



## COI QUERY

Country of Origin	Democratic Republic of Congo (DRC)
Question(s)	<ol style="list-style-type: none"><li>1) <a href="#">What is the relation of the Bundu dia Kongo (BDK)/ Bundu dia Mayala (BDM) with the new government?</a></li><li>2) <a href="#">What is the treatment of supporters and / or members of BDK/BDM by the authorities after the change of power?</a></li><li>3) <a href="#">What is the treatment of supporters and / or Members of other political parties by the Authorities after the change of power?</a></li><li>4) <a href="#">What is the treatment of people who were persecuted by the previous Government because of their actual or perceived support to a political party in opposition to the previous government by the current Congolese authorities?</a></li><li>5) <a href="#">What is the situation of the BDK/BDM leader Ne Muanda Nsemi after his imprisonment in March 2017?</a></li></ol>
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## COI QUERY RESPONSE

### 1. What is the relation of the Bundu dia Kongo (BDK)/ Bundu dia Mayala (BDM) with the new government?

#### 1.1 General background: Bundu dia Kongo (BDK)/ Bundu dia Mayala

According to information from the Canadian IRB, ‘the BDK is described by various sources as a [translation] “politico-religious sect” [...] or a [translation] “politico-mystic-religious organization” [...], as well as a secessionist [...] or separatist group. Sources state that the expression *Bundu dia Kongo* means [translation] “Union of the Bakongo people” [...] or [translation] “Kingdom of Kongo” in the Kikongo language.’<sup>1</sup>

The same source notes that ‘in 2009 or 2010, after being banned or dissolved, the BDK reconstituted itself into the [Bundu dia Mayala] BDM political party’.<sup>2</sup>

The BDK leader Ne Muanda Nsemi was elected to parliament in 2006 and in 2011. In August 2017 he was member of parliament (MP) for the Funa district in Kinshasa.<sup>3</sup>

#### 1.2 Treatment by previous government

The relation of the BDK/BDM with the previous Joseph Kabila government is described by IRB sources as increasingly ‘tense’ after ‘a brief reconciliation between Ne Muanda Nsemi and Joseph Kabila around 2015’ when the former ‘supported keeping Kabila in power beyond his constitutional mandate’.<sup>4</sup>

In early 2017, the BDK clashed with security forces and national police. In February 2017, ‘police besieged the home of Ne Muanda Nsemi in Kinshasa for two weeks [...] and clashed with BDK supporters’. During January and February 2017, several (numbers of fatalities vary between 2 and 20) BDM members and civilians were killed, injured, and arrested.<sup>5</sup>

<sup>1</sup> Canada, IRB, Democratic Republic of Congo: The Bundu dia Kongo (BDK) movement, (2016-July 2018), 20 July 2018, [url](#)

<sup>2</sup> Canada, IRB, Democratic Republic of Congo: The Bundu dia Kongo (BDK) movement, (2016-July 2018), 20 July 2018, [url](#)

<sup>3</sup> Canada, IRB, Democratic Republic of Congo: The Bundu dia Kongo (BDK) movement, (2016-July 2018), 20 July 2018, [url](#)

<sup>4</sup> Canada, IRB, Democratic Republic of Congo: The Bundu dia Kongo (BDK) movement, (2016-July 2018), 20 July 2018, [url](#)

<sup>5</sup> Canada, IRB, Democratic Republic of Congo: The Bundu dia Kongo (BDK) movement, (2016-July 2018), 20 July 2018, [url](#)



Ne Muanda Nsemi was arrested at the end of the siege to his house in early March 2017. The IRB reports:

‘According to the UN, [UN English version] “one police officer and three BDM elements were killed” and the police “arrested 307 people, 170 of whom were released the same day” [...]. According to sources, Ne Muanda Nsemi escaped from [Makala] prison in Kinshasa in mid-May 2017, during an attack allegedly carried out by his supporters, during which some 50 to 4,000 detainees escaped [...]. Sources report that dozens of people were killed in the violence’.<sup>6</sup>

On 7 August 2017, the BDK/BDM called on the population to mobilise for the departure of Kabila and the organisation of elections. On that day, violent clashes broke out between the BDK/BDM and the Congolese security forces, as well as several times in the period thereafter. According to OHCHR and MONUSCO, cited in IRB, ‘in March 2018, [translation] “according to the UNJHRO [United Nations Joint Human Rights Office], at least 17 people were killed, 58 were shot and at least 52 were arbitrarily arrested or illegally detained by the security and defence forces.’ Following the January-February 2017 clashes, in March 2018 ‘5 or 7 alleged members of the BDK/BDM were sentenced to death for insurrection and 11 were sentenced to 10 years in prison’.<sup>7</sup>

According to Human Rights Watch, ‘at least 90 people’ were killed as part of a ‘crackdown against members of the *Bundu dia Kongo* (BDK) political religious sect in Kinshasa and Kongo Central province between January and March, and in August 2018’.<sup>8</sup>

