



## **Democratic Republic of the Congo – Researched and compiled by the Refugee Documentation Centre of Ireland on 23 April 2012**

### **Treatment of MLC (Movement for Liberation of Congo) members.**

A report from the *US Congressional Research Service*, in a section headed “Bemba and the Movement for the Liberation of Congo (MLC)”

“In March 2007, the Congolese army and Bemba’s militia clashed in Kinshasa, forcing Bemba to flee to the South African embassy. In April, Bemba, who is the leader of the MLC, was allowed to leave for Portugal with his family. Bemba’s departure may have resolved the crisis in the short term, although his supporters and militia could become a source of instability. Bemba demanded that he be allowed to return to Congo in order to participate in the political process where his party controls 20% of the seats in the National Assembly. Bemba saw his forced exile as a sign that Congo might be returning to a one-man rule. In May 2008, Bemba was arrested in Belgium for alleged war crimes committed by his group in the Central African Republic (CAR) and was handed over to the ICC.” (US Congressional Research Service (1 September 2011) *The Democratic Republic of Congo: Background and Current Developments*, p.4)

A report prepared by the *UN Human Rights Council*, in a section headed “Freedom of expression, association and peaceful assembly, and right to participate in public and political life” (paragraph 36), states:

“The High Commissioner stressed that other political groups such as the Mouvement de Libération du Congo (MLC) of former Vice-President Bemba were the targets of threats, arbitrary arrests, incommunicado detention, torture and other forms of intimidation or repression. The Secretary-General and MONUC reported on the March 2007 events in Kinshasa, when security forces assaulted the Bemba security detail and about 300 persons were killed. The High Commissioner indicated that in 2008, dozens of new cases of arbitrary detention of persons affiliated with MLC were reported.” (UN Human Rights Council (18 September 2009) *Compilation Prepared by the Office of the High Commissioner for Human Rights, in accordance with paragraph 15(b) of the Annex to Human Rights Council Resolution 5/1 - Democratic Republic of the Congo*, p.9)

A report from the *United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO)*, in a section headed “Context” (paragraph 5), states:

“The run-up to the July 2006 elections was marked by a number of cases of misconduct by national and local authorities, in particular through the use of security forces to obstruct opposition candidates, and by imposing bureaucratic and practical obstacles on their constitutionally guaranteed freedoms of movement and peaceful assembly. In addition to some violent incidents during the electoral campaign and between the first and the second round of the presidential elections, intense fighting took place after the elections in Kinshasa between Government forces and elements of the former Mouvement de libération du Congo (MLC) army assigned to provide

security for former Vice President Bemba. These clashes led to the death of reportedly 23 people in August 2006 and to several hundred deaths and extensive property damage in March 2007. However, after these incidents, a working coexistence subsequently emerged in the Parliament between governing and political opposition parties, particularly the Alliance pour la majorité présidentielle (AMP) and the MLC of Jean-Pierre Bemba.” (United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) (November 2011) *Report of the United Nations Joint Human Rights Office on Human Rights and Fundamental Freedoms During the Pre-electoral Period in the Democratic Republic of the Congo*, p.7)

In a section headed “Right to liberty and security of person” (paragraph 28) this report states:

“Unlawfully depriving political opponents of their liberty in the DRC is a recurrent and common way of limiting their freedom of expression. Between 1 November 2010 and 30 September 2011, the UNJHRO registered 35 cases of arbitrary and illegal detention of political opponents. An emblematic case in this respect occurred on 18 March 2011, in Bukavu, South Kivu, when a militant of the MLC was arrested reportedly for possessing a journal questioning the nationality of Joseph Kabila. He was subsequently charged with defamation of the Head of State, undermining State security and selling objects going against the interest of the State. He is still in detention.” (ibid, p.13)

See also paragraph 29 which states:

“The PNC, ANR or other authorities often cite motives related to State security or defamation of the Head of State in an attempt to justify arbitrary arrests and detentions, such as in the aforementioned case in Bukavu. In Wendji Secli (30 km of Mbandaka), Equateur province, a member of the MLC was reportedly arrested on 29 January 2011 for having mobilized the population to demonstrate in support of the visit of the former Governor, also an MLC member. The motive mentioned by the PNC was incitation to disobey the authorities.” (ibid, p.13)

