



HUMAN RIGHTS DEFENDERS UNDER ATTACK

IN THE DEMOCRATIC
REPUBLIC OF THE CONGO

AMNESTY
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HUMAN RIGHTS DEFENDERS IN THE DEMOCRATIC REPUBLIC OF THE CONGO (DRC) PLAY A CRUCIAL ROLE IN A COUNTRY RACKED BY INSTABILITY AND CONFLICT. THEY DRAW NATIONAL AND INTERNATIONAL ATTENTION TO HUMAN RIGHTS ABUSES IN THE DRC AND PROMOTE AWARENESS OF HUMAN RIGHTS AMONG THE CONGOLESE POPULATION.

Instead of addressing human rights concerns, DRC officials at the national and provincial levels continue to attack the organizations that raise them. For example, in July 2009 the Minister for Media and Communications and government spokesperson, Lambert Mende, accused national human rights NGOs of seeking to destabilize a democratically elected government. UN observers report a sharp increase in cases of harassment and arrests of human rights defenders in 2009, possibly reflecting heightened sensitivities ahead of elections in 2011.

Human rights defenders in the DRC face many challenges. Some law enforcement officers are neither professional nor impartial, and they do not always act within the law. Trials are not always fair. The criminal justice system is marred by political interference, corruption, lack of capacity and instability in some parts of the country. State officials commit human rights violations with almost total impunity.

The National Intelligence Agency (ANR), which is directly controlled by the Presidency, is frequently implicated in abuses against human rights defenders. The ANR arrests not only criminal suspects but also human rights defenders and members of the political opposition. In many cases the ANR has denied detainees access to lawyers. Amnesty International continues to receive regular reports of torture and other ill-treatment in ANR detention facilities.

The DRC government has set up a Liaison Committee to strengthen human rights cooperation between the UN, the government, the security services and human rights activists, in accordance with a March 2009 resolution of the UN Human Rights Council. This initiative should be given adequate resources and attention so that it can effectively supplement other international human rights monitoring mechanisms.

The Declaration on Human Rights Defenders was adopted by the UN General Assembly in December 1998. It emphasizes that everyone “has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms”. This includes the rights to “know, seek, obtain, receive and hold information”, “freely to publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms” and “to draw public attention to those matters”. The Declaration makes it clear that states must protect anyone engaged in such activities against violence, threats, retaliation, adverse discrimination or pressure as a result of their legitimate work. Many human rights defenders are detained because they speak out on behalf of others. This is a violation of their right to liberty, a right protected by the International Covenant on Civil and Political Rights and the Universal Declaration of Human Rights.

‘I do not know how much longer I can bear the stress and mental suffering caused by these threats, but every day I resist the temptation to just return to a normal life with my family, because I refuse to be intimidated into stopping my work’

A Congolese human rights defender

ROBERT ILUNGA NUMBI

A community advocate and President of a human rights NGO in Kinshasa, Robert Ilunga was arrested on 31 August 2009 by the National Intelligence Agency (ANR) and unlawfully detained for nine days. He was forced to sleep in the open air before being transferred to Kinshasa central prison, and has been told that he would not be sent to trial if he paid a “fine” of US\$1,500.

Robert Ilunga is the founder and president of les Amis de Nelson Mandela pour la Défense des Droits de l’Homme (ANMDH, Friends of Nelson Mandela for the Defence of Human Rights), an organization working to help grassroots communities obtain redress for human rights violations. He founded the organization in 1992 in Kisangani, and established a national office in Kinshasa after he was forced to flee the war-torn east in 1997.

On 31 August, two ANR agents took Robert Ilunga from his office to their building in the Gombe area of Kinshasa. He was questioned for several hours about an ANMDH press release denouncing harsh conditions for workers at a gravel-making company in Kasangulu, Bas-Congo province. The press release, issued two weeks earlier, referred to the involvement of a “*grande dame*” in the company, and the ANR’s questions focused on her identity (suspected of being a reference to Olive Lembe, the wife of DRC President Joseph Kabila) and on the source of the information.

