



Home Office

# **Country Policy and Information Note**

## **DRC: Opposition to the government**

**Version 4.0**

**November 2023**

# Contents

<b>Executive summary</b> .....	<b>4</b>
<b>Assessment</b> .....	<b>5</b>
About the assessment .....	5
1. Material facts, credibility and other checks/referrals .....	5
1.1 Credibility.....	5
1.2 Exclusion.....	5
2. Convention reason(s) .....	6
3. Risk.....	6
3.1 Political opposition in the DRC .....	6
3.2 Political opponents outside of the DRC .....	7
4. Protection .....	8
5. Internal relocation .....	8
6. Certification.....	8
<b>Country information</b> .....	<b>9</b>
About the country information.....	9
7. Source information.....	9
8. Geographical context.....	9
9. Political context.....	10
9.1 Tshisekedi government: 2019 to 2023 .....	10
9.2 Elections 2023.....	11
9.3 Political parties .....	13
10. Treatment of opposition groups in the DRC.....	14
10.1 Geographical variation .....	14
10.2 Violations of democratic space.....	18
10.3 Political prisoners .....	24
10.4 Conditions and treatment in detention.....	25
11. Sur place activities.....	26
11.1 Opposition groups .....	26
11.2 Monitoring by the DRC Government in UK.....	27
<b>Research methodology</b> .....	<b>28</b>
<b>Terms of Reference</b> .....	<b>29</b>
<b>Bibliography</b> .....	<b>30</b>
Sources cited.....	30
Sources consulted but not cited.....	31
<b>Version control and feedback</b> .....	<b>32</b>

Feedback to the Home Office ..... 32  
Independent Advisory Group on Country Information..... 32

# Executive summary

On 22 May 2023 the Upper Tribunal (UT) published new country guidance on Democratic Republic of Congo (DRC), [PO \(DRC – Post 2018 elections\) \(CG\) \[2023\] UKUT 00117](#), which was heard in June 2022, and considered the risk of persecution for political opponents following the election of Felix Tshisekedi in 2019.

The UT made a number of findings for political opposition members in the DRC. The two key ones were that:

- Actual or perceived opponents of former President Kabila are **not** at real risk of persecution; and
- Rank-and-file members of opposition political parties or opponents of President Tshisekedi and/or the Sacred Union are **not** likely to be at real risk. However, high-profile opponents may be at risk in some circumstances.

Although there is some evidence violations of democratic space, including restrictions of the rights to freedom of expression, association and peaceful assembly, and arbitrary arrests, there are not very strong grounds supported by cogent evidence to depart from the UT findings in PO.

The UT also considered the risk to Congolese political activists outside of the DRC. They held that there is no credible evidence to suggest that the current authorities in the DRC are interested in monitoring the diaspora community in the UK and that Congolese Support Group (CSG) are not at risk upon return to the DRC on account of their actual or perceived political opinion or sur place activities in the UK. However, for individuals belonging to APARECO, the UT found individuals who have a 'significant and visible profile within APARECO (leaders, office bearers and spokespersons) may be at risk upon return to the DRC. Rank-and-file members are unlikely to fall within this category'.

Decision makers still need to read the assessment in full and use relevant country information as the evidential basis for decisions.

[Back to Contents](#)

# Assessment

## About the assessment

This section considers the evidence relevant to this note – that is information in the [country information](#), refugee/human rights laws and policies, and applicable caselaw – and provides an assessment of whether, **in general**:

- a person is reasonably likely to face a real risk of persecution/serious harm by the state because of his political association and/or opinion inside and outside of the Democratic Republic of Congo (DRC)
- a person is able to obtain protection from the state (or quasi state bodies)
- a person is reasonably able to relocate within a country or territory
- a grant of asylum, humanitarian protection or other form of leave is likely, and
- if a claim is refused, it is likely or unlikely to be certifiable as ‘clearly unfounded’ under [section 94 of the Nationality, Immigration and Asylum Act 2002](#).

Decision makers **must**, however, still consider all claims on an individual basis, taking into account each case’s specific facts.

[Back to Contents](#)

## 1. Material facts, credibility and other checks/referrals

### 1.1 Credibility

- 1.1.1 For information on assessing credibility, see the instruction on [Assessing Credibility and Refugee Status](#).
- 1.1.2 Decision makers must also check if there has been a previous application for a UK visa or another form of leave. Asylum applications matched to visas should be investigated prior to the asylum interview (see the [Asylum Instruction on Visa Matches, Asylum Claims from UK Visa Applicants](#)).
- 1.1.3 In cases where there are doubts surrounding a person’s claimed place of origin, decision makers should also consider language analysis testing, where available (see the [Asylum Instruction on Language Analysis](#)).

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**Official – sensitive: Not for disclosure – End of section**

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[Back to Contents](#)

### 1.2 Exclusion

- 1.2.1 Decision makers must consider whether there are serious reasons for considering whether one (or more) of the exclusion clauses is applicable. Each case must be considered on its individual facts and merits.

- 1.2.2 If the person is excluded from the Refugee Convention, they will also be excluded from a grant of humanitarian protection (which has a wider range of exclusions than refugee status).
- 1.2.3 For guidance on exclusion and restricted leave, see the Asylum Instruction on [Exclusion under Articles 1F and 33\(2\) of the Refugee Convention](#), [Humanitarian Protection](#) and the instruction on [Restricted Leave](#).

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[Back to Contents](#)

## 2. Convention reason(s)

- 2.1.1 Actual or imputed political opinion.
- 2.1.2 Establishing a convention reason is not sufficient to be recognised as a refugee. The question is whether the person has a well-founded fear of persecution on account of an actual or imputed Refugee Convention reason.
- 2.1.3 For further guidance on the 5 Refugee Convention grounds see the Asylum Instruction, [Assessing Credibility and Refugee Status](#).

[Back to Contents](#)

## 3. Risk

### 3.1 Political opposition in the DRC

- 3.1.1 In general, rank and file members of political parties in opposition to the Tshisekedi government/political coalition, the Sacred Union, are unlikely to be at risk of persecution. However, high profile opponents may be at risk in some limited circumstances. Each case will need to be considered on its facts and merits.
- 3.1.2 In January 2019, Felix Tshisekedi was appointed president of the DRC following controversial elections in December 2018. He initially formed an alliance with his predecessor as president, Joseph Kabila. Over the course of 2019 and 2020 Tshisekedi consolidated his position eventually allowing him to dissolve the alliance with Kabila and create a new political coalition in December 2020, the Sacred Union, which formed a new government in April 2021. Tshisekedi's Sacred Union continues to govern the DRC, as the country prepares for national elections due in December 2023 (Political context).
- 3.1.3 There are hundreds of political parties in DRC, most of which are based in Kinshasa. Many of the parties are organised along ethnic, communal or regional lines, with no one party having national reach. While parties are generally able to operate and to recruit members they are subject to restrictions and interference by the state (see [Political context](#) and [Treatment of opposition groups](#))
- 3.1.4 In the country guidance of [PO \(DRC – Post 2018 elections\) \(CG\) \[2023\]](#)

[UKUT 00117](#), heard 13 to 15 June 2022, promulgated 18 April 2023 and published on 23 May 2023, the Upper Tribunal held

‘1. The change in Presidency, following the elections held on 30 December 2018 and the announcement on 10 January 2019 that Felix Tshisekedi was the winner of the elections, has led to a durable change to the risk of persecution to actual and perceived opponents of former President Kabila and current President Tshisekedi, such that the following general guidance applies:

‘(i) Actual or perceived opponents of former President Kabila are not at real risk of persecution upon return to the Democratic Republic of Congo (“DRC”).

‘(ii) Generally speaking, rank-and-file members of opposition political parties or political opponents of President Tshisekedi and/or the Sacred Union are not reasonably likely to be at real risk. That must be distinguished from high-profile opponents who may be at risk in some circumstances.’ (Paragraph 1, Country Guidance)

3.1.5 If someone is considered to be (or would be perceived to be) a person of interest (in an opposition group), then likely adverse consequences could include imprisonment. In the country guidance case of [BM and Others \(returnees – criminal and non-criminal\) DRC CG \[2015\] 293 \(IAC\)](#) (2 June 2015) (heard in March and April 2015), the Home Office acknowledged, amongst other things, that, owing to the poor prison conditions, a period of detention of more than approximately one day would result in a breach of Article 3. The UT accepted this assessment as ‘clearly warranted by substantial and compelling evidence’ (paragraph 13). Conditions in detention centres and prisons continue to be very poor, with ill-treatment reportedly commonplace. It therefore remains the case that a person detained for more than a day, even for short period of time, is likely to face conditions that breach Article 3 (see [Conditions and treatment in detention](#)).

3.1.6 For further guidance on assessing risk, see the Asylum Instruction on [Assessing Credibility and Refugee Status](#).