According to the *Agence d’information d’Afrique centrale* (ADIAC) [Central Africa Information Agency], cited by IRB, BDK followers were ‘being sought by the security services, forcing some to live in hiding [...]’. Similarly, the Congolese daily *Le Potentiel* reports that BDK/BDM followers are mistreated by security services, including [translation] “arbitrary” arrests and torture [...]’. This occurs in Kinshasa and the Kongo Central province.<sup>9</sup>

## **2. What is the treatment of supporters and / or Members of other political parties by the Authorities after the change of power?**

### **2.1 Background: result of the elections**

Former leader of the opposition party *Union pour la démocratie et le progrès social* (UDPS) [Union for Democracy and Social Progress], Felix Tshisekedi won the presidential elections, held in the majority of the country on 30 December 2018, except for three areas, where it was postponed until March 2019 due to an Ebola outbreak.<sup>10</sup> The results were contested by another opposition candidate, Martin

<sup>6</sup> Canada, IRB, Democratic Republic of Congo: The Bundu dia Kongo (BDK) movement, (2016-July 2018), 20 July 2018, [url](#)

<sup>7</sup> Canada, IRB, Democratic Republic of Congo: The Bundu dia Kongo (BDK) movement, (2016-July 2018), 20 July 2018, [url](#)

<sup>8</sup> HRW (Human Rights Watch), World Report 2018 - DR , 18 January 2018, [url](#)

<sup>9</sup> Canada, IRB, Democratic Republic of Congo: The Bundu dia Kongo (BDK) movement, (2016-July 2018), 20 July 2018, [url](#)

<sup>10</sup> Aljazeera, DRC President Tshisekedi pardons about 700 political prisoners, 14 March 2019, [url](#); France24, DR Congo's Tshisekedi names new prime minister - France 24, 20 May 2019, [url](#)



Fayulu (supported by the exiled and recently returned Moïse Katumbi), who maintained that he had won, but lost the judicial appeal.<sup>11</sup>

However, a coalition supporting former president Joseph Kabila won the majority in parliament and senate. Kabila and Tshisekedi agreed to form a coalition government and Tshisekedi appointed a Kabila supporter, Sylvestre Ilunga as prime minister in charge of forming a Cabinet.<sup>12</sup> On 25 July 2019, Leïla Zerrougui, the UN envoy for the DRC, urged both rivaling parties to quickly form a government. She noted 'increased fighting in several areas of eastern Congo in the past weeks.' Ituri and South Kivu were particularly mentioned.<sup>13</sup>

The UN Security Council concludes:

'The presidential elections in the Democratic Republic of the Congo of 30 December 2018 brought about a relatively peaceful transfer of power despite having been contested and marred by interference from armed groups. In the period since the inauguration of the new President, the Group has observed a growing number of armed groups willing to surrender provided that adequate structures are established and conditions are met. Nevertheless, numerous local and foreign armed groups continued to pose serious security threats in the Democratic Republic of the Congo.'<sup>14</sup>

The UN Security Council does not provide information on the situation of opposition parties' supporters or members.<sup>15</sup>

The Global Centre for the Responsibility to Protect notes on 15 July 2019:

'Government repression of the opposition in the lead-up to the December 2018 presidential elections exacerbated political tensions throughout the DRC. The new government has taken steps to reestablish trust between the population and the security sector, but it still needs to demonstrate its institutional commitment to the protection of human rights. Security forces in the DRC have often been complicit in crimes against civilians and have recently been accused of failing to prevent or halt the violence in Ituri Province.'<sup>16</sup>

## **2.2 Tensions with supporters/members of former opposition parties**

An opposition coalition called Lamuka ('wake up') – of which the exiled opposition leader Moïse Katumbi is the coordinator<sup>17</sup> - supported Martin Fayulu in the December 2018 elections. The group

<sup>11</sup> AP, Political violence in Congo reaches record high, 26 July 2019, [url](#)

<sup>12</sup> AP, UN envoy urges rivals to quickly form government in Congo, 25 July 2019, [url](#); Africatimes, Tshisekedi finally announces new DR Congo prime minister, 20 May 2019, [url](#)

<sup>13</sup> AP, UN envoy urges rivals to quickly form government in Congo, 25 July 2019, [url](#)

<sup>14</sup> UN Security council, Final report of the Group of Experts on the Democratic Republic of the Congo, 7 June 2019, [url](#)

<sup>15</sup> UN Security council, Final report of the Group of Experts on the Democratic Republic of the Congo, 7 June 2019, [url](#)

<sup>16</sup> Global Centre for the Responsibility to Protect, DRC, Populations in the Democratic Republic of the Congo continue to face mass atrocity crimes committed by various armed groups, last updated 15 July 2019, [url](#)

<sup>17</sup> RFI, Moïse Katumbi sur RFI: «Le 20 mai, je vais rentrer par avion à Lubumbashi», 6 May 2019, [url](#)



protested on 30 June 2019 in Goma against ‘widespread corruption and election fraud.’ The police dispersed demonstrators with teargas and fired at the crowd, killing one person and injuring several.<sup>18</sup>

