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LEGAL AID BOARD

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Information on a meeting and subsequent arrests and imprisonments in Misina/Masina Kinshasa on 15 March 2015; Information on an organisation called Filimbi including treatment by state authorities

In December 2015 a report issued by *Human Rights Watch* notes that:

“The following people were arrested in the past year after speaking out against attempts to extend President Kabila’s term in office or participating in peaceful demonstrations or other political activities. They remain in detention...Fred Bauma: Activist with Filimbi, a platform to encourage Congolese youth to peacefully and responsibly perform their civic duties, and LUCHA, arrested on March 15 and held at the ANR for 50 days before being transferred to Kinshasa’s central prison, where judicial proceedings are ongoing...Yves Makwambala: Filimbi activist arrested on March 15 and held at the ANR for 40 days before being transferred to Kinshasa’s central prison, where judicial proceedings are ongoing...Junior Mapeke N’Labu (“Radek Supreme”): Congolese musician arrested in May and accused of having links with Filimbi. Held at the ANR without charge or access to lawyers” (Human Rights Watch (9 December 2015) *DR Congo: Free Political Prisoners*).

A report released in December 2015 by the *Office of the United Nations High Commissioner for Human Rights/United Nations Organization Stabilization Mission* in the Democratic Republic of the Congo notes:

“On 15 March 2015, in Kinshasa, at least 30 persons were arrested by PNC agents, ANR agents in civilian clothes and PM elements during an authorized workshop organized by the Congolese civil society platform Filimbi to promote peaceful and responsible civic engagement of Congolese youths. All of those arrested were detained at ANR premises in Kinshasa. Most of them were released in the following days. Foreigners, namely from Burkina Faso and Senegal, were expelled from the DRC for having attended the workshop...Three of those arrested were held in custody by the ANR. One of the workshop organizers, Sylvain Saluseke, was arrested on 16 March 2015 and released on 21 April 2015. The computer specialist managing the webpage of the Filimbi platform and Fred Bauma, leader of the movement *Lutte pour le changement* (Lucha) and organizer of the workshop, were brought to justice before the courts on 24 April and 5 May 2015 respectively. They are currently in detention pending trial at the Makala central prison and are charged with participation in an insurrection, attempted killing of the Head of State, threats to State security and treason. Some members of the Filimbi platform and several workshop participants received anonymous threats of arrest in the following days” (Office of the United Nations High Commissioner for Human Rights/United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (8 December 2015) *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 Between 1 January and 30 September 2015*).

A document issued by *Amnesty International* in November 2015 notes that:

“Others including Fred Bauma and Yves Makwambala were arrested by ANR agents who stormed a press conference on 15 March where the youth activists were launching the civic education platform, Filimbi. Twenty-seven people, including activists from West African countries, international journalists and a US diplomat were arrested. Except for Fred Bauma and Yves Makwambala, all of them were released. Fred Bauma and Yves Makwambala were held in ANR detention for 50 and 40 days respectively, incommunicado without charge and without access to a lawyer. Together with four other Filimbi leaders who are in exile, they face charges including conspiracy against the Head of State and inciting people to take up arms against the authorities. They risk the death penalty for having peacefully exercised their rights to freedom of expression, association and assembly” (Amnesty International (26 November 2015) *Democratic Republic of Congo: Treated Like Criminals: DRC's Race to Silence Dissent*, p.6).

This documents also points out that:

“Filimbi (‘Whistle’ in Kiswahili) was established in April 2014 by two Congolese youth organizations, Jeunesse pour une Nouvelle Société (JNS) and Forum National de la Jeunesse pour l’Excellence (FNJE), and a youth movement called Lutte pour le changement (LUCHA). Filimbi is trying to encourage dialogue between Congolese youth and political actors and to foster the participation of youth in political and social questions in DRC...On 14-15 March 2015, Filimbi organized a workshop to discuss youth civic engagement in political processes in DRC. The workshop brought together youth activists, including four from Senegal and Burkina Faso, representing groups who had campaigned against their respective presidents holding on to power. Y’en a Marre, a civil society group from Senegal, successfully mobilized against President Wade’s decision to stand for a third term. President Wade refused to stand down, but accepted defeat when he lost the election. In Burkina Faso, Balai Citoyen and other protest groups contributed to the ousting of President Blaise Compaoré in October 2014 after 27 years in power and to the formation of a transition government. A press conference to close the workshop and launch the Filimbi platform was disrupted by members of the Congolese security forces, who stormed the venue and arrested 27 participants, including international journalists and a US diplomat. Another Filimbi member was arrested the following day, on 16 March. The international journalists and the US diplomat were released the same day, but the four activists from Y’en a Marre and Balai Citoyen were declared personae non grata and expelled from the DRC...At a press conference, government spokesperson Lambert Mende alleged the West African activists had come to DRC to promote violence by training youth groups close to the opposition to use violence against other groups or against government institutions...The Congolese activists were held incommunicado by the ANR. Initially, it was unclear how many were detained, because an unknown number of activists present at the press conference managed to escape arrest and went into hiding. By 28 March, only three people, Sylvain Saluseke, Fred Bauma and Yves Makwambala were still detained. Sylvain Saluseke was released without charge on 21 April 2015” (ibid, p.26).