[Back to Contents](#)

## 3.2 Political opponents outside of the DRC

3.2.1 In general, members of the Congo Support Group in the UK are not at risk of persecution on return to the DRC. However, persons with a significant and visible profile in Alliance of Patriots for the Refoundation of the Congo (Alliance des patriotes pour la refondation du Congo, APARECO) in the UK may be at risk on return. Each case will need to be considered on its facts.

3.2.2 There are a number of Congolese political groups active amongst the diaspora in the UK, including APARECO and the CSG (see [Sur place activities](#)).

3.2.3 The UT in PO held with regard monitoring in the UK of the Congolese diaspora: ‘There is no credible evidence that the current authorities in the DRC are interested in monitoring the diaspora community in the UK; nor is there is any credible evidence that the intelligence capability exists, even if there were the appetite.’ (Paragraph 5)

- 3.2.4 The UT in relation to CSG and APARECO held at paragraph 3(iii) to (v):
- “(iii) Leaders, members and activists associated with the Congolese Support Group (“CSG”) are not at risk upon return to the DRC on account of their actual or perceived political opinion or sur place activities in the UK.
- (iv) Simply being a journalist, media worker or blogger is not likely to lead to a person facing treatment that amounts to persecution or serious harm unless they are considered to be a sufficiently high-profile opponent of President Tshisekedi.
- (v) Persons who have a significant and visible profile within APARECO (leaders, office bearers and spokespersons) may be at risk upon return to the DRC. Rank-and-file members are unlikely to fall within this category.”

3.2.5 As per PO, that the factors identified are non-exhaustive,

3.2.6 For further guidance on assessing risk, see the Asylum Instruction on [Assessing Credibility and Refugee Status](#).

[Back to Contents](#)

## 4. Protection

4.1.1 Where the person has a well-founded fear of persecution from the state, they are unlikely to be able to avail themselves of the protection of the authorities.

4.1.2 For further guidance on assessing state protection, see the Asylum Instruction on [Assessing Credibility and Refugee Status](#).

[Back to Contents](#)

## 5. Internal relocation

5.1.1 Where the person has a well-founded fear of persecution from the state, it is unlikely that they will be able to relocate to escape that risk.

5.1.2 For further guidance on considering internal relocation and factors to be taken into account see the Asylum Instruction on [Assessing Credibility and Refugee Status](#).

[Back to Contents](#)

## 6. Certification

6.1.1 Where a claim is refused, it is unlikely to be certifiable as ‘clearly unfounded’ under section 94 of the Nationality, Immigration and Asylum Act 2002.

6.1.2 For further guidance on certification, see [Certification of Protection and Human Rights claims under section 94 of the Nationality, Immigration and Asylum Act 2002 \(clearly unfounded claims\)](#).

[Back to Contents](#)

# Country information

## About the country information

This contains publicly available or disclosable country of origin information (COI) which has been gathered, collated and analysed in line with the [research methodology](#). It provides the evidence base for the assessment.

The structure and content of this section follow a [terms of reference](#) which sets out the general and specific topics relevant to the scope of this note.

Decision makers must use relevant COI as the evidential basis for decisions.

[Back to Contents](#)

section updated: 23 August 2023

## 7. Source information

7.1.1 This note only includes information from June 2022, postdating the hearing of 13 to 15 June 2023 of the country guidance case of [PO \(DRC – Post 2018 elections\) \(CG\) \[2023\] UKUT 00117](#), which was subsequently promulgated on 18 April 2023 and published on 23 May 2023.

7.1.2 The Upper Tribunal in PO considered a large body of evidence about the treatment of opposition groups within and outside of the DRC. For a list of the source material considered in PO see the Appendix of the determination.

[Back to Contents](#)

section updated: 23 August 2023

## 8. Geographical context

8.1.1 The DRC is a large central African country, about 10 times the size of the UK<sup>1</sup>, with a population estimated to be around 100million<sup>2</sup>. The main cities – with estimated populations – include

- Kinshasa - 6.316 million (capital)
- Mbuji-Mayi - 2.892 million
- Lubumbashi - 2.812 million
- Kananga - 1.664 million
- Kisangani - 1.423 million
- Bukavu - 1.249 million<sup>3</sup>

8.1.2 The US Central Intelligence Agency observed ‘urban clusters are spread throughout the country, particularly in the northeast along the border with Uganda, Rwanda, and Burundi; the largest city is the capital, Kinshasha, located in the west along the Congo River; the south is least densely populated’<sup>4</sup>.

8.1.3 The UN map<sup>5</sup> below shows province, and provincial and national capitals:

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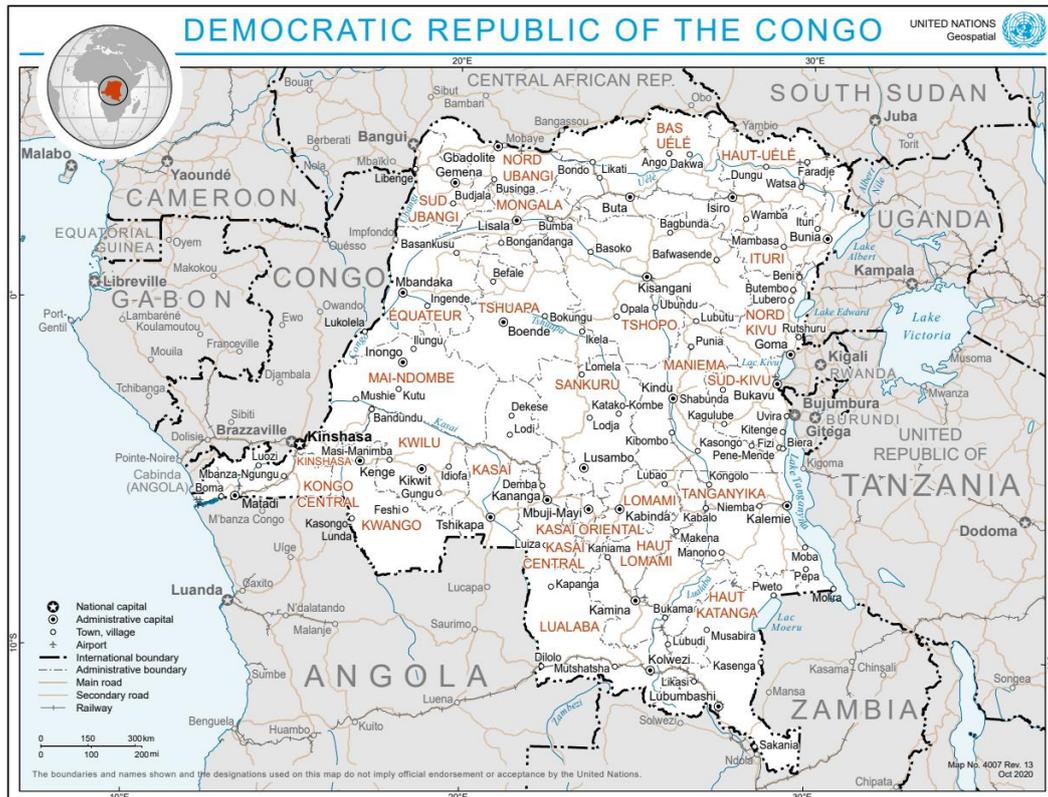
<sup>1</sup> US CIA, ‘[World Country Factbook](#)’ (Country Comparisons - Area), no date

<sup>2</sup> World Bank, ‘[Data](#)’ (Population, total – Congo. Dem. Rep.), no date

<sup>3</sup> US CIA, ‘[World Factbook](#)’ (DRC), updated 11 July 2023

<sup>4</sup> US CIA, ‘[World Factbook](#)’ (DRC), updated 11 July 2023

<sup>5</sup> UN Geospatial, ‘[Democratic Republic of Congo](#)’, 1 October 2020



[Back to Contents](#)

## 9. Political context

### 9.1 Tshisekedi government: 2019 to 2023

9.1.1 A summary of a report by the country-of-origin information research unit (Cedoca) of the Belgium Commissioner General for Refugees and Stateless Persons (CGRS), Congo, Democratic Republic of the -Political situation, covering events between October 2021 and 7 November 2022, dated 25 November 2022, (Cedoca report 2022) originally in French but translated into English using the Bing browser translation tool, noted

‘Following controversial elections in December 2018, Felix Tshisekedi (Cap pour le changement coalition, CACH), proclaimed winner of the presidential election, concluded an alliance with his predecessor, Joseph Kabila (Common Front for Congo coalition, FCC). From the beginning of their alliance in January 2019, the two partners showed many disagreements on various topics. In December 2020, Tshisekedi dissolved this alliance and installed in April 2021 a new government largely supported by the political class. This new coalition called the Sacred Union of the Nation (USN) is still at the head of the country in November 2022. The political news focuses mainly on the next elections scheduled for December 2023. While some political leaders have already announced their support for the current president for a future presidential term, others intend to nominate themselves. USN leaders such as Kamerhe and Katumbi have not yet formally spoken, while some have already left the ranks of the government to join the opposition. The latter is mainly represented by Martin Fayulu (Commitment for Citizenship and Development, ECiDé), Aldolphe Muzito

