trial detention are not the only factors contributing to the problematic prison conditions: The supply of fresh water, food and medical products is also reported to be inadequate. According to reports in the media, the director of the Tanganyika prison in Moba confirmed on 11.12.24 that the prison had been without drinking water for eleven months. He said the inmates were barely able to wash themselves and were reliant on help from the Red Cross or visitors, adding that this led to an increased risk of illness. The director stated that he had already approached the regional authorities, but no action had been forthcoming as yet.¹²

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Briefing Notes
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