Under Congolese law, law enforcement officers can only hold suspects without charge (*garde à vue*) for 48 hours before releasing them or transferring them to the custody of a Prosecutor. Robert Ilunga was held incommunicado for nine days without being told the reason for his arrest, without being brought before a judicial authority, and without access to his family or his lawyers. He told Amnesty International that he was forced to sleep outside at night on a plastic chair. The ANR officer-in-charge said to him that instructions had been received “to punish him”.

On 8 September, he was finally transferred to the custody of the Kinshasa Prosecutor’s Office. The next day he was formally arrested and charged with criminal libel, incitement to rebellion and incitement to disobey the authorities. Three days later, he was sent to Kinshasa’s central prison. A court hearing on 15 September authorized his continued detention and confirmed the charges against him.

On 28 September, a different judge overturned the previous decision and authorized Robert Ilunga’s conditional release pending trial. He was released on 1 October after paying a surety of US\$1,000 and 20,000 Congolese Francs (around US\$25). No receipt was given for the surety. According to the lawyers, the prosecutor later said that the charges would be dropped if a “fine” of US\$1,500 was



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Robert Ilunga Numbi, President of the Kinshasa-based Friends of Nelson Mandela for the Defence of Human Rights (ANMDH).

paid, but otherwise the case would go to trial. Robert Ilunga’s lawyers say that the prosecutor’s proposal to accept a “fine” in exchange for non-prosecution does not have any basis in law.

Robert Ilunga remains under threat of re-arrest and the terms of his provisional release prohibit him from leaving Kinshasa.

Amnesty International believes that Robert Ilunga’s arrest and detention, the charges against him and the restrictive terms of his provisional release violate his freedom of expression and right to liberty. Amnesty International is calling for the charges against him to be dropped and for those responsible for his unlawful arrest and detention to be made accountable and brought to justice.

FLORIBERT CHEBEYA BAHIZIRE AND DOLLY IBEFO MBUNGA

Two leading human rights defenders – Floribert Chebeya and Dolly Ibefo – were warned by a source they considered credible that if they proceeded with a planned demonstration they would be personally targeted for arrest, and security forces would open fire on the demonstrators. They had intended to organize a peaceful protest at the International Summit of Southern African Development Community in Kinshasa in early September 2009 in support of human rights defender Robert Ilunga. As a result of these threats, they cancelled the planned action.

Floribert Chebeya is President of La Voix des Sans Voix pour les Droits de l'Homme (VSV, Voice of the Voiceless for Human Rights), a long-standing independent NGO which reports on the human rights situation in the DRC. He is also Executive Secretary of a national network of human rights NGOs, RENADHOC. Dolly Ibefo is Deputy Director of VSV. Floribert Chebeya and other VSV members have in the past been harassed, arrested and abused because of their human rights work.

On 15 March, Dolly Ibefo and Floribert Chebeya were arrested by national police officers at a press conference at the RENADHOC offices, where they called for



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Floribert Chebeya, Executive Director of the Kinshasa-based Voice of the Voiceless (VSV).

a resolution of the constitutional crisis that was preventing the National Legislative Assembly from functioning effectively.

The two men were held incommunicado for two days in Kin Mazière detention centre in central Kinshasa, the headquarters of the Special Service police (DGRS).

Floribert Chebeya told Amnesty International that he and his fellow



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Dolly Ibefo Mbunga, Deputy Director of the Kinshasa-based Voice of the Voiceless (VSV).

detainees were forced onto the floor where they were surrounded by several policemen who pointed guns at them while the Director of Operations of the Special Services Police pressurized them not to continue their protest.

GOLDEN MISABIKO

Golden Misabiko was arrested by the National Intelligence Agency in July 2009. In August he was granted provisional release on the ground of ill-health. He was prosecuted for publishing a report alleging official complicity in illegal mining at the Shinkolobwe uranium mine, and in September was sentenced to one year's imprisonment with eight months' suspended.