(New Elan) and Kabila's FCC.<sup>6</sup>

9.1.2 The 2023 USSD report, covering events in 2022, observed that:

'The Democratic Republic of the Congo is a centralized constitutional republic. Voters popularly elect the president and the lower house of parliament (National Assembly). Following a two-year delay, presidential, legislative, and provincial elections were held in December 2018. In January 2019, the National Independent Electoral Commission declared Felix Tshisekedi the winner of the 2018 presidential election. The 2018 election was marred by irregularities and criticized by some observers, including the Council of Bishops, a local Roman Catholic church group also referred to as the Episcopal Conference of the Congo that participated in elections observation and conducted a parallel vote tabulation. The Council stated the results did not match those of their observation mission. Nevertheless, the 2019 inauguration of President Tshisekedi was the first peaceful transfer of power in the country's history.'<sup>7</sup>

9.1.3 Freedom House in its report covering events in 2022 noted: 'The political system in the Democratic Republic of the Congo (DRC) is paralyzed due the manipulation of the electoral process by political elites. Citizens are unable to freely exercise basic civil liberties, and corruption is endemic. Physical security is tenuous due to violence and human rights abuses committed by government forces, as well as armed rebel groups and militias in many areas of the country.'<sup>8</sup>

9.1.4 FH claimed 'a "state of siege" in North Kivu and Ituri provinces was imposed in 2021 as part of the government's efforts to reestablish control over violence-affected areas'<sup>9</sup>, which remained in place at the time of writing<sup>10</sup>.

9.1.5 Amnesty International (AI) in their Report 2022/23; The State of the World's Human Rights, dated 27 March 2023, (AI report 2022) noted

'Uncertainty about the government's ability or willingness to implement constitutional provisions for the 2023 general elections continued to fuel political tensions, while the government's crackdown on dissenting voices intensified. Corruption and squandering of public resources persisted and remained largely unpunished, hindering the realization of President Tshisekedi's pledges to improve people's economic and social conditions, including his commitment to ensure universal access to basic education and healthcare.'<sup>11</sup>

[Back to Contents](#)

## 9.2 Elections 2023

9.2.1 Africa Confidential in their report, President Tshisekedi lines up his campaign team, dated 28 March 2023 reported

'The election is scheduled for 20 December [2023], although few expect the

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<sup>6</sup> CGRS, '[Democratic Republic of Congo -Political situation](#)', 25 November 2022

<sup>7</sup> USSD, '[Human rights report 2022](#)' (Executive summary), 20 March 2023

<sup>8</sup> FH, '[Freedom in the World 2023](#)' (DRC), March 2023

<sup>9</sup> FH, '[Freedom in the World 2023](#)' (DRC), March 2023

<sup>10</sup> UK FCDO, '[Foreign travel advice: Democratic Republic of Congo](#)', updated 22 June 2023

<sup>11</sup> AI, '[The State of the World's Human Rights:Democratic Republic Of The Congo..](#)', 27 March 2023

authorities will meet the deadline. Whenever the vote, Tshisekedi has further improved his chances (he appointed a new election tribunal last year) by co-opting two more political heavyweights: they both have extensive personal support bases and the capacity to mobilise. It will still leave some doubts over Tshisekedi's legitimacy. He was declared president as a result of a deal with outgoing President Joseph Kabila after the disputed December 2018 elections. When Kabila's preferred candidate scored so badly, he opened negotiations with Tshisekedi whom he saw as the most pliable of the opposition contenders'<sup>12</sup>

9.2.2 The Report of the Secretary General to the UN Security Council covering events between 21 March to 19 June 2023, noted:

'On 25 April, the Independent National Electoral Commission officially closed the voter registration process, stating that 95 per cent of the 50 million potential voters had been registered, 47 per cent of whom were women. However, it also acknowledged technical challenges and barriers to conducting registrations owing to insecurity in Kwamouth territory of Mai-Ndombe Province, Masisi and Rutshuru territories in North Kivu Province, and in parts of Maluku commune in Kinshasa.

'On 22 May, the Independent National Electoral Commission validated the external audit of the voter register, which was completed by five national and international experts, including one woman. The exercise was conducted under six days, without independent oversight. National observer missions and the opposition decried the process as lacking transparency and credibility. In total, over 3.3 million voters, including duplicates (2.23 million) and minors (0.98 million), were deleted from the voter register. On 22 May, the Independent National Electoral Commission submitted the draft law on the distribution of seats for national and provincial legislative, municipal and local elections to the Ministry of Interior. Despite a boycott by the opposition and allegations by the majority regarding discrepancies between the number of registered voters and the number of allocated seats, the draft law was adopted by the National Assembly and the Senate on 5 and 15 June, respectively. On 5 June, a decree creating an accreditation unit for international election observers under the leadership of the Ministry for Foreign Affairs was issued. The unit will examine requests for accreditation sent to the government by foreign entities or independent personalities and share its decisions with the Independent National Electoral Commission[.]

'On 29 April, the majority coalition, Union sacrée de la nation, was officially established as a political and electoral platform to support a second term for the President. On 20 May, Martin Fayulu, Moïse Katumbi, Augustin Matata Ponyo and Delly Sesanga, who have each declared their presidential candidacy, jointly organized a demonstration against what they qualified as the "chaotic" electoral process, "rampant insecurity and the high cost of living". The disproportionate use of force by the Congolese National Police during the demonstration prompted opposition leaders to call for the resignation of the Governor of Kinshasa Province. On 25 May, the four opposition leaders organized a protest for credible elections in front of the Kinshasa headquarters of the Independent National Electoral Commission.

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<sup>12</sup>Africa confidential, '[President Tshisekedi lines up his campaign team](#)', 28 March 2023

On 23 May, Mr. Katumbi denounced having been barred from conducting political activities in Kongo Central Province. On 30 May, his special adviser, Salomon Idi Kalonda, was arrested in Kinshasa on charges including undermining the internal security of the State to benefit a “Katangese citizen”, a move decried by Mr. Katumbi’s party as “illegal and arbitrary”. The draft law on Congolese nationality, which seeks to restrict access to key public positions only to citizens whose parents are both Congolese, continued to fuel tensions, as the opposition views it as a vehicle to exclude opponents from the presidential race and pave the way for a constitutional review.’<sup>13</sup>

[Back to Contents](#)

### 9.3 Political parties

#### 9.3.1 Belgium’s Commissioner General for Refugees and Stateless Persons (CGRS) report, Political situation, dated 25 November 2022 noted

‘The right to form a political party is recognized in the DRC, where there are nearly 600 parties registered on the latest official list. However, several organizations point to the fact that some opposition parties have been prevented from holding meetings, and that opposition leaders and supporters have been intimidated and faced restrictions on movement. However, several congresses of opposition political parties were organised during the period covered by this IOC Focus and took place without incident. The headquarters of the political party ECiDé, on the other hand, has been repeatedly vandalized.’<sup>14</sup>

#### 9.3.2 Freedom House (FH) in their report, Freedom in the world 2023- Democratic republic of Congo, published in 2023 noted

‘People have the right to organize political parties. Hundreds of parties exist, with many configured along ethnic or regional lines; 34 parties won National Assembly seats in the 2018 elections. Most parties lack national reach and their ability to function is limited in practice. Opposition leaders and supporters are often intimidated and face restrictions on movement and rights to campaign or organize public events. Coalitions have also shifted in recent years, with the USN being formed in 2020 and displacing a pro-Kabila majority in the legislature by 2021.’<sup>15</sup>

#### 9.3.3 The US Central Intelligence Agency World Factbook, updated 11 July 2023 noted the main political parties/groups and their leaders:

- ‘Christian Democrat Party or PDC [Jose ENDUNDO]
- Congolese Rally for Democracy or RCD [Azarias RUBERWA]
- Convention of Christian Democrats or CDC [NA]
- Engagement for Citizenship and Development or ECiDe [Martin FAYULU]
- Forces of Renewal or FR [Mbusa NYAMWISI]

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<sup>13</sup> UN SG, ‘[Report of the Secretary-General](#)’ (paragraphs 4 to 7), 19 June 2023

<sup>14</sup> CGRS, ‘[Political situation \(Situation politique\)](#)’, (paragraph 5), 25 November 2022

<sup>15</sup> FH, ‘[Freedom in the world 2023- Democratic republic of Congo](#)’, (Section B), 2023

- Lamuka coalition [Martin FAYULU] (includes ECiDe, MLC, Together for Change, CNB, and Nouvel Elan)
- Movement for the Liberation of the Congo or MLC [Jean-Pierre BEMBA]
- Nouvel Elan [Adolphe MUZITO]
- Our Congo or CNB ("Congo Na Biso") [Freddy MATUNGULU]
- People's Party for Reconstruction and Democracy or PPRD [Henri MOVA Sakanyi]
- Social Movement for Renewal or MSR [Pierre LUMBI]
- Together for Change ("Ensemble") [Moise KATUMBI]
- Unified Lumumbist Party or PALU [NA]
- Union for the Congolese Nation or UNC [Vital KAMERHE]
- Union for Democracy and Social Progress or UDPS [Felix TSHISEKEDI]<sup>16</sup>