A critique of the UK Home Office Operational Guidance Notes published by the NGO *Still Human Still Here*, in a section titled “Treatment of Movement for the Liberation of Congo (MLC) members” (paragraph 36), states:

“According to the sources consulted anyone believed to be or actually associated with Jean-Pierre Bemba or the MLC in one form or another seems to be at potential risk of being subjected to arbitrary arrest and imprisonment.” (Still Human Still Here (August 2010) *Comments on the Operational Guidance Note on Democratic Republic of Congo*, p.13)

Paragraph 37 of this document states:

“Two sources reported on the killing of an MLC politician in July 2008 by the Republic Guard [part of the security apparatus of the Congolese government], supposedly ordered by the Kinshasa governor (Freedom House 16/07/2009; USSD 25/02/2009). Another news article reported on the serious beating by police of a cameraman for the Canal Congo Television, which is owned by Jean Pierre Bemba (IFEE 24/06/2009).” (ibid, p.13)

The *Freedom House* report referred to above, in a section titled “Political Rights and Civil Liberties”, comments on this killing as follows:

“In July 2008, MLC politician Daniel Botethi was killed in Kinshasa. Suspicions about the involvement of the Republic Guard led the MLC to suspend its participation in the parliament for one week and call for an investigation. In September, a military tribunal sentenced three soldiers and two civilians to death for Botethi's murder. One of the soldiers claimed that the Kinshasa governor, Andre Kimbuta, had ordered the killing, though he later retracted this allegation. That same month, the leader of a small opposition party was arrested and charged with ‘threatening state security’ after he suggested that government members were involved in the Botethi murder.” (Freedom House (16 July 2009) *Freedom in the World 2009 - Congo, Democratic Republic of (Kinshasa)*)

See also the 2009 *United States Department of State* country report for the DRC which, in a section titled “Arbitrary or Unlawful Deprivation of Life”, states:

“On July 6, Kinshasa-based members of the Republican Guard (GR), an elite armed force under the control of President Joseph Kabila, killed Daniel Botethi, the vice president of the Kinshasa Provincial Assembly and a prominent figure of the opposition party Liberation of Congo (MLC), whose leader Jean-Pierre Bemba ran against Kabila for president in 2006. The soldiers shot and killed Botethi and his bodyguard at a roadblock in Kinshasa, near the site of an attack in May that injured opposition Senator Adolphe Onusumba. The MLC subsequently suspended its participation in government bodies to protest the killing. On September 22, the Military Tribunal of Kinshasa/Ngaliema sentenced four GR soldiers to death for their involvement in the killing. Although a soldier on trial for the murder testified that Kinshasa Governor Andre Kimbuta, an ally of President Kabila, ordered the killing, the connection was never proved.” (United States Department of State (25 February 2009) *2008 Human Rights Report: Democratic Republic of the Congo*)

A report from *The Times* on the murder of an MLC politician in November 2011 states:

“Mr Gangale was shot in his car on Tuesday night while stuck in a traffic jam in a crime-ridden district of the capital. His wife, who was also in the vehicle, said his assailants opened fire when they found the doors locked and demanded her possessions. Jean de Dieu Oleko, Kinshasa's police chief, said he had opened an investigation. There was no hard evidence that Mr Gangale was targeted because he was a politician but an MLC colleague, Thomas Luhaka, expressed doubts. ‘We are asking questions,’ he said. The run-up to the presidential and parliamentary elections had already been marred by acts of violence and incitement, with opposition rallies broken up, radio and television stations closed, rival supporters clashing in streets, journalists arrested and civilians detained for wearing opposition T-shirts.” (The Times (23 November 2011) *Tension mounts in DRC after opposition politician is shot dead*)

This response was prepared after researching publicly accessible information currently available to the Research and Information Unit within time constraints. This response is not and does not purport to be conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

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