Golden Misabiko is the President of the Katanga branch of a national human rights organization, Association Africaine de Defense des Droits de l'Homme (ASADHO, African Association for the Defence of Human Rights). In July 2009 ASADHO reported that government security officials were involved in the illegal extraction of highly radioactive uranium and other valuable minerals from the Shinkolobwe mine. Golden Misabiko was arrested by the ANR in Lubumbashi, Katanga province. Two days later he was transferred to the custody of the Prosecutor's Office at the Lubumbashi court house, where he had to pay to sleep outside on a piece of cardboard, as the only alternative to the overcrowded and dirty cell. Despite his ill-health, he was refused provisional release until 20 August. His trial began on 26 August, but he left the country for medical treatment before the final judgment.

On 21 September, he was found guilty of the "state security" offence of "publication of false information" and sentenced to one year's imprisonment with eight months' suspended. The judgment relied heavily on his refusal to name ASADHO/Katanga's sources. According to observers and Golden Misabiko's lawyers, the prosecution did not provide evidence that the information published in the report was false.

The Prosecutor General announced that he would ask for a heavier sentence on appeal, while Golden Misabiko's lawyers are seeking to overturn the conviction.

This was not the first time that Golden Misabiko has faced persecution for raising human rights concerns. He was arrested, imprisoned, and tortured in 2001 after alleging that General Masasu, a former close collaborator of then President Laurent-Désiré Kabila, had been extrajudicially executed in 2000. He fled to Sweden where he was granted refugee status before returning to the DRC in 2004.



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Human rights defender Golden Misabiko in pre-trial detention in Lubumbashi, July 2009.

'The authorities need to understand that we human rights defenders are not their enemies.'

Golden Misabiko

TELEPHONE DEATH THREATS IN KATANGA

Grégoire Mulamba Tshisakamba, Timothée Mbuya, Emmanuel Umpula Nkumba and Dominique Munongo Inamizi are the leaders of four human rights organizations in Lubumbashi. Throughout July and August 2009, they led a local campaign in support of Golden Misabiko who was detained at the Lubumbashi court house. All four have received increasingly threatening anonymous SMS messages since mid-September. Some of the messages say: "Leave the country now. This is our first and last warning. Do not neglect this" or "you will die like goats". The messages also said they were being watched and referred to their human rights work.

'You will die like goats.'

Telephone threat sent to human rights defenders in Lubumbashi

The threats were sent from three mobile telephones, whose details were submitted to the Lubumbashi Prosecutor on 17 September 2009, with a complaint calling for an investigation. Amnesty International delegates met the Prosecutor on 23 October. He said that investigations were under way, but was dismissive of the defenders' fears, claiming that they were over-reacting. However, Grégoire Mulamba's terrifying ordeal on 18 October shows that their fears are well grounded.

GRÉGOIRE MULAMBA TSHISAKAMBA

Grégoire Mulamba is a human rights defender in Lubumbashi who has been active with the Centre pour les Droits Humains et le Droit Humanitaire (CDH, Centre for Human Rights and Humanitarian Law) since its creation in 1993. He has been arrested several times and was imprisoned for two weeks in 2001.

Grégoire Mulamba told Amnesty International that he was abducted on the evening of 18 October, shortly after leaving work. He realized that the taxi that should be taking him home was actually taking him somewhere else. When he challenged the driver, one of two other passengers pushed a revolver into his ribs and told him to stop talking. They used the traditional robe he was wearing to hood and blindfold him, and continued to drive for some 20 minutes. When the car stopped, Grégoire thought he was about to be killed. Instead, he was dumped from the car, in the middle of the Gécamines Cemetery on the outskirts of Lubumbashi, in the dark.

He did not at first report the abduction to the police as he believes that complaints from human rights defenders are not taken seriously, but in December he lodged a formal complaint with the Prosecutor. Since then, he goes nowhere alone, sleeps in secret locations, and does not go outside after nightfall.

'Human rights defenders in the DRC risk their lives every day. Because the authorities fail in their duty of protection, I think it's essential for NGOs to have training or material support to enhance their security.'

Grégoire Mulamba

'Human Rights NGOs work for a more efficient democracy in the DRC, and simultaneously make sure that progress gained in the past is preserved. To help them in their task, the adoption of a national law for the protection of human rights defenders has become a pressing necessity.'

