



DRC - Researched and compiled by the Refugee Documentation Centre of Ireland on 23 and 24 January 2012

Information on a change of Minister within the past few years and any political consequences

An article by the *Associated Press* in March 2011 states:

“Officials arrested Congo's former rural development minister as part of a government campaign against corruption, an aide to the minister said Wednesday. Philippe Undji and two aides were arrested late Tuesday after hours of interviews by court officials, said one of his aides, Andre Mubula. Undji was fired from his ministerial post on Friday. An official, who spoke on condition of anonymity because he was not authorized to speak to journalists, told The Associated Press on Wednesday that there is significant evidence that Undji was misappropriating funds, and investigations are ongoing. Undji told the AP after his hearing Tuesday that he is ‘at the disposal of justice.’ ‘He who appointed me is the same man who dismissed me,’ he said. Information Minister Lambert Mende confirmed the vice prime minister, Nzanga Mobutu, was also fired last week for spending too much unaccounted-for time in Europe. Minister of Justice Luzolo Bambi said these firings and detentions are part of President Joseph Kabila's ‘Zero Tolerance’ campaign to end corruption and fight impunity.” (Associated Press (16 March 2011) *Congo officials arrest former minister*)

In July 2009 *Reuters* notes:

“Democratic Republic of Congo's President Joseph Kabila has sacked one in 10 of his country's judges and prosecutors to try to stamp out corruption in the judiciary, Congo's justice minister said on Thursday. The president of the Supreme Court and the State Prosecutor were amongst those ousted after recommendations made by a Congolese legal disciplinary body. Kabila has run the rich but notoriously corrupt nation since 2001 but he has come increasingly under pressure to deliver on promises that he made during a 2006 presidential election campaign to eradicate graft that is undermining development. Thursday's sacking of 165 of the 1,650 judges and prosecutors would prepare the judiciary to launch the fight against corruption, Justice Minister Luzolo Bambi Lessa said. ‘Resulting effects will be felt in other parts of the civil service. We had to start somewhere,’ Bambi Lessa said, adding that the Congolese military legal system would be targeted next.” (Reuters (16 July 2009) *Congo's Kabila cleans out judiciary in graft swoop*)

A report by the *Enough Project* in April 2011 states:

“Impunity has plagued the Democratic Republic of Congo for decades, particularly in the east. Citizens and government officials have recently taken action to address the lack of justice for human rights violations committed in the Congo since 1990, including specific abuses described in the 2010 U.N. Mapping Report. Representatives of Congolese civil society organizations from all 10 provinces and Kinshasa, international civil society organizations, government officials, and diplomats, hosted by Human Rights Watch and the Congolese Coalition for

Transitional Justice, met in Goma earlier this month to discuss the creation of a mixed court system. Initially, participants discussed a proposed 'mixed chambers' justice model that would operate within existing Congolese courts to try perpetrators of grave human rights abuses. However, after discussing the need for court autonomy and the lack of existing Congolese judicial infrastructure, a 'mixed court' approach was adopted. The mixed court model allows for the court to operate under the Congolese judicial system, while maintaining autonomy and judges' independence with its own infrastructure and logistics. The 'mixed' aspect of the court is the combination of both Congolese and non-Congolese experts, with the goal being to build capacity within the country and eventually phase out international staff." (Enough Project (28 April 2011) *Civil Society Groups Back Mixed Court in Congo*)

This document also notes:

"Following the conference on April 13, several civil society representatives presented the common position to Minister of Justice and Human Rights Luzolo Bambi. According to Human Rights Watch, Bambi has indicated that the draft bill will be introduced during the current session of Parliament, which ends on June 15. Moving forward, the civil society organizations have promised to be 'watching closely' to ensure that the mixed court that is established is truly independent, effective, and credible." (ibid).

A publication in June 2011 by the *United Nations Organisational Stabilisation Mission in the Democratic Republic of the Congo* states:

"The United Nations International Day in Support of Victims of Torture, held annually on 26 June, was celebrated in Kinshasa on the 24 of June. Key official figures who attended the ceremony included the Minister of Human Rights and Justice, Mr. Luzolo Bambi, and the Deputy-Special Representative of the UN Secretary-General in DRC, Ms Leila Zerrougui. Along with them were several representatives of human rights and civil society organizations, as well as the United Nations common system. In his speech, the Minister noted that some progress had been made in the fight against torture, while by the same token he said there are many challenges still lay ahead. In this respect, Mr. Bambi said his country made torture anti-constitutional. The DRC, he also indicated, passed a law on 10 January 2009, making the use of torture, especially against children, a criminal offence, and promulgated another law banning forced labor. The Minister estimated the total number of prisoners legally detained at 12,000, which he said was very high. He, therefore, urged the 'immediate' release of all inmates held unlawfully. Furthermore, Mr. Bambi reckoned that improving the overall conditions of detention would go a long way in contributing to the fight against torture." (United Nations Organisational Stabilisation Mission in the Democratic Republic of the Congo (24 June 2011) *DRC: Justice Minister Calls for Release of Inmates Detained Unlawfully*)

A report issued in September 2011 by *Inter Press Service* points out that:

"The Democratic Republic of Congo's parliament adopted a bill creating a Specialised Court for serious violations of human rights. The involvement of jurists from outside the DRC in running the court quickly become a major talking point." (Inter Press Service (14 September 2011) *DR Congo: Specialised Court for Serious Human Rights Abuses*)

This document also states:

“DRC Minister of Justice and Human Rights Emmanuel Luzolo Bambi Lessa told IPS that ‘the involvement of foreign magistrates will contribute to strengthening the capacities of Congolese investigators not yet accustomed to dealing with this type of crime’. ‘Further, this court will offer a concrete response to the demands of millions of victims for the restoration of their rights,’ said the minister, who is also a professor of criminal proceedings at the University of Kinshasa (UNIKIN), the country’s capital.” (ibid).

In December 2011 *BBC News* states:

“Vote counting in the Democratic Republic of Congo’s parliamentary elections has been halted, the election commission has said.” (BBC News (22 December 2011) *DR Congo polls: Counting halted in parliamentary vote*)

This report also states:

“The US-based campaign group Human Rights Watch (HRW) says police have killed at least 24 people since the disputed polls.” (ibid).

This article also notes:

“Justice Minister Emmanuel Luzolo Bambi said his office would investigate HRW’s claims, the AFP news agency reports.” (ibid)

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This response was prepared after researching publicly accessible information currently available to the Refugee Documentation Centre 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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