

AMNESTY INTERNATIONAL

PUBLIC STATEMENT

10 May 2014

Index: AFR 02/001/2014

Over 70,000 DRC nationals cross to Kinshasa amid mass roundups in Brazzaville

As a result of a police operation in the Republic of Congo since early April, more than 70 000 residents from the Democratic Republic of Congo (DRC), have been forced to cross River Congo back to the DRC. During the so-called 'Mbata ya Mikolo' (Slap of the Elders, in Lingala) operation, carried out by the Congolese police in various cities across the country and allegedly aimed at reducing irregular immigration and curbing criminality, tens of thousands of individuals have been forcibly deported - prompting thousands of others to flee to DRC due to fear of being expelled.

Amnesty International is calling on the authorities in the Republic of Congo to immediately cease any mass expulsion and investigate all allegations of human rights violations related to this operation. Amnesty International is also calling on the authorities in the Democratic Republic of Congo to increase their efforts to ensure that adequate assistance is provided to the tens of thousands of individuals who have arrived in Kinshasa, including access to medical treatment, shelter, potable water and food. It is further important that authorities in the Democratic Republic of Congo work together with local and international organizations, including United Nations agencies present in Kinshasa, to coordinate efforts to assist the returnees and avoid a new humanitarian crisis in the country.

During the process, many people were reportedly victims of human rights violations committed by security forces officers in Brazzaville and Pointe Noire, including cases of rape, torture, arbitrary arrests and illegal detentions. Most of those who have arrived in Kinshasa are living in very dire conditions in various places throughout Kinshasa, including in host families or makeshift camps with no adequate shelter, access to food or medical facilities. According to humanitarian organizations in Kinshasa, over 1,000 of them are currently staying at the Cardinal Malula Stadium.

Many of those who have been expelled told the media, local civil society organizations, and Amnesty International that authorities in the Republic of Congo did not properly check whether individuals were staying regularly or irregularly in the Republic of Congo before expelling them. Many individuals originating from the DRC are in possession of regular authorizations to reside in the Republic of Congo.

For example, on Friday 2 May, Jacqueline* and four children of her family, originally from the DRC and reportedly living legally in Brazzaville since 2009, were at home in the Moungali neighbourhood of Brazzaville when the neighbourhood chief (chef de quartier) and the police arrived at their house. Jacqueline told Amnesty International over the phone from Kinshasa today, "They told us anyone from the DRC had to leave. They threatened the landlord that anyone from the DRC had to leave his house immediately or else he would pay a fine of 150 000 francs. We are legal in Brazzaville but they refused to even look at our identity papers! We took some clothes and were forced onto a boat to Kinshasa. I am here now with four children and we are living on the streets. We are abandoned now. We are in danger here."

The police operation has also caused a wave of fear amongst the refugee and asylum seeker communities in the Republic of Congo. A source at the UNHCR office in Kinshasa told Amnesty

International that it was aware of three cases of refugees and asylum seekers from the DRC sent back during this operation, in violation of international refugee law as declared in the 1951 Convention Relating to the Status of Refugees. Amnesty International is also aware of at least four cases of individuals who are either refugees or asylum seekers in the Republic of Congo, who were detained in Brazzaville before being released.

Collective expulsions contravene international law. The African Charter on Human and People's Rights, ratified by the Republic of Congo, forbids mass expulsions of non-nationals. A general prohibition on collective expulsions follows from the procedural safeguards against arbitrary expulsions, such as those in Article 13 of the International Covenant on Civil and Political Rights (ICCPR), ratified by both Republic of Congo and DRC. As each foreigner is entitled to an individual decision on their expulsion, mass or collective expulsions, as well as other forms of summary expulsion, are unlawful. Moreover, mass expulsions prevent the proper identification of individuals entitled to international protection, including refugees.

Seventeen officers have since been excluded from the Republic of Congo police following video evidence of their alleged involvement in human rights violations and misconduct. This decision, however, must not give a free ride to impunity for those suspected to be responsible for human rights violations if these individuals are not investigated and prosecuted. The Congolese authorities must ensure that all allegations of human rights violations are fully investigated, where enough admissible evidence is gathered, prosecuted, and that any further operations conducted by security officers are undertaken in full respect of international human rights law.

* Not her real name