Emmanuel Umpula

EMMANUEL UMPULA NKUMBA AND TIMOTHÉE MBUYA



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Emmanuel Umpula Nkumba, Executive Director of the Lubumbashi-based Action against Human Rights Impunity (ACIDH).

Emmanuel Umpula worked with ASADHO Katanga and in 2004 co-founded the NGO Action against Human Rights Impunity (ACIDH). He is now its Executive Director. Timothée Mbuya has been active with local networks in Lubumbashi, supporting victims of human rights violations. He joined ASADHO in 1998 at a time when the organization had been banned and was operating clandestinely. He became Vice-President in March 2007.



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Timothée Mbuya, Vice-President of the Katanga Branch of the African Association for the Defence of Human Rights (ASADHO).

Both Emmanuel and Timothée left Lubumbashi for Kinshasa on 28 September 2009 in fear of their lives. They felt that the threats they were receiving were not being taken seriously by the authorities. They returned in early November, but are still receiving threatening messages, and have not yet been able to fully resume their human rights activities.

'I think there should be a national and provincial mechanism that would allow a better mutual understanding between the authorities and human rights defenders. The authorities must stop considering human rights defenders as political figures seeking to weaken the government with the support of international organizations.'

Timothée Mbuya

Cover image: Human rights defenders in the
DRC are at risk of harassment, including arrest.
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DOMINIQUE MUNONGO INAMIZI

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Dominique Munongo Inamizi, President of the
Lubumbashi-based Women's Development
Centre (CDF).

Dominique Munongo founded the Centre de Développement pour la Femme (CDF, Women's Development Centre) in 1993. It is a human rights NGO that focuses on the fight against poverty and discrimination against women.

Dominique Munongo joined the campaign to support Golden Misabiko, particularly because she works with a network of women who fear that contamination from the Shinkolobwe mine is responsible for a spate of birth defects in the surrounding area. After receiving several threatening messages, she flew to Kinshasa on 29 September 2009. She wanted respite from the dangerous situation in Lubumbashi and also to seek support from the UN Mission in the DRC, EU embassies and the Minister of Human Rights. She returned to Lubumbashi on 3 October, and gradually resumed her

human rights activities. The threats resumed after she was interviewed on Radio Okapi, the major independent radio station in the DRC, on 14 October.

'It is important to reinforce civic education of the population in Katanga and across the DRC. The Congolese people needs to develop its awareness as citizens, because it is misinformed by partial media and does not always understand the importance of human rights organizations like ours.'

Dominique Munongo

TAKE ACTION NOW

Please write politely to the Congolese authorities, calling on them to:

- Uphold the right to freedom of expression and ensure that Congolese human rights defenders are protected from threats, arbitrary arrests and assaults.
- Overturn the conviction of Golden Misabiko and drop all charges against Robert Ilunga. Investigate the unlawful detention of Robert Ilunga and the death threats against Grégoire Mulamba, Timothée Mbuya, Dominique Munongo and Emmanuel Umpula, and bring those responsible to justice.
- Adopt legislation to protect human rights defenders in accordance with the UN Declaration on Human Rights Defenders

and support initiatives, such as the Ministry of Human Rights Liaison Committee, to allow human rights defenders to bring concerns and protection needs directly to senior government and security force officials.

- Ensure that anyone deprived of their liberty is held only in an officially recognized detention centre under the control of the judicial authorities.

Please send appeals calling for greater protection for human rights defenders to:

President Joseph Kabila
President of the Republic
Palais de la Nation
Kinshasa Gombe
DRC

Floribert Kabange Numbi
General Prosecutor
Immeuble INSS
Boulevard du 30 juin
Kinshasa Gombe
DRC

Lambert Mende Omalanga
Minister of Media and Communication
Bâtiment RATELESCO
83, Av. Tombalbaye
Kinshasa Gombe
DRC

Please send a copy of your letter to the Embassy of the Democratic Republic of the Congo in your country.

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Amnesty International is a global movement of 2.2 million people in more than 150 countries and territories who campaign to end grave abuses of human rights.

Our vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights standards.

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