Tensions are also rising between the supporters of both blocks that are to be forming a coalition government, Tshisekedi's Coalition for Change (CACH) and Kabila's Common Front for Congo (FCC). On 22 July 2019 the youth wing of Tshisekedi's UDPS (the former opposition party) announced a protest against the candidacy for senate presidency of a former justice minister who is considered a hardliner from the Kabila regime. The pro-Kabila Red Baret movement announced a counter-march. Given the tensions, both rallies were banned.<sup>19</sup>

News24 explained the tensions as follows:

‘Kabila's Common Front for Congo (FCC) coalition won comfortable majorities in both houses of parliament as well as provincial assemblies, and his supporters also dominated elections for the governorships across the country. None of candidates the FCC presented for seven key Senate posts are from Tshisekedi's CACH alliance in the legislature despite an agreement to work together between the two political blocs.’<sup>20</sup>

No further information could be found about the treatment of former opposition party members or supports by the current authorities.

**3. What is the treatment of supporters and / or members of BDK/BDM by the authorities after the change of power?**

No information was found on treatment of supporters and / or members of BDK/BDM by the authorities after the change of power, in the limited timeframe available for this COI research.

**4. What is the treatment of people who were persecuted by the previous Government because of their actual or perceived support to a political party in opposition to the previous government by the current Congolese authorities?**

March 2019, the new President ‘pardoned about 700 political prisoners who were jailed under his predecessor’.<sup>21</sup>

Opposition leaders such as ‘Franck Diongo, Diomi Ndongala and Firmin Yangambi, who had been imprisoned on charges such as insurrection against the Congolese state, under former president Joseph Kabila’ were freed. ‘Over a hundred more political prisoners still remain jailed in Congo, and rights groups have called for all to be released.’<sup>22</sup>

<sup>18</sup> Human Rights Watch, DR Congo: Police Fire on, Beat Protesters, 4 July 2019, [url](#)

<sup>19</sup> News24 , DR Congo authorities ban Kinshasa rallies over tensions, 22 July 2019, [url](#)

<sup>20</sup> News24, DR Congo authorities ban Kinshasa rallies over tensions, 22 July 2019, [url](#)

<sup>21</sup> Aljazeera, DRC President Tshisekedi pardons about 700 political prisoners, 14 March 2019, [url](#)

France24, DR Congo's Tshisekedi names new prime minister - France 24, 20 May 2019, [url](#)

<sup>22</sup> Reuters Congo president frees several political prisoners, 700 others – Reuters, 13 March 2019, [url](#)



Moise Katumbi, 'a prominent foe of Kabila who was sentenced to three years imprisonment and was in self-imposed exile for three years', returned to the DRC.<sup>23</sup>

##### **5. What is the situation of the BDK/BDM leader Ne Muanda Nsemi after his imprisonment in March 2017?**

BDK/BDM leader Ne Muanda Nsemi appeared in public on 6 May 2019, two years after his escape from Makala prison on 17 May 2017, alongside with thousands of his followers.<sup>24</sup>

Nsemi was presented to the public during a press conference in Kinshasa organized by Joseph Olenghankoy, the president of the National Council monitoring the new year's eve agreement CNSA (*Conseil national de suivi de l'accord du Saint Sylvestre*). Olenghankoy declared: [translation]: 'It is with the support of the Head of State, who is the supreme magistrate. It is with the support of all the institutions of the country that we managed to realize, today, the presence of Ne Muanda Nsemi. He was not killed.' Ne Muanda Nsemi expressed his desire to consolidate peace in the country.<sup>25</sup>

Three days later he was arrested again on instruction of the vice-prime minister Basile Olongo and moved to the Makala central prison.<sup>26</sup> Police sources said that he had to be returned to the prison from where he had escaped. On 10 May he was freed once again, after the intervention of the President, and was declared a free citizen of the DRC.<sup>27</sup>

On 13 May 2019 the BDK leader announced he had applied for asylum at the Haitian Embassy in Kinshasa.<sup>28</sup>

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<sup>23</sup> France24, DR Congo's Tshisekedi names new prime minister - France 24, 20 May 2019, [url](#)

<sup>24</sup> Radio Okapi, RDC : Ne Muanda Nsemi libéré, 11 May 2019, [url](#)

<sup>25</sup> RFI Afrique , RDC: réapparition de Ne Muanda Nsemi, le chef de la secte Bundu dia Kongo, 7 May 2019, [url](#)

<sup>26</sup> Jeune Afrique, RDC : les dessous de l'arrestation de Ne Muanda Nsemi, de retour en prison deux ans après son évasion, 10 May 2019, [url](#)

<sup>27</sup> Radio Okapi, RDC : Ne Muanda Nsemi libéré, 11 May 2019, [url](#)

<sup>28</sup> Le National, L'ancien député congolais, Ne Muanda Nsemi, sollicite l'asile au Consulat d'Haïti à Kinshasa, 13 May 2019, [url](#)



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