This report also states:

“On 27 March a parliamentary commission was set up to “collect information on how the security services had managed” the Filimbi dossier. The commission in its report on 20 April concluded that “no evidence had been found that would confirm Filimbi as having any terrorist characteristics”.⁹² After a closed session of parliament on 12-13 June where the report was discussed, the parliament recommended a political

solution be found to release Fred Bauma and Yves Makwambala...Nevertheless, the two remain in detention and the trial against them is ongoing” (ibid, p.30).

In June 2015 *Amnesty International* states in a document that:

“Congolese authorities should immediately and unconditionally release two activists who were arrested three months ago, on March 15, 2015, during a pro-democracy youth workshop in the Democratic Republic of Congo, a coalition of 14 international and 220 Congolese rights organizations said today. Fred Bauma and Yves Makwambala were arrested at a workshop organized to launch “Filimbi,” a platform to encourage Congolese youth to peacefully and responsibly perform their civic duties. The government should also release and drop any charges against other activists, opposition party members, and others detained solely for their political views or for participating in peaceful activities” (Amnesty International (15 June 2015) *DRC: Free ‘Filimbi’ activists over 200 rights groups urge respect for free expression, assembly*).

This report also notes that:

“On March 15, Congo’s National Intelligence Agency (Agence Nationale de Renseignements, ANR) arrested about 30 pro-democracy activists and others at a Filimbi workshop in Kinshasa, the Congolese capital, including Senegalese and Burkinabe activists, a United States diplomat, foreign and Congolese journalists, and Congolese activists, musicians, artists, and logisticians. Another Filimbi activist was arrested on March 16. Others associated with Filimbi, including a graphic artist who designed the Filimbi logo and Rawbank employees who managed the Filimbi bank account, were also later arrested by the ANR. The authorities released most of the detainees in the first week, but two remain in detention: Fred Bauma, member of a Goma-based movement, The Struggle for Change (La Lutte pour le Changement, LUCHA), and Yves Makwambala, a webmaster and graphic artist” (ibid).

The *International Crisis Group* in May 2015 states:

“The government is targeting civil society movements, such as Filimbi in Kinshasa and LUCHA in Goma, which have surfaced in recent years and gained much prominence since January 2015. They are mostly composed of students or young professionals, are active on social media and are in contact with similar grassroots movements in Senegal (Y’en a marre) and Burkina Faso (Balai citoyen)...On 15 March 2015, security services interrupted a meeting in Kinshasa attended by representatives from both movements...Numerous arrests were made and a small-scale support protest in Goma repressed” (International Crisis Group (5 May 2015) *Congo: Is Democratic Change Possible?*, p.7).

Human Rights Watch in April 2015 notes that:

“Those arrested at the end of the Filimbi workshop in Kinshasa on March 15, 2015, included Congolese and French journalists, a United States diplomat, the French owner of the music and video company where the press conference was held, three Senegalese activists from the organization Y’En A Marre, one Burkinabe activist from the organization Balai Citoyen, and numerous Congolese activists, musicians, artists, technicians, and bystanders. They were arrested by men in military police uniforms and others in civilian clothes, and taken directly to the ANR headquarters” (Human Rights Watch (15 April 2015) *DR Congo: Release 7 Detained Democracy Activists*).

This document also notes that:

“Other Filimbi leaders have since gone into hiding, fearing arrest” (ibid).

In March 2015 *Human Rights Watch* states:

“The arrest of at least 26 activists and others in Kinshasa on March 15, 2015, raises serious concerns of a broader crackdown on free expression before the 2016 Democratic Republic of Congo presidential elections, Human Rights Watch said today. The arrests, including of foreign journalists and a United States diplomat, followed a news conference by the pro-democracy youth movement Filimbi, organized with support from the US embassy in Kinshasa” (Human Rights Watch (18 March 2015) *DR Congo: Mass Arrests of Activists*).

This document also notes that:

“Filimbi worked in partnership with Eloko Makasi, a socially conscious music and video production company based in Kinshasa’s Masina neighborhood. Musicians who participated in the workshop went to the Eloko Makasi studio on March 14, 2015, to create a song based on what was discussed at the workshop to encourage Congolese youth to be involved in the democratic process and to promote a free, transparent, and peaceful electoral process” (ibid).

References

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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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