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Titel:	Research Directorate, Immigration and Refugee Board of Canada. Democratic Republic of the Congo: Documents issued by the Congolese National Police (Police nationale congolaise, PNC), including wanted notices (avis de recherche), police reports and appearance notices (citations à comparaître); their appearance, their security features and the procedure for obtaining these documents; samples (2021–March 2023)
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IRB – Immigration and Refugee Board of Canada (Author)

Democratic Republic of the Congo:
Documents issued by the Congolese National
Police (Police nationale congolaise, PNC),
including wanted notices (avis de recherche),
police reports and appearance notices
(citations à comparaître); their appearance,
their security features and the procedure for
obtaining these documents; samples (2021–
March 2023) [COD201410.FE]

Research Directorate, Immigration and Refugee Board of Canada

1. Overview

In correspondence with the Research Directorate, a program officer in the Democratic Republic of the Congo (DRC) of the Great Lakes Region Human Rights League (Ligue des droits de la personne dans la région des Grands Lacs, LDGL), an NGO based in Kigali, Rwanda, working on the promotion and protection of human rights in Burundi, Rwanda and the DRC (Irenees.net 2014-03), stated that documents issued by the police may differ in format, colour and type of paper used, but their content remains the same, as it is prescribed by law (LDGL 2023-03-15). According to the same source, due to the circumstances of drafting such documents, they are not written [translation] "under the same conditions, but they must comply with the conditions of substance and form provided for by law" [see the validity criteria for reports in section 3.1 of this Response] (LDGL 2023-03-15). In correspondence with the Research Directorate, the Executive Secretary of Héritiers de la justice [1], who consulted lawyers working at the South Kivu Court of Appeal, stated that, as far as criminal proceedings are concerned, documents issued by the police are

[translation] "[g]enerally ... identical everywhere" in the country and are typed, but that the record of proceedings for parties' hearings is handwritten [translation] "in most cases" (Héritiers de la justice 2023-03-09).

According to the Executive Secretary of Héritiers de la justice, police reports are administrative procedural documents, whereas wanted notices and appearance notices are procedural documents prepared to better investigate the facts (Héritiers de la justice 2023-03-09). The LDGL program officer explained that the PNC or the judicial police officers (officiers de police judiciaire, OPJs), who report to the attorney general's office, [translation] "generally" prepare a statement (*procès-verbal*) [also translated as report] to attest to the acts carried out as part of a [translation] "pre-trial proceeding" (findings, hearings, confrontations, searches, seizures, custody and arrests, etc.) and that these statements are intended to provide an [translation] "objective" description of the facts, without interpretation (LDGL 2023-03-15). The same source also noted the difference between a statement and an investigation report, stating that the latter is intended to clarify to the presiding magistrate the circumstances in which a criminal offence was committed that were not considered when drafting the statement (LDGL 2023-03-15).

The Program Officer also noted that summonses to appear (*mandats de comparution*) or notices of convocation (*convocations*) are documents issued by the presiding magistrate or the OPJ (LDGL 2023-03-15).

Actualite.cd, a Congolese news website, explains the following about wanted notices:

[translation]

A wanted notice is a measure that allows an officer of the attorney general's office [officier du ministère public, OMP] to search for the alleged perpetrator of an offence (and even a convicted offender) who has vanished into thin air. The wanted notice is always accompanied by a bench warrant (*mandat d'amener*) to bring the suspect before the [OMP] and even arrest the suspect, depending on the case. It must be made public to allow anyone who has information on the whereabouts of the wanted person to give it to the [OMP] or the law enforcement officers responsible for [the wanted notice's] execution. (Actualite.cd 2021-04-27)

Similarly, the LDGL program officer stated that wanted notices are signed and issued by OMPs to enable the identification and arrest of a suspect when the person is on the run and therefore cannot be located from their official address or known place of residence (LDGL 2023-03-15). In contrast, according to the Executive Secretary of Héritiers de la justice, wanted notices and appearance notices are issued by OPJs (Héritiers de la justice 2023-03-09). The same source also indicated that wanted notices

are valid for three months (Héritiers de la justice 2023-03-09). In correspondence with the Research Directorate, a representative of the Centre for Civil and Human Rights (Centre des droits de l'homme et du droit humanitaire, CDH), an NGO dedicated to the promotion and protection of human rights in the DRC (CDH 2022-02-18), stated that wanted notices can be issued by the PNC, attorney general's office and [translation] "security services" (CDH 2023-03-10).