[Back to Contents](#)

section updated: 05 September 2023

## 10. Treatment of opposition groups in the DRC

### 10.1 Geographical variation

#### 10.1.1 The Armed Conflict Location & Event Data Project (ACLED) in their February 2023 conflicts to watch in 2023, citing other sources, observed:

'Political violence events remained concentrated in the eastern region in 2022, driven by political rivalries, land disputes, mineral interests, and foreign intervention. Specifically, Nord-Kivu province accounted for the highest number of political violence events (Political violence is defined as the use of force by a group with a political purpose or motivation, or with distinct political effects. [ACLED Codebook](#).) and grew by 7% from last year. Of the groups operating in eastern DRC, the Allied Democratic Forces (ADF) and the Cooperative for the Development of the Congo (CODECO) remained two of the most active [in eastern DRC]. The ADF has early roots as an opposition group to the Ugandan government but later positioned itself as an Islamist militia with pledges to the Islamic State and merger with other militias operating in Nord-Kivu and Ituri provinces. Despite an overall decrease in ADF activity from 2021, the group directed more violence toward civilians in 2022, driving an overall increase in attack events in the DRC of 12% compared to 2021. ADF's targeting of civilians accounted for nearly 40% of the total estimated fatalities across the country and comprised 27% of violence targeting civilians in Ituri province.'<sup>17</sup>

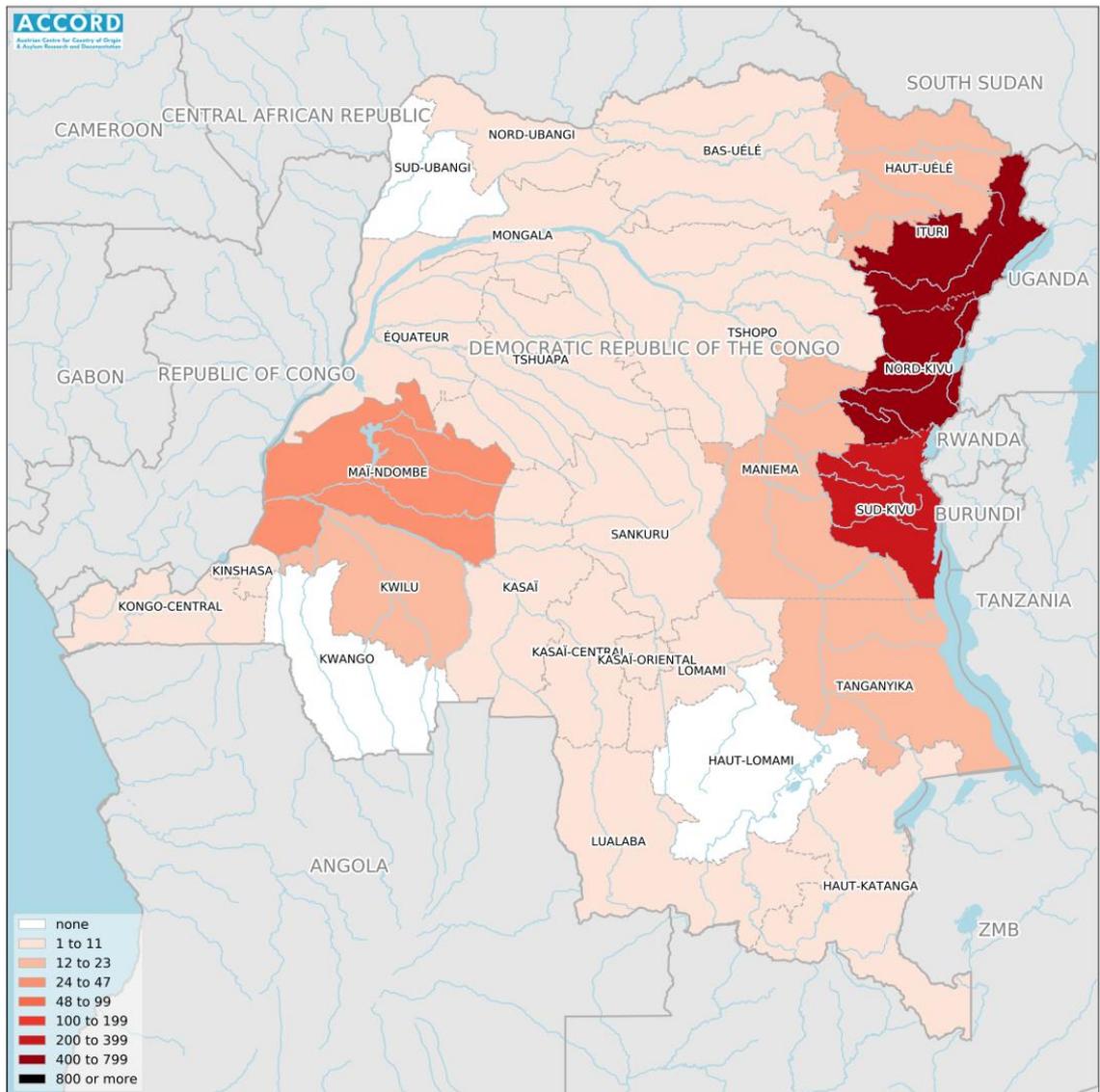
#### 10.1.2 The Austrian Centre for Country of Origin and Asylum Research Documentation (ACCORD) produced the map below<sup>18</sup>, based on ACLED data showing the number of reported incidents with at least one fatality in

<sup>16</sup> US CIA, '[World Factbook](#)' (DRC), updated 11 July 2023

<sup>17</sup> ACLED, '[Democratic Republic of Congo: Rising Tensions...](#)', 8 February 2023

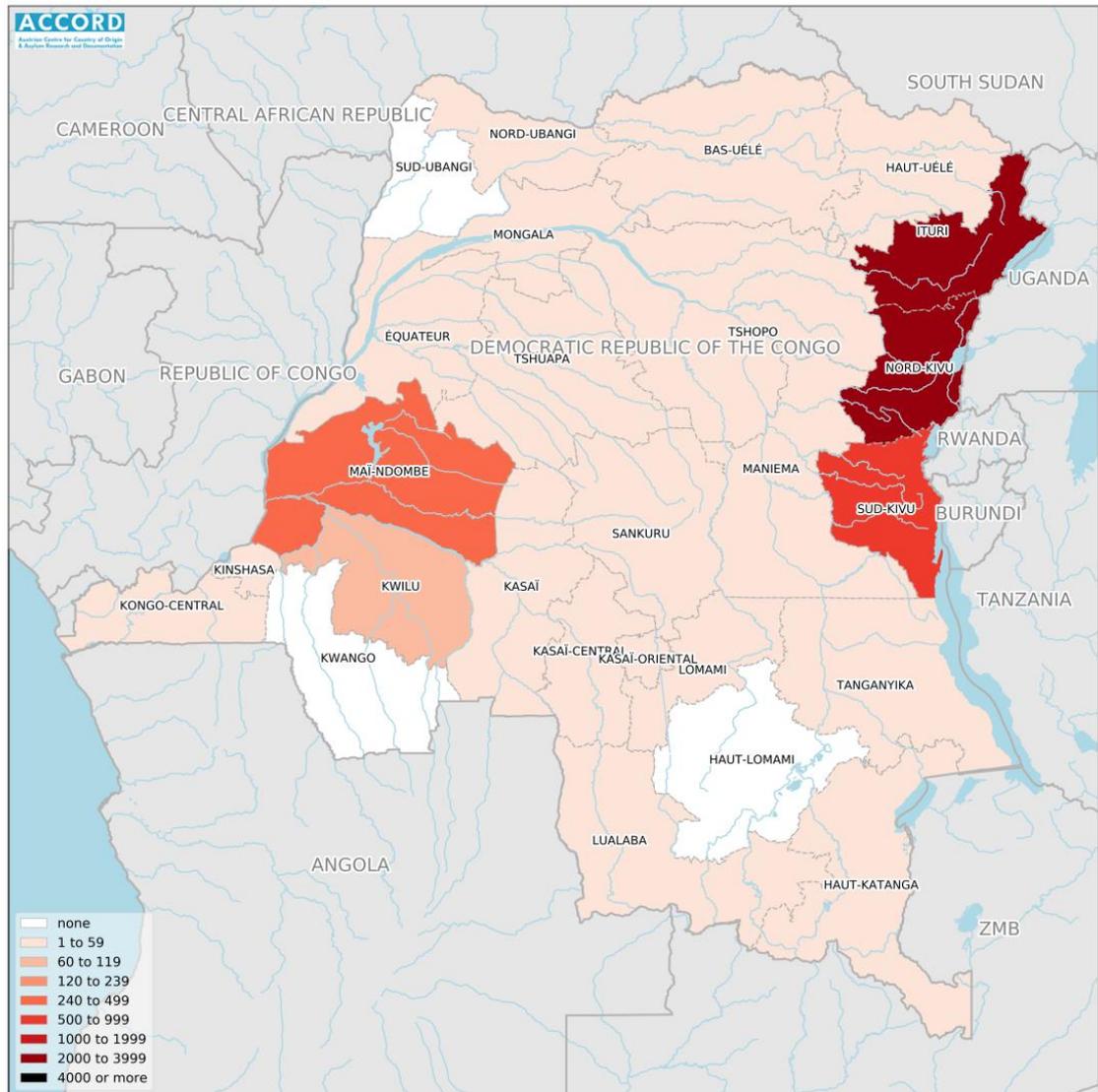
<sup>18</sup> ACCORD, '[Update on conflict-related incidents... \(covering 2022\)](#)', 12 April 2023

