

JOINT STATEMENT

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DR Congo: Rights Defender Abducted, Mistreated *Investigate This Case and Protect All Activists at Risk*

(Goma, September 8, 2010) – Congolese authorities should open a prompt, impartial, and thorough investigation of the abduction and ill-treatment of a human rights defender in North Kivu province in late August 2010, a coalition of 36 international and Congolese human rights organizations said today. The authorities should publicly condemn this act and identify and bring to justice those responsible, the coalition said.

Sylvestre Bwira Kyahi, civil society president in Masisi territory, was abducted by armed men in Congolese army uniforms traveling in a private Jeep on August 24 in the Ndosho neighborhood of Goma, North Kivu Province, information gathered by the coalition members indicated. He was found on August 30 near Sake, about 30 kilometers west of Goma. When presented to the press and his colleagues by the provincial authorities in Goma the day after his reappearance, Bwira was visibly weak, his face was swollen, and his arms bore the marks of the ropes that he said were used to tie him during his detention.

“The climate of impunity in the Democratic Republic of Congo only encourages new crimes,” said Ilaria Allegrozzi of Protection International. “Sylvestre Bwira’s abduction and mistreatment is just the latest attempt to intimidate human rights defenders.”

Bwira had been subject in recent months to intimidation and threats linked to his activities as a human rights defender. He had been in hiding since the end of July, after writing and signing an open letter addressed to Congolese President Joseph Kabila on July 30 that called for the withdrawal of all military and police units in Masisi territory consisting of former members of armed groups who had recently been integrated into the Congolese army and police.

The open letter had also denounced recent abuses by the troops of General Bosco Ntaganda, who is wanted under an international arrest warrant issued by the International Criminal Court (ICC). Ntaganda, a former commander of the National Congress for the Defense of the People (Congrès national pour la défense du peuple, CNDP), a rebel group, is now a general in the Congolese army.

The human rights groups expressed concern about the deteriorating situation for human rights defenders in Congo. The killings of several journalists and leaders of human rights associations – including Bruno Koko Cirambiza, Didace Namujimbo, Serge Maheshe, and Pascal Kabungulu Kibembi – remain unpunished, largely due to the failure of civilian and military prosecutors to pursue vigorous impartial investigations and a clear lack of political will.

The groups called on Congolese authorities to act urgently to bring to justice those responsible for human rights violations and to ensure protection for Bwira and other Congolese human rights defenders.

The coalition of nongovernmental organizations urged Congolese authorities to:

- Publically condemn the abduction of Bwira and reaffirm their engagement to fight impunity for violation of the rights of human rights defenders;
- Provide appropriate medical assistance to Bwira as he requests;

- Conduct a prompt, impartial, and thorough investigation to determine the causes and exact circumstances of his abduction and identify and bring to justice those responsible in conformity with Congolese and international law;
- Discipline and/or prosecute all officials who participated in acts of torture and ill-treatment against Bwira, as well as those in authority who ordered or tolerated these acts;
- Ensure that the investigations of this case and others are carried out by the justice system, in conformity with the provisions of the new Congolese constitution;
- Respect the principles of freedom of expression and information, and notably articles 23, 24, and 27 of the Congolese constitution establishing, respectively, the right of freedom of expression, right of information, and the right to address petitions to the apparatus of the State, as well as articles 6, 8(2), and 9(3)(a) of the United Nations declaration on the protection of human rights defenders concerning the right to submit complaints and suggestions to state bodies and institutions with the aim of improving their functioning;
- Abide by the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Covenant on Civil and Political Rights, which forbids the use of torture and of other forms of mistreatment;
- Urgently develop and put into use a national policy for the protection of human rights defenders in conformity with the international commitments made by the Democratic Republic of Congo; and
- Carry out the ICC arrest warrant for General Bosco Ntaganda.

More generally, the organizations called on Congolese authorities to end impunity for those who commit crimes against human rights defenders. Government authorities should assume their responsibility to protect human rights defenders, guaranteeing their physical and psychological integrity, in conformity with the country's commitments under international law.

The coalition also urged European Union members to monitor the investigations of these cases, in application of the 2004 EU guidelines for the protection of human rights defenders and the local strategy for the implementation of these guidelines for the DRC adopted on March 20 by the heads of the diplomatic missions accredited in Kinshasa.

Signatories:

International NGOs:

Action des Chrétiens pour l'Abolition de la Torture (ACAT) – France; Amnesty International; Avocats Sans Frontières; Front Line – the International Foundation for the Protection of Human Rights Defenders; Global Witness; Human Rights Watch; International Federation of Action by Christians for the Abolition of Torture (FIACAT); Protection International; the Observatory for the protection of human rights defenders, a joint program of the International Federation for Human Rights (FIDH) and the World Organization Against Torture (OMCT)

Congolese NGOs:

Action des Chrétiens pour l'Abolition de la Torture (ACAT) – Nord Kivu ; Action des Chrétiens pour l'Abolition de la Torture (ACAT) – Sud Kivu; Action Globale pour la Promotion Sociale et la Paix (AGPSP); Action Sociale pour la Paix et le Développement (ASPD); Africa Justice Peace and Development (AJPD); Association africaine de défense des droits de l'homme (ASADHO) – Beni; Association des Jeunes Engagés pour le Développement et la Santé (AJDS); Bossam GLDDH; Campagne Pour la Paix (CPP); Centre d'Appui pour le Développement Rural Communautaire (CADERCO); Centre de Recherche sur l'Environnement, la Démocratie et les Droits de l'Homme (CREDDHO); Centre pour la Paix et les Droits de l'Homme – Peace and Human Rights Center (CPDH-PHRC); Collectif des Organisations des Jeunes Solidaires du Congo (COJESKI); Fondation Kataliko Actions pour l'Afrique (KAF) – Bukavu; Fondation Point de Vue des Jeunes Africains pour le Développement (FPJAP); Forum des Organisations Nationales Humanitaires et de Développement (FONAHD) – Nord Kivu; Groupe d'Hommes pour la Lutte Contre les Violences (GHOLVI); Haki Za Binadamu Maniema; La Solidarité pour la Promotion sociale et la Paix (SOPROP); Le Groupe de Voix des Sans Voix (GVSV) – Uvira; Ligue pour la Solidarité Congolaise (LSC); Observatoire Congolais des Prisons (OCP); Programme d'Appui à la Lutte contra la Misère (PAMI); Promotion de la Démocratie et

Protection des Droits Humains (PDH); Solidarité Féminine pour la Paix et le Développement Intégral (SOFEPADI); Union d'Actions pour les Initiatives de Développement (UAID); Vision Solidaire pour la Défense et la Promotion des Droits de l'Homme (VISODEPDH)

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