



Refugee Documentation Centre (Ireland)
LEGAL AID BOARD

Democratic Republic of Congo - Researched and compiled by the Refugee Documentation Centre of Ireland on 4 March 2010.

Treatment of those who speak out/oppose the Kabila regime

A report by the *United States Department of State* under the heading 'Elections and Political Participation' states:

"A 2007 law on the status and rights of the political opposition recognizes opposition parties represented in parliament as well as those outside it and guarantees their right to participate in political activities without fear of retribution. During the year political parties were able to operate most of the time without restriction or outside interference; however, there were notable exceptions. Opposition members were sometimes harassed (see section 2.a.), and in February and March police killed numerous supporters of the BDK during violent clashes in Bas-Congo Province and systematically destroyed BDK meeting places (see section 1.a.). In addition, an HRW report released in November, entitled *We Will Crush You: The Restriction of Political Space in the Democratic Republic of the Congo*, drew from hundreds of interviews with government officials, diplomats, political detainees, and members of civil society between 2006 and 2008 and concluded that since the 2006 national elections, there have been disturbing signs that the government has used violence and intimidation to eliminate its political opponents and restrict democratic space." (United States Department of State (25 February 2009) *2008 Human Rights Report: Democratic Republic of the Congo*)

A report by *Human Rights Watch* under the heading 'DR Congo: President Brutally Represses Opposition' states:

"(Kinshasa, November 25, 2008) - Congolese state security forces have killed an estimated 500 people and detained about 1,000 more, many of whom have been tortured, in the two years since elections that were meant to bring democracy, Human Rights Watch said in a report released today. The brutal repression against perceived opponents began during the 2006 elections that carried President Joseph Kabila to power, and has continued to the present.

The 96-page report, "*We Will Crush You: The Restriction of Political Space in the Democratic Republic of Congo*," documents the Kabila government's use of violence and intimidation to eliminate political opponents. Human Rights Watch found that Kabila himself set the tone and direction by giving orders to "crush" or "neutralize" the "enemies of democracy," implying it was acceptable to use unlawful force against them. "(Human Rights Watch (25 November 2008) *DR Congo: President Brutally Represses Opposition*)

It also states:

“On the second anniversary of Kabila's November 28, 2006 election victory, the Congo remains impoverished and in conflict. Those in western Congo who might challenge government policies face brutal repression, while in the east the armed conflict with renegade general Laurent Nkunda's forces has resulted in horrific atrocities by all sides.” (ibid)

It also states:

“At least 500 perceived opponents of the government were deliberately killed or summarily executed. In some of the most violent episodes, state agents tried to cover up the crimes by dumping bodies in the Congo River or by secretly burying them in mass graves. Government officials blocked efforts to investigate by UN human rights staff, Congolese and international human rights monitors, and family members of victims.

The detentions came in waves of arrests during the past two years. Detainees and former detainees described torture, including beatings, whippings, mock executions, and the use of electric batons on their genitals and other parts of their bodies. Some were kept chained for days or weeks and many were forced to sign confessions saying they had been involved in coup plots against Kabila” (ibid)

A report by *Freedom House* under the heading ‘Political Rights and Civil Liberties’ states:

“The DRC is not an electoral democracy. The 2006 elections were a significant improvement over previous elections, but serious problems remained. The opposition Union for Social Democracy and Progress (UDPS) party did not participate as a result of the party leader's call for a boycott of the recent constitutional referendum. International observers noted voter registration irregularities and corruption. The campaign period included clashes between opposition militants and government forces as well as an attempt on opposition leader Jean-Pierre Bemba's life. The 2007 Senate elections were similarly plagued by political corruption, with allegations of vote buying. Local elections initially scheduled for 2008 were delayed until at least 2009.” (Freedom House (2009) *Freedom in the World - Congo, Democratic Republic of (Kinshasa)* (2009)

It also states:

“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” (ibid)

A report by *Amnesty International* under the heading 'Torture, other ill-treatment and arbitrary detention' states:

"Torture and ill-treatment were routinely committed by government security services and armed groups, directed particularly against perceived political opponents. Methods included beatings, stabbings, suspension from grilles or window bars and rape in custody.

There were regular arbitrary arrests by state security forces, especially of military or police officers with suspected affiliations to the Mouvement de Libération du Congo (MLC) political opposition and its leader, Jean-Pierre Bemba Gombo, or of individuals suspected of supporting the CNDP. Many detainees were held incommunicado for weeks or months in unofficial military or intelligence service detention." (Amnesty International (28 May 2009) *Amnesty International Report 2009 - DR Congo*)

References:

Amnesty International (28 May 2009) *Amnesty International Report 2009 - DR Congo*

<http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?page=printdoc&docid=4a1fadf1c>

(Accessed 4 March 2010)

Freedom House (2009) *Freedom in the World - Congo, Democratic Republic of (Kinshasa) (2009)*

<http://www.freedomhouse.org/template.cfm?page=22&year=2009&country=7739>

(Accessed 4 March 2010)

Human Rights Watch (25 November 2008) *DR Congo: President Brutally Represses Opposition*

<http://www.hrw.org/en/news/2008/11/25/dr-congo-president-brutally-represses-opposition?print>

(Accessed 4 March 2010)

United States Department of State (25 February 2009) *2008 Human Rights Report: Democratic Republic of the Congo*

<http://www.state.gov/g/drl/rls/hrrpt/2008/af/118995.htm>

(Accessed 4 March 2010)

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.

Sources Consulted:

Amnesty International

BBC News

European Country of Origin Information Network (ECOI)
Integrated Regional Information Networks (IRIN)
Freedom House
Human Rights Watch
United Kingdom Home Office
UNHCR Refworld
UN Security Council
United States Department of State