2022:



10.1.3 ACCORD also produced a map<sup>19</sup>, based on ACLED data, of the number of reported fatalities as a result of political violence in 2022:

<sup>19</sup> ACCORD, '[Update on conflict-related incidents... \(covering 2022\)](#)', 12 April 2023



10.1.4 The UN Joint Human Rights Office in the DRC report covering events in 2022, no date, (UNJHRO report 2022) observed:

‘In 2022, there was no significant change in the overall human rights situation in the Democratic Republic of Congo, particularly with respect to threats to civilians in the Eastern provinces affected by the armed conflict, given that members of armed groups continued to carry out attacks against the civilian population. In this regard, the Allied Democratic Forces (ADF), the Cooperative pour le développement du Congo (CODECO), various Mayi-Mayi groups, the Mouvement du 23 mars (M23), and the Nyatura factions continued to pose the most serious threats to the civilian population and the national integrity of the DRC. In the West, the deteriorating situation in Mai-Ndombe has had a negative impact on peace and security, with attacks by groups of armed civilians on the population, causing massive displacement.’<sup>20</sup>

10.1.5 The UNJHRO report 2022 also noted:

<sup>20</sup> UNJHRO, ‘Analysis of the human rights situation...’ (paragraph 1), no date, copy on request

'During the period under review, UNJHRO documented 5,9692 human rights violations and abuses throughout the Congolese territory, an average of 497 violations and abuses per month, which represents a 15% decrease from the previous year, confirming a downward trend observed between 2020 and 2021. This decrease reflects a decline in the number of violations and abuses in the five provinces affected by armed conflict in 2022, namely North Kivu, South Kivu, Ituri, Tanganyika, and Maniema, with 5,091 violations and abuses in 2022, compared to 5,946 in 2021...

'Notwithstanding the decline in the number of human rights violations and abuses, the overall security situation in the Democratic Republic of Congo deteriorated in 2022. This was due to increased attacks by the M23 in Rutshuru territory, North Kivu Province, continued attacks by CODECO factions and the ADF in Ituri, the outbreak of the intercommunal violence in Kwamouth, Mai-Ndombe province, as well as persistent anti-MONUSCO sentiment, which culminated in violent demonstrations against MONUSCO personnel and facilities in July 2022.'<sup>21</sup>

#### 10.1.6 The UNJHRO report 2022 further noted:

'Of these violations and abuses, 85% were committed in provinces affected by the armed conflict. As in previous years, the provinces of North Kivu (3,141), Ituri (869), South Kivu (543), and Tanganyika (495) are those where the greatest number of human rights violations and abuses were documented. This situation reflects the persistence of the armed conflict, despite the efforts by national authorities, particularly through the extension of the état de siège, the creation of the Programme de démobilisation, désarmement, réintégration communautaire et stabilisation (PDDRCS), as well as the deployment of the East African community regional force and negotiations and peace talks with armed groups to obtain cessation of hostilities.

'In 2022, the violations and abuses most documented by the UNJHRO were violations of the rights to freedom and security (1,660 violations and abuses resulting in 5,385 victims, including 4,301 men, 598 women, and 486 children), violations of the right to physical integrity in the form of torture or cruel, inhuman and degrading treatment (1,100 violations and abuses affecting 2,349 victims, namely 1.885 men, 297 women and 197 children), and violations and abuses of the right to life by extrajudicial and summary executions (1,065 violations and abuses affecting 3,025 victims, namely 2,289 men, 479 women and 257 children).

'Most of these violations and abuses were committed in the context of the conflict, particularly by members of armed groups, in the context of attacks on civilians, looting, collecting illegal taxes where they established themselves as de facto authorities, as well as in reprisal for communities' alleged collaboration with national defense and security forces or rival armed groups...'<sup>22</sup>

[Back to Contents](#)

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<sup>21</sup> UNJHRO, 'Analysis of the human rights situation...' (paragraphs 5 and 6), no date, copy on request

<sup>22</sup> UNJHRO, 'Analysis of the human rights situation...' (paragraphs 7 to 9), no date, copy on request

## 10.2 Violations of democratic space

10.2.1 Freedom House (FH) in their report, Freedom in the world 2023- Democratic republic of Congo, published in 2023 noted 'Opposition leaders and supporters are often intimidated and face restrictions on movement and rights to campaign or organize public events.'<sup>23</sup>

10.2.2 Belgium's Commissioner General for Refugees and Stateless Persons (CGRS) report, Political situation, dated 25 November 2022, based on a translation from French into English using the Bing translation tool, noted 'Since the establishment of the USN, several demonstrations have been organized in Kinshasa by the opposition and civil society. While some of their actions were peaceful, others, authorized or not by the authorities, were dispersed by the police, who regularly used tear gas. During these police interventions, activists were injured, and others arrested. These police interventions were limited to specific moments in specific contexts (sit-ins to demand an end to the massacres in the east of the country, DRC/Rwanda relations, criticism of the composition of the Independent National Electoral Commission (CENI) and the organization of the next elections by this institution, etc.). As for the general security situation in Kinshasa, the sources do not mention significant violence and the situation remained stable in the Congolese capital.'<sup>24</sup>

10.2.3 The UNJHRO report 2022 noted:

'During the period under review, UNJHRO recorded a decline in human rights violations and abuses related to restrictions on the civic and democratic space in the DRC. Although this 25% decrease compared to the previous year<sup>31</sup> might suggest a greater opening of democratic space, the situation of journalists and human rights defenders..., particularly in provinces affected by armed conflict, remains a concern. In fact, most of the human rights violations related to the civic space... (245 out of 359 violations and abuses in 2022) and threats against individuals because of their activities in relation to democratic space... (concerning 339 human rights defenders and 103 journalists) were committed in areas of armed conflict.'<sup>25</sup>

10.2.4 The UNJHRO report 2022 noted in footnote 32 that:

'During the reporting period, journalists and human rights defenders were regularly targeted by arbitrary arrests and other violations and abuses. Violations and abuses to human rights and fundamental freedoms related to the democratic space have resulted in a total of 580 victims from 1 January to 30 December 2022. Of these victims, 187 were from civil society (human rights defenders, members of NGOs), 79 were members of political parties, 180 were journalists and other members of the media, and 206 were persons with no specific affiliation.'<sup>26</sup>

10.2.5 Footnote 33 in the same UNJHRO report 2022 stated:

'Human rights violations related to the democratic space recorded by the

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<sup>23</sup> FH, '[Freedom in the world 2023- Democratic republic of Congo](#)', (Section B), 2023

<sup>24</sup> CGRS, '[Political situation](#)', (paragraph 6), 25 November 2022

<sup>25</sup> UNJHRO, 'Analysis of the human rights situation...' (paragraph 76), no date, copy on request

<sup>26</sup> UNJHRO, 'Analysis of the human rights situation...' (footnote 32), no date, copy on request

UNJHRO occurred mainly in North Kivu (122 violations and abuses), South Kivu (42 violations and abuses), Tanganyika (37 violations and abuses), Haut-Katanga (30 violations), Kinshasa (25 violations), Lualaba (19 violations), Kasai (18 violations) Kasai Central (17 violations), Haut-Lomami (ten violations), Ituri (seven violations and abuses), Kasai Oriental (eight violations), Maniema (six violations), Equateur (four violations), Tshopo (four violations), Tshuapa (three violations), Haut-Uélé (three violations), Kwilu (two violations) and Lomami (one violation).<sup>27</sup>

10.2.6 The UNJHRO report 2022 also noted:

'Most of the violations related to democratic space were committed by state agents (309, or 87%)... The types of violations that are most recurrent include violations of the right to liberty and security of the person (99 violations), violations of freedom of opinion and expression (64 violations), violations of the right to physical integrity (50 violations), and violations of the right to peaceful assembly and reunion (40)... Corelated to the concentration of violations in areas affected by the conflict, this indicates a tendency for authorities to prevent journalists and civil society actors from covering security issues or highlighting issues related to the state of siege.'<sup>28</sup>

10.2.7 Footnote 37 of the UNJHRO report 2022 noted '[UNJHRO has documented violations of the right to] Freedom of opinion and expression (11), right to peaceful assembly (one) and right to form or join associations (one).'<sup>29</sup>