The Executive Secretary of Héritiers de la justice noted the difference between wanted notices and summonses to appear, which lies in the issuing authority; wanted notices and appearance notices are issued by OPJs, while summonses to appear are issued by OMPs, who are their superiors and can cancel documents issued by OPJs (Héritiers de la justice 2023-03-09). In contrast, the LDGL program officer stated that appearance notices [translation] "do not exist in Congolese law; it is summonses to appear that exist" (LDGL 2023-03-15). According to the same source, summonses to appear are usually issued when the person concerned is known and [translation] "locatable" at their home or workplace (LDGL 2023-03-15). For information on judicial documents such as summonses to appear, bench warrants and arrest warrants, see Response to Information Request COD200966 of April 2022.

2. Legal and Regulatory Framework

The DRC constitution (*Constitution de la République démocratique du Congo*) provides the following:

[translation]

Article 184

The National Police is subject to the local civil authority and is placed under the responsibility of the Minister who has interior affairs among his attributions. (DRC 2006)

The Organic Law No. 11/013 of 11 August 2011 on the Organization and Functioning of the Congolese National Police (*Loi organique no 11/013 du 11 août 2011 portant organisation et fonctionnement de la Police nationale congolaise*) stipulates the following regarding the PNC's role and responsibilities:

Article 2

... The National Police performs the functions of the Administrative Police and the Judicial Police.

...

Article 77

When National Police officers act as Judicial Police officers or agents, they have status as representatives of the court and are subject to the authority of the Attorney General's Office.

National Police officers in categories A to C [2] have status as Judicial Police officers with general jurisdiction. All others are Judicial Police agents. They are all subject to the statutory conditions established for exercising the functions of an agent or officer of the Judicial Police.

Article 78

National Police officers and agents are seconded to civil and military courts and offices for missions of a judicial nature. (DRC 2011)

3. Procedure for the Issuance of Documents by the PNC

Information on how to obtain police reports, wanted notices and appearance notices was scarce among the sources consulted by the Research Directorate within the time constraints of this Response.

The Executive Secretary of Héritiers de la justice stated that the procedure for obtaining documents issued by the PNC is as follows:

- Referral of the case to the police through a written and signed complaint;
- Confirmation of the complaint before the OPJ;
- A decision by the OPJ based on the case and its circumstances on whether it is necessary [translation] "[to] invite [or] summon the accused to the office to verify the allegations against them" (Héritiers de la justice 2023-03-09).

According to the same source, although there is no legal basis for the practice, individuals may be charged a small fee known as a [translation] "diligence fee" to obtain these documents from the PNC (Héritiers de la justice 2023-03-09). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

3.1 Police Reports

According to the Executive Secretary of Héritiers de la justice, police reports are prepared upon request by the victim [of an offence] or their lawyer to the attorney general, in which case [translation] "the OPJ or the administrative police forward the report to the appropriate person (commissioner or administrative authorities)" (Héritiers de la justice 2023-03-09). The same source added that to obtain a police report, a written request for a copy must be filed with the attorney general, who may authorize the issuance of the report; however, the document can only be

issued once the OPJ investigation is complete (Héritiers de la justice 2023-03-09).

According to the LDGL program officer, for a statement to be considered valid, it must meet the following criteria:

- The drafting officer must be competent (i.e., must have territorial and subject-matter jurisdiction [3]).
- Note: OPJs have jurisdiction everywhere in the country. Where the law [translation] "does not designate competent police officers," police statements "retain the value of an official information."
- According to Congolese law, the officer who writes the statement must
 - be of the age required by the regulations governing the various functions of the police, the magistrature, etc.;
 - be a Congolese national; and
 - have been appointed or sworn in for this purpose.
- [translation] "[I]n principle" the document must observe the following formal requirements [translation] "to which it is subject by law", "under penalty of nullity":
 - must be written out;
 - must be signed; and
 - must indicate [translation] "the capacity" of the person who wrote it and [translation] "the delegated authority, if any, under which [he or she] is acting".
- The document must be prepared in the language prescribed by law (LDGL 2023-03-15).

3.2 Wanted Notices

The Executive Secretary of Héritiers de la justice stated that for a wanted notice to be issued, [translation] "there must be a written or verbal complaint, an information laid by any person who has knowledge of the facts and the perpetrator, or a referral by the magistrate's office or the OPJ" (Héritiers de la justice 2023-03-09).