10.2.8 Amnesty International (AI) in their Report 2022/23; The State of the World's Human Rights, dated 27 March 2023 noted

'Authorities intensified their crackdown on the rights to freedom of expression, association and peaceful assembly. They continued to use the Covid-19 pandemic and the extended "state of siege" (a form of martial law) in Ituri and Nord-Kivu [in eastern DRC] as pretexts to ban or suppress public meetings and demonstrations by individuals and groups considered to be critical of the government. Military authorities, appointed under the "state of siege", continued to arbitrarily arrest and detain critics, and to ban and suppress demonstrations, with impunity. Demonstrations considered favourable to the authorities were allowed to go ahead while those deemed critical were banned or violently suppressed. Civil society and opposition activists were arbitrarily arrested and detained, often without trial, for criticizing the "state of siege" or the government, or otherwise exercising their human rights. In April, a military court in Beni city, sentenced 12 activists from the civil society movement, Lutte pour le Changement, to 24 months in prison for "inciting the public to disobey the laws". The activists had been arrested in November 2021 for staging a peaceful sit-in at the city hall to protest against the extension of the "state of siege" without a proper assessment of its impact on the security situation. They were eventually released in August after the Court of Appeal of Nord-Kivu quashed the military court's decision.'<sup>30</sup>

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<sup>27</sup> UNJHRO, 'Analysis of the human rights situation...' (footnote 33), no date, copy on request

<sup>28</sup> UNJHRO, 'Analysis of the human rights situation...' (paragraph 77), no date, copy on request

<sup>29</sup> UNJHRO, 'Analysis of the human rights situation...' (footnote 37), no date, copy on request

<sup>30</sup> AI, ['The State of the World's Human Rights: Democratic Republic Of The Congo..'](#), 27 March 2023

10.2.9 The report also noted 'Across the DRC, the right to freedom of peaceful assembly remained the exception rather than the rule. Administrative authorities in Kinshasa, as well as the cities of Lubumbashi, Matadi, Kisangani, Kolwezi, Kananga, Tshikapa, Mbuji-Mayi, Bukavu, Kalemie, Kindu, Lisala and Gbadolite, unlawfully and systematically banned all demonstrations deemed critical of President Tshisekedi or his government.'<sup>31</sup>

10.2.10 Human Rights watch (HRW) in their world report 2023- Democratic Republic of Congo, covering events of 2022, dated 12 January 2023 noted

'In August, former staunch Tshisekedi ally and head of his political party Jean-Marc Kabund was arrested on charges of contempt of head of state. Kabund was evicted from the presidential party in July and formed his own opposition party. Also in August, Tshisekedi's former security advisor Francois Beya was granted conditional release on health grounds. He was arrested in early February, charged with plotting against the president, and put on trial in June.'<sup>32</sup>

10.2.11 The USSD HR report for 2022 also noted the arrest of Jean-Marc Kabund: '...on August 9, the former head of the president's political party, Union for Democracy and Social Progress, Jean-Marc Kabund, was arrested on the charges of contempt of the head of state, defamation, and spreading false rumors for statements he made during a July 18 press conference in which he called President Tshisekedi "irresponsible" and "a public danger" and accused government officials of lying, manipulation, embezzlement of public funds, and corruption'<sup>33</sup>

10.2.12 The USSD human rights report for 2022 noted:

'The constitution provides for freedom of peaceful assembly, but government authorities restricted this right and prevented those critical of the government from exercising their right to peaceful assembly, especially in the eastern provinces. The declaration of a state of siege since May 2021 in Ituri and North Kivu Provinces resulted in further restrictions on peaceful assembly. The law requires organizers of public events to notify local authorities in advance of the event. The government sometimes used this advance notification requirement to decline to authorize public meetings or protests organized by opposition parties or civil society groups critical of the government. SSF at times responded to peaceful protests with deadly force. From January to June, UNJHRO documented 15 abuses of the freedom of demonstration and peaceful assembly.'<sup>34</sup>

10.2.13 The same report noted that 'Security personnel arrested and detained civil society activists, journalists, and opposition party members and sometimes denied them due process ... Security forces regularly held protesters and civil society activists incommunicado and without charge for extended periods'<sup>35</sup>

10.2.14 With regards to freedom of expression the same report noted that

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<sup>31</sup> AI, '[The State of the World's Human Rights: Democratic Republic Of The Congo..](#)', 27 March 2023

<sup>32</sup> HRW, '[World report 2023- Democratic Republic of...](#)' (Justice and Accountability), 12 January 2023

<sup>33</sup> USSD, '[Human rights report 2022](#)' (Section 1-E), 20 March 2023

<sup>34</sup> USSD, '[Human rights report 2022](#)' (Section 2-B), 20 March 2023

<sup>35</sup> USSD, '[Human rights report 2022](#)' (Section 1-D), 20 March 2023

“The law provides for freedom of speech, including for members of the press and other media, but the government did not always respect this right. The press frequently and openly criticized public officials and public policy decisions. Individuals generally could criticize the government, its officials, and other citizens in private without being subject to official reprisals. Public criticism, however, of government officials and corruption sometimes resulted in intimidation, threats, or arrest. Provincial governments also prevented journalists from filming or covering certain protests...Authorities sometimes intimidated, harassed, and detained journalists, activists, and politicians when they publicly criticized the government, president, or the SSF [state security forces]...Many journalists exercised self-censorship due to concerns of harassment, intimidation, or arrest...During a press conference in July, the minister of communications and media warned journalists against criticizing the president in times of war and said members of the press had a patriotic duty not to divulge operational or war-related”<sup>36</sup>

10.2.15 The Human Rights Watch world report covering events of 2022 stated that

‘In an atmosphere of growing intolerance for dissenting voices, repression against journalists, activists, government critics, and peaceful protesters continued... Freedoms of expression and association have drastically [deteriorated](#) in two eastern provinces under martial law. Initially imposed to address insecurity in the region, military authorities used it to quash peaceful demonstrations with lethal force, arbitrarily detain and prosecute activists, journalists, and political opposition members’<sup>37</sup>

10.2.16 A UNJHRO report covering events in January 2023 noted:

‘In January 2023, the UNJHRO documented nine human rights violations and abuses related to democratic space, a slight decrease from those documented during December (10). All these violations were attributed to state agents, including four to the PNC, three to other state agents, and two to ANR agents.

‘The most frequently documented violations and abuses in January 2023 were violations of the right to liberty and security of the person (five violations), (one violation), the right to life (one violation), the right to freedom of opinion and expression (one violation), and the right to freedom of demonstration and assembly (one violation)... These violations were mainly documented in the provinces of Katanga (three violations), Lomami (two violations), Kinshasa (two violations), Lualaba (one violation) and Tanganyika (one violation). One violation was documented in one of the non-conflict provinces and eight in the provinces affected by armed conflict.

‘During the month under review, there were 49 victims of human rights violations related to the democratic space, an increase of 31 victims compared to the 18 recorded in December 2022. Of the victims, six are members of the media and 43, including 26 women, are people with no specific affiliation.’<sup>38</sup>

10.2.17 A report by United Nations Joint Human Rights Office in The DRC

<sup>36</sup> USSD, [Human rights report 2022](#) (Section 2-A), 20 March 2023

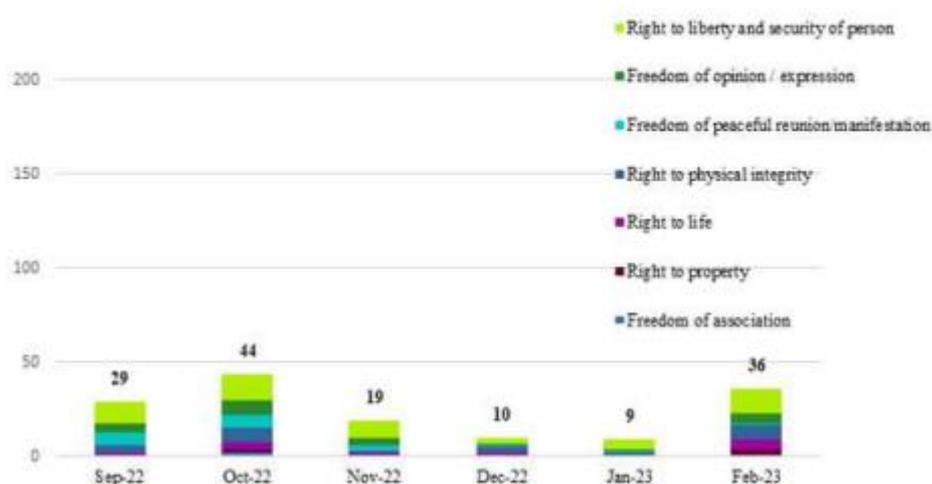
<sup>37</sup> HRW, [‘World report 2023- Democratic Republic of...’](#) (Freedom of Expression...) 12 January 2023