3.3 Appearance Notices

According to the Executive Secretary of Héritiers de la justice, [translation] "[a]pppearance notices are procedural documents issued at the request of a party to the proceedings, either in court or before a judicial authority" and enforced [translation] "by court bailiffs or officers" (Héritiers de la justice 2023-03-09). The same source reported that these documents are written either by the attorney general (for defendants in custody or on interim release) or by [translation] "the victim or the victim's counsel" (for persons "at large") (Héritiers de la justice 2023-03-09). The source also

noted that [translation] "nothing precludes [the] attestation" of an appearance notice by a [court] judgment (Héritiers de la justice 2023-03-09).

3.4 Other Documents Issued by the PNC

The US Department of State's Reciprocity Schedule on the DRC notes that copies of criminal records are issued by the Inspector General of the Department of justice and that their cost ranges from US\$50 to US\$100, depending on whether the procedure is expedited (U.S. n.d.). According to the same source, the main requirement for obtaining a copy of a criminal record is to be a resident of the DRC and the procedure is to go to the local police office in Kinshasa or Goma to provide proof of identity and fingerprints (U.S. n.d.). The source also noted that it takes three days to two weeks from when the request is made to receive the copy of the criminal record (U.S. n.d.).

4. Appearance and Security Features of Documents Issued by the PNC

Information on the appearance and security features of documents issued by the PNC was scarce among the sources consulted by the Research Directorate within the time constraints of this Response.

4.1 Police Reports

Blank samples of a findings report (*procès-verbal de constatation*) [also translated as official report] (Attachment 1), an arrest report (*procès-verbal d'arrestation*) (Attachment 2) and a witness testimony report (*procès-verbal d'audition de témoin*) (Attachment 3), which were sent to the Research Directorate by the Program Officer, are attached to this Response.

4.2 Wanted Notices

A sample of a wanted notice (Attachment 4) is attached to this Response.

4.3 Appearance Notices

The CDH representative indicated that an appearance notice is a document typed on the letterhead of the attorney general's office, bearing the name and seal of the attorney general's office, as well as the signature (CDH 2023-03-10).

4.4 Other Documents Issued by the PNC

According to the Reciprocity Schedule on the DRC, the copy of the criminal record is blue (U.S. n.d.).

Blank samples of a notice of convocation [also translated as notice to appear] (Attachment 5) and a summons to appear (Attachment 6), which were sent to the Research Directorate by the Program Officer, are attached to 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.

Notes

[1] Héritiers de la justice is a DRC-based organization that promotes peace and justice in eastern DRC, including in the South Kivu region (KAİROS Canada n.d.).

[2] The Organic Law No. 11/013 of 11 August 2011 on the Organization and Functioning of the Congolese National Police (*Loi organique no 11/013 du 11 août 2011 portant organisation et fonctionnement de la Police nationale congolaise*) provides as follows:

[translation]

Article 65

The National Police's Career Police Corps comprises the following categories:

1. Category A1: Divisional Police Commissioners;
2. Category A2: Senior Police Commissioners;
3. Category B: Police Commissioners;
4. Category C: Deputy Police Commissioners;
5. Category D: Police Sergeants;
6. Category E: Police Officers.

Recruits are called police cadets (DRC 2011, emphasis in original).

[3] The Program Officer defines territorial jurisdiction as [translation] "the judicial district in which qualified officials normally perform their duties" (LDGL 2023-03-15). Regarding subject-matter jurisdiction, the same source notes that there are laws that designate persons who are [translation] "qualified" to investigate and record an offence (LDGL 2023-03-15).

References

Actualité.cd. 2021-04-27. Espoir Masamanki Iziri. "[Mandat d'arrêt provisoire, résidence surveillée, avis de recherche, citation à prévenu, garde à vue, quelles différences ?](#)" [Accessed 2023-03-10]

Centre des droits de l'homme et du droit humanitaire (CDH). 2022-03-10. Correspondence from a representative to the Research Directorate.

Centre des droits de l'homme et du droit humanitaire (CDH). 2022-02-18. Correspondence from a representative to the Research Directorate.

Héritiers de la justice. 2023-03-09. Correspondence from the Executive Secretary to the Research Directorate.

Irenees.net. 2014-03. Robin Gerbaux. "[Ligue des droits de la personne dans la région des Grands Lacs \(LDGL\)](#)." [Accessed 2023-03-27]

KAIROS Canada. N.d. "[Héritiers de la Justice, Democratic Republic of Congo](#)." [Accessed 2022-03-25]

Ligue des droits de la personne dans la région des Grands Lacs (LDGL). 2023-03-15. Correspondence from the Program Officer in the DRC to the Research Directorate.