<sup>38</sup> UNJHRO, ‘Analysis of the human rights...’ (paragraphs 52 to 56), January 2023, copy on request

(UNJHRO) MONUSCO–OHCHR, Analysis Of The Democratic Republic Of Congo Human rights situation February 2023 noted

‘In February 2023, the UNJHRO documented 36 human rights violations and abuses related to democratic space, an increase of 27 violations from those documented in January (nine). Twenty-eight of these violations were attributed to state agents, including 14 to the PNC, eight to ANR agents, and six to FARDC soldiers. In contrast to January 2023, when no violations related to the democratic space were recorded for members of armed groups, eight violations were recorded for this category of alleged perpetrators in February’<sup>39</sup>

### Evolution of documented human rights violations related to democratic space per month



10.2.18 A report by United Nations Joint Human Rights Office In The DRC (UNJHRO) MONUSCO–OHCHR, Analysis Of The Democratic Republic Of Congo Human rights situation March 2023 noted

‘In March 2023, the UNJHRO documented 30 human rights violations and abuses related to the democratic space, a decrease of six violations from those documented during February (36). Twenty-four of these violations were attributed to state agents, including 12 to the PNC, 11 to FARDC military, and one to other state agents. Armed groups were responsible for six violations. The most frequently documented violations and abuses this month were violations of the right to freedom of peaceful assembly and demonstration (eight violations), the right of liberty and security of person (five violations), the right to life (five violations), the right to freedom of opinion and expression (four violations), the right to physical integrity (three violations), the right to property (two violations), and the right to freedom of association (one violation)... These violations were mainly documented in the provinces of Haut-Katanga (12 violations), North Kivu (eight violations), Kasai (five violations), South Kivu (three violations) and Kinshasa (two violations). Nineteen of these violations were documented in non-conflict

<sup>39</sup> UNJHRO, ‘Analysis Of The Democratic Republic Of Congo...’ (copy on request), February 2023

provinces and eleven in conflict-affected provinces.<sup>40</sup>

10.2.19 Amnesty International reported in April 2023 that

“King Mwamisyzo and Elias Bizimungu are two activists with the citizens’ movement, LUCHA in the Democratic Republic of Congo (DRC). They were arrested in April and September 2022, respectively, on trumped-up charges solely for peacefully exercising their rights to freedom of expression and peaceful assembly after criticising the military and police authorities in the eastern province of Nord-Kivu for failing to protect the people under their jurisdiction and for being complicit in human rights violations under the “state of siege” since May 2021<sup>41</sup>

10.2.20 Human Rights watch (HRW) in their report, DR Congo: Peaceful Protests Violently Repressed, dated 29 May 2023 noted

‘Police violently dispersed peaceful protesters in Kinshasa, the capital of the Democratic Republic of Congo, on May 20, 2023, arresting dozens of people and seriously injuring at least 30... . The police said they have opened an investigation into the violence against the protesters and announced that they had arrested three policemen for beating a child. On May 22, President Felix Tshisekedi publicly congratulated the police chief who oversaw the police operations, in which police beat protesters in Ngaba commune and dispersed them with tear gas: “You are a very good citizen, you deserve to rise in rank and you will rise again, you are a true professional,” he said. “Bravo for the work you have done, zero deaths ... the thugs have been controlled, it’s very good.” Tshisekedi’s comments raise serious concerns that the police investigation into the violence will not be impartial, and that the government is encouraging excessive use of force by the police in future demonstrations.<sup>42</sup>

10.2.1 In July 2023, the Global State of Democracy Initiative, which ‘provides evidence-based, balanced analysis and data on the state and quality of democracy for 173 countries across the world<sup>43</sup>, and was launched by IDEA, the ‘Institute for Democracy and Electoral Assistance (International IDEA) an inter-governmental organization that supports sustainable democracy worldwide<sup>44</sup>, reported that

‘Member of parliament, former cabinet minister, and spokesman for the opposition party Together for the Republic (Ensemble pour la République), Chérubin Okende was found murdered on 13 July. Okende had disappeared the day before, last seen waiting in a car outside the Constitutional Court while his driver delivered documents. Party leader Moïse Katumbi described the killing as a political assassination. Okende’s death comes less than six months before presidential elections in which Katumbi will be one of the candidates running against President Félix Tshisekedi and follows the arrests of at least three other prominent members of Ensemble pour la République. President Tshisekedi called on the judiciary to investigate and

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<sup>40</sup> UNJHRO, ‘Analysis Of The Democratic Republic Of Congo Human.’ (copy on request), March 2023

<sup>41</sup> Amnesty International, [‘Democratic Republic of Congo: Human rights activists...’](#), 5 April 2023

<sup>42</sup> HRW, [‘DR Congo: Peaceful Protests Violently Repressed’](#), 29 May 2023

<sup>43</sup> GSoD, [‘About the GSoD Initiative’](#), undated

<sup>44</sup> GSoD, [‘About the GSoD Initiative’](#), undated

punish those responsible.<sup>145</sup>

10.2.2 The Freedom House in its report covering 2022 noted that ‘The judiciary is often seen as corrupt and subject to political manipulation. It often shows bias against the opposition and civil society, while government allies typically enjoy impunity for abuses.’<sup>146</sup>

10.2.3 The same report notes that

‘Courts are concentrated in urban areas; rural areas rely on customary courts. Informal justice mechanisms are common throughout the country. Civilians are often tried in military courts, which have weak safeguards for defendants’ rights and poor witness-protection mechanisms. These courts are also subject to interference from high-ranking military personnel.

The state of siege in North Kivu and Ituri enacted martial law but only authorized military courts to try criminal, not civilian cases, resulting in growing detentions and stalled judicial cases. Arbitrary arrests and detentions are common, as is prolonged pretrial detention; much of the prison population consists of pretrial detainees...

DRC courts have officially granted reparations to the targets of sexual violence and other serious crimes, but these are rarely paid in practice.’<sup>147</sup>

[Back to Contents](#)

### 10.3 Political prisoners

10.3.1 Freedom House (FH) in their report, Freedom in the world 2023- Democratic republic of Congo, published in 2023 noted

‘Under the Tshisekedi administration, some opposition members have been released from prison and some politicians living in exile were permitted to return. However, political-party officials still faced reprisals for criticizing the government. In August 2022, opposition leader and erstwhile Tshisekedi ally Jean-Marc Kabund was arrested for allegedly insulting the president; Kabund launched a new party, the Alliance for Change, the month before’<sup>148</sup>

10.3.2 US Department of State (USSD) in their 2022 Country Report on Human Rights Practices, dated 20 March 2023, noted

‘There were reports of political prisoners or detainees during the year, consisting primarily of individuals arrested under defamation laws for criticizing the actions of government officials. In late July and early August, several opposition party members and supporters were arrested in Kinshasa on separate charges of defamation, public insult, and spreading false rumors... Officials, particularly in the provinces under the state of siege, commonly used the charges of contempt, defamation, spreading false rumors, and public insult against persons critical of the government. At least five provincial and national politicians were arrested in North Kivu and Ituri for criticizing the state of siege in the two provinces. In November 2021, ANR agents arrested Luc Malembe, spokesperson for the opposition party

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<sup>45</sup> GSoD, ‘[Democratic Republic of the Congo - July 2023, Opposition party spokesman...](#)’, July 2023

<sup>46</sup> FH, ‘[Freedom in the World 2023](#)’ (DRC), March 2023

<sup>47</sup> FH, ‘[Freedom in the World 2023](#)’ (DRC), March 2023

<sup>48</sup> FH, ‘[Freedom in the world 2023- Democratic republic of Congo](#)’, (Section B), 2023

Engagement for Citizenship and Development (ECIDe), on charges of spreading false rumors after he posted to social media a publication criticizing the state of siege. After seven months in detention, a civil court judge acquitted Malembe of the charges. Political prisoners generally faced similar prison conditions as the rest of the general population. While the government permitted international human rights and humanitarian organizations and MONUSCO access to some prisoners, authorities denied access to detention facilities run by the Republican Guard, military intelligence, and the ANR.<sup>49</sup>

[Back to Contents](#)