Democratic Republic of the Congo (DRC). 2011. [Loi organique no 11/013 du 11 août 2011 portant organisation et fonctionnement de la Police nationale congolaise](#). [Accessed 2023-03-08]

Democratic Republic of the Congo (DRC). 2006 (amended in 2011). [Constitution de la République démocratique du Congo](#). [Accessed 2023-03-06]

United States (US). N.d. Department of State, Bureau of Consular Affairs. "[Democratic Republic of the Congo Reciprocity Schedule](#)." [Accessed 2023-03-06]

Additional Sources Consulted

Oral sources: Action communautaire pour la promotion des défavorisés Batwa; Action for the Promotion of Indigenous Minority Rights in Central Africa; Action pour la paix et la concorde; avocat et chef des travaux à la faculté de droit d'une université congolaise; Les Anges du ciel; Association pour le bien-être familial / naissances désirables; Association pour le regroupement et l'autopromotion des Pygmées; Barreau de Mbandaka; law firms in the Democratic Republic of the Congo (3); Caucus des Femmes; Collectif pour les peuples autochtones au Kivu; Comité national femme et développement; Democratic Republic of the Congo – embassy in Ottawa; Human Rescue DRC; Initiatives pour la promotion des femmes autochtones et vulnérables; Institut congolais de formation et d'alphabétisation pour la promotion des droits de l'homme; Journaliste en danger; Kivu Rise; Ligue nationale des associations des autochtones pygmées du Congo; Ligue pour la paix et les droits de l'homme; Ligue pour la paix, les droits de l'homme et la justice; Organisation

d'accompagnement et d'appui aux Pygmées; Programme d'appui aux actions féminines; Réseau des Femmes pour le développement et la paix; Réseau des femmes pour un développement associatif; Réseau pour la conservation et la réhabilitation des écosystèmes forestiers; Solidarité pour les initiatives des peuples autochtones pygmées; Toges Noires; Union pour l'émancipation de la femme autochtone; La voix des sans-voix; Women as Partners for Peace in Africa.

Internet sites, including: Al Jazeera; Amnesty International; Australia – Department of Foreign Affairs and Trade; Austrian Red Cross – ecoi.net; BBC; Belgium – Commissariat général aux réfugiés et aux apatrides; Canadian Broadcasting Corporation; European Union – European Union Agency for Asylum, Office européen de lutte antifraude; Factiva; France – Office français de protection des réfugiés et apatrides; Freedom House; Human Rights Watch; Minority Rights Group International; Transparency International; United Kingdom – Home Office; United Nations – Human Rights Council, International Organization for Migration, Refworld; United States – CIA; Voice of America.

Attachments

1. Democratic Republic of the Congo (DRC). N.d. Blank sample of a findings report. Sent to the Research Directorate by the DRC program officer of the Ligue des droits de la personne dans la région des Grands Lacs (LDGL), 2023-03-15.
2. Democratic Republic of the Congo (DRC). N.d. Blank sample of an arrest report. Sent to the Research Directorate by the DRC program officer of the Ligue des droits de la personne dans la région des Grands Lacs (LDGL), 2023-03-15.
3. Democratic Republic of the Congo (DRC). N.d. Blank sample of a witness testimony report. Sent to the Research Directorate by the DRC program officer of the Ligue des droits de la personne dans la région des Grands Lacs (LDGL), 2023-03-15.
4. Democratic Republic of the Congo (DRC). 2020-07-15. Police nationale congolaise (PNC). Sample of a wanted notice. Published online on the PNC Facebook page. [Accessed 2023-03-14]
5. Democratic Republic of the Congo (DRC). N.d. Blank sample of a notice of convocation. Sent to the Research Directorate by the DRC program officer of the Ligue des droits de la personne dans la région des Grands Lacs (LDGL), 2023-03-15.
6. Democratic Republic of the Congo (DRC). N.d. Blank sample of a summons to appear. Sent to the Research Directorate by the DRC program officer of the Ligue des droits de la personne dans la région des Grands Lacs (LDGL), 2023-03-15.

Associated documents

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Congo, Democratic Republic

Query response on the Democratic Republic of the Congo: Documents issued by the National Police (2021 - March 2023)

[République démocratique du Congo : information sur les documents délivrés par la Police nationale congolaise \(PNC\), y compris les avis de recherche, les rapports de police et les citations à comparaître; leur apparence, leurs caractéristiques de sécurité et la marche à suivre pour obtenir ces documents; spécimens \(2021-mars 2023\) \[COD201410.F\]](#) (Response, French)

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