## 10.4 Conditions and treatment in detention

- 10.4.1 The USSD's 2022 Country Report on Human Rights Practices noted, not specifically in regard to persons detained because of political activities 'Conditions in most prisons throughout the country were harsh and life threatening due to food shortages, gross overcrowding, and inadequate sanitary conditions and medical care. Harsher conditions prevailed in small detention centers run by the ANR, Republican Guard, or other security forces, which often detained prisoners for lengthy pretrial periods without providing them access to family or legal counsel.'<sup>50</sup>
- 10.4.2 The same report also noted 'Prolonged pretrial detention, ranging from months to years, remained a problem. Those who should go before the magistrate were often detained locally in a clandestine holding facility and kept there for many months, leaving their families to presume they were dead. The Ministry of Human Rights, the NGO World Prison Brief, and local human rights monitors estimated that between 70 and 80 percent of the prison population was in pretrial detention. Judicial inefficiency, administrative obstacles, corruption, and staff shortages also caused trial delays. In many cases, the length of pretrial detention equaled or exceeded the maximum sentence for the alleged crime.'<sup>51</sup>
- 10.4.3 The same report also noted that 'The law criminalizes torture, but there were credible reports the SSF continued to abuse civilians, particularly detainees and prisoners. There were also credible reports that SSF subjected individuals, including minority groups and journalists, to cruel, inhuman, and degrading treatment and rape and sexual violence.'<sup>52</sup>
- 10.4.4 Freedom House in its report covering events of 2022 noted that 'Prisoners frequently pay bribes to avoid torture or meet basic needs; rape among detainees is common.'<sup>53</sup>
- 10.4.5 Amnesty International (AI) in their Report 2022/23; The State of the World's Human Rights; dated 27 March 2023 noted 'As a result of severely limited holding capacity and dilapidation of prisons,

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<sup>49</sup> USDOS, '[2022 Country Report on Human....](#)' (Section E: Political Prisoners) 20 March 2023

<sup>50</sup> USDOS, '[2022 Country Report on Human....](#)' (Section E: Political Prisoners) 20 March 2023

<sup>51</sup> USDOS, '[2022 Country Report on Human....](#)' (Section E: Political Prisoners) 20 March 2023

<sup>52</sup> USDOS, '[2022 Country Report on Human....](#)' (Section 1C) 20 March 2023

<sup>53</sup> FH, '[Freedom in the World 2023](#)' (DRC), March 2023

as well as the widespread use of arbitrary arrests and prolonged pretrial detention, the state of prisons nationwide continued to deteriorate at an alarming rate; thousands of detainees were held in inhumane conditions. Most prisons remained overcrowded, with some, like Goma prison, holding up to 1,000% above their intended capacity. The abusive use of pretrial detention – around 75% of inmates were pretrial detainees – and the challenges faced by prosecutors and courts in dealing with the backlog of cases, made the situation worse. Overcrowding, security and safety deficiencies, and lack of access to basic goods and services such as clean water, electricity and medicine resulted in thousands of inmates experiencing starvation, and physical and mental ill health, among other consequences. According to the UN, at least 120 inmates nationwide died of starvation or from ill-treatment.<sup>54</sup>

[Back to Contents](#)

## 11. Sur place activities

### 11.1 Opposition groups

- 11.1.1 There is limited information about the number, size, aims and activities of Congolese groups in the UK (see sources consulted in [Bibliography](#)). Information available is mostly that provided by the organisations themselves. APARECO and CSG are two Congolese diaspora groups with their presence in the UK.
- 11.1.2 The country guidance case of [PO \(DRC – Post 2018 elections\) \(CG\)](#) noted ‘We accept, as Mr Hansen submits that there is a lack of clear information or cogent evidence as to what, if any, opposition to President Tshisekedi APARECO UK is currently engaged in and how the organisation is viewed by the authorities in the DRC. Whilst we acknowledge that the overall political environment has improved in the DRC, we cannot rule out the possibility that a member of APARECO may still be at risk on return depending on their role, profile and activities on behalf of the group. We accept the information available from the Belgian authorities as being credible and we find that persons who have a significant and visible profile within APARECO (leaders, office bearers and spokespersons) may be at risk upon return to the DRC. Rank-and-file members are unlikely to fall within this category’<sup>55</sup>
- 11.1.3 The above CG caselaw also noted
- c. The CSG is not identified by any EU Member state to be a credible opposition group, opposing President Tshisekedi since his election as President.
  - d. The CSG is a small organisation operating in the UK and is not a credible opposition group that has actively published any significant opposition or criticism of President Tshisekedi such that it is likely to be of interest to President Tshisekedi or the current regime in the DRC.
  - e. There is no evidence of either President Tshisekedi or anyone connected

<sup>54</sup> AI, [‘The State of the World’s Human Rights: Democratic Republic Of The Congo..’](#), 27 March 2023

<sup>55</sup> Upper Tribunal (UT), [‘PO \(DRC – Post 2018 elections\) \(CG\)’](#) (Paragraph 148), 22 May 2023

to his government making any adverse comment or taking any adverse action regarding the CSG, its office bearers, its members, or its activities.

154 We find that the leaders, members and activists associated with the CSG are not at risk upon return to the DRC on account of their actual or perceived political opinion or sur place activities in the UK<sup>56</sup>

[Back to Contents](#)

## 11.2 Monitoring by the DRC Government in UK

11.2.1 A dated report by the Collaboration on International ICT Policy for East and Southern Africa (CIPESA) titled *State of Internet Freedom Democratic Republic of the Congo 2019- Mapping Trends in Government Internet Controls, 1999-2019*, Published in January 2019 noted

‘The National Intelligence Agency (ANR) 44 has been feared since its inception in 1996. The agency was used to repress all political opponents during the regime of president Laurent Désiré Kabila. When he took power, Joseph Kabila maintained this tool of surveillance and harassment, and even worked to formalise it. Article 3(3) of the law establishing the ANR which states that the agency’s roles include "the surveillance of national or foreign persons or groups of persons suspected of carrying on an activity likely to endanger the security of the state". The ANR may justify any surveillance or wiretapping by mere suspicion.’<sup>57</sup>

11.2.2 The DRC Embassy in the UK is a relatively small mission with 10 diplomatic staff, including the Ambassador<sup>58</sup>

11.2.3 There is no recent information in the sources consulted in this note on the nature and degree of monitoring undertaken by the DRC authorities in the UK (see [Bibliography](#)).

[Back to Contents](#)

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<sup>56</sup> Upper Tribunal (UT), [‘PO \(DRC – Post 2018 elections\) \(CG\)’](#) (Paragraph 153-154), 22 May 2023

<sup>57</sup> CIPESA, [‘State of Internet Freedom Democratic Republic of the...’](#) (section 4.1.3) January 2019

<sup>58</sup> FCO, [‘Foreign Embassies in the UK \(London Diplomatic List\)’](#), updated August 2019

# Research methodology

The country of origin information (COI) in this note has been carefully selected in accordance with the general principles of COI research as set out in the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#), April 2008, and the Austrian Centre for Country of Origin and Asylum Research and Documentation's (ACCORD), [Researching Country Origin Information – Training Manual](#), 2013. Namely, taking into account the COI's relevance, reliability, accuracy, balance, currency, transparency and traceability.

All the COI included in the note was published or made publicly available on or before the 'cut-off' date(s). Any event taking place or report/article published after these date(s) is not included.

Sources and the information they provide are carefully considered before inclusion. Factors relevant to the assessment of the reliability of sources and information include:

- the motivation, purpose, knowledge and experience of the source
- how the information was obtained, including specific methodologies used
- the currency and detail of information
- whether the COI is consistent with and/or corroborated by other sources

Wherever possible, multiple sourcing is used and the COI compared and contrasted to ensure that it is accurate and balanced, and provides a comprehensive and up-to-date picture of the issues relevant to this note at the time of publication.

The inclusion of a source is not, however, an endorsement of it or any view(s) expressed.

Each piece of information is referenced in a footnote.

Full details of all sources cited and consulted in compiling the note are listed alphabetically in the [bibliography](#).

[Back to Contents](#)

# Terms of Reference

A 'Terms of Reference' (ToR) is a broad outline of the issues relevant to the scope of this note and forms the basis for the [country information](#).

The Home Office uses some standardised ToR, depending on the subject, and these are then adapted depending on the country concerned.

For this particular CPIN, the following topics were identified prior to drafting as relevant and on which research was undertaken:

- Source information
- Geographical context
- Political context
- Treatment of opposition groups in the DRC
- Sur place activities
- Opposition groups
- Monitoring by the DRC Government in UK

[Back to Contents](#)

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[Back to Contents](#)

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[Back to Contents](#)

# Version control and feedback

## Clearance

Below is information on when this note was cleared:

- version **4.0**
- valid from **3 November 2023**

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### **Official – sensitive: Not for disclosure – Start of section.**

The information in this section has been removed as it is restricted for internal Home Office use only.

### **Official – sensitive: Not for disclosure – End of section**

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[Back to Contents](#)

## Changes from last version of this note

Includes updated COI and new country guidance caselaw.

[Back to Contents](#)

## Feedback to the Home Office

Our goal is to provide accurate, reliable and up-to-date COI and clear guidance. We welcome feedback on how to improve our products. If you would like to comment on this note, please email the Country Policy and Information Team.

[Back to Contents](#)

## Independent Advisory Group on Country Information

The [Independent Advisory Group on Country Information](#) (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to support him in reviewing the efficiency, effectiveness and consistency of approach of COI produced by the Home Office.

The IAGCI welcomes feedback on the Home Office's COI material. It is not the function of the IAGCI to endorse any Home Office material, procedures or policy. The IAGCI may be contacted at:

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Information about the IAGCI's work and a list of the documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector's pages of the [gov.uk website](#).

[Back to Contents](#)