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VICTIMS OF 2015-2018 BRUTAL CRACKDOWNS IN THE DEMOCRATIC REPUBLIC OF CONGO DENIED JUSTICE
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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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## ABBREVIATIONS

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
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<tbody>
<tr>
<td>ACHPR</td>
<td>AFRICAN COMMISSION FOR HUMAN AND PEOPLE'S RIGHTS</td>
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<td>AFP</td>
<td>AGENCE FRANCAISE DE PRESSE (FRANCE MEDIA AGENCY)</td>
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<td>ANR</td>
<td>AGENCE NATIONALE DES RENSEIGNEMENTS (NATIONAL INTELLIGENCE AGENCY)</td>
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<td>AU</td>
<td>AFRICAN UNION</td>
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<td>BBC</td>
<td>BRITISH BROADCASTING CORPORATION</td>
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<td>CENI</td>
<td>INDEPENDENT NATIONAL ELECTORAL COMMISSION</td>
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<td>CNDH</td>
<td>NATIONAL COMMISSION FOR HUMAN RIGHTS</td>
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<td>DRC</td>
<td>THE DEMOCRATIC REPUBLIC OF THE CONGO</td>
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<td>EU</td>
<td>EUROPEAN UNION</td>
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<td>FARDC</td>
<td>FORCES ARMEE DE LA REPUBLIQUE DEMOCRATIQUE DU CONGO (DRC'S ARMED FORCES)</td>
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<td>ICCPR</td>
<td>INTERNATIONAL CONVENTION ON CIVIL AND POLITICAL RIGHTS</td>
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<tr>
<td>LENI</td>
<td>LEGION NATIONALE D'INTERVENTION (NATIONAL INTERVENTION LEGION)</td>
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<td>MONUSCO</td>
<td>UN STABILIZATION MISSION IN THE DEMOCRATIC REPUBLIC OF THE CONGO</td>
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<td>MP</td>
<td>MEMBER OF PARLIAMENT</td>
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<td>OFAC</td>
<td>OFFICE OF FOREIGN ASSETS CONTROL</td>
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<td>OHCHR</td>
<td>OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS</td>
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<tr>
<td>PNC</td>
<td>POLICE NATIONALE CONGOISE (CONGOLESE NATIONAL POLICE)</td>
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<td>RFI</td>
<td>RADIO FRANCE INTERNATIONALE</td>
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<td>RTBF</td>
<td>RADIO TELEVISION BELGE FRANCOPHONE</td>
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<td>UN</td>
<td>UNITED NATIONS</td>
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<td>UNJHRO</td>
<td>UNITED NATIONS' JOINT HUMAN RIGHTS OFFICE IN THE DEMOCRATIC REPUBLIC OF THE CONGO</td>
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<tr>
<td>US</td>
<td>THE UNITED STATES OF AMERICA</td>
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<td>VOA</td>
<td>VOX OF AMERICA</td>
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GLOSSARY

CONGOLESE SECURITY FORCES
The army including the Republican Guard, the Military Police, the Congolese National Police (PNC), the security services such as the National Intelligence Agency (ANR) and the Military Intelligence Services.

OPPOSITION
Political parties, groupings and formal or informal political coalitions opposed to the government during the period, or part of the period, covered by this report.

REPUBLICAN GUARD
A Special Unit within the Armed Forces of the DRC (FARDC) responsible for the protection of the President, his family and distinguished guests; the security of presidential property and facilities; escorts and military honours at the Presidency of the Republic.¹

1. EXECUTIVE SUMMARY

"...we are taking a lot of risks in demanding justice for Thérèse. But... what will happen if those who killed her realize there is no consequence?"

Father Joseph Musubao, a family member of a victim

Between January 2015 and December 2018, Congolese security forces brutally and systematically cracked down on protesters who opposed President Kabila’s attempts to remain in power beyond his second constitutional term. By the end of December 2018, at least 320 people were dead and 3,500 had been injured, mainly in the capital Kinshasa. More than 8,000 people were also arbitrarily arrested or detained in connection with the protests. The brutality against this popular uprising was particularly marked at demonstrations in January 2015, in September 2016 and December 2016, and during peaceful protests organized by the Catholic Lay Coordination Committee (CLC) between December 2017 and February 2018.

This report describes the systematic use of excessive and lethal force by security forces, often at the behest of the government; it also explores the Congolese authorities’ failure to effectively investigate these crimes and other serious human rights violations, and to bring perpetrators to justice.

The authorities have refused to allow prosecutions or, otherwise, delayed efforts by victims, their families and their lawyers, to obtain justice, even in instances where they had acknowledged police violations and made commitments to investigate and ensure accountability. According to Amnesty International’s information to date, all victims who lodged official complaints, did not get to see alleged perpetrators prosecuted. Many were even prevented from retrieving the bodies of their loved ones and burying them with dignity, and from obtaining justice and reparations. Many of those who lost family members, becoming widows, widowers or orphans, struggled to support themselves.

In their determination to eliminate any hint of dissent, Congolese authorities imposed unlawful blanket bans on assemblies for 26 months, repeatedly shutdown the internet and severely restricted the work of media and civil society organizations. Restrictions led to the violent repression of demonstrations in which the police and other security forces used excessive and lethal force.

In January 2015, security forces killed over 42 protesters, wounded 200 and arbitrarily arrested hundreds, mainly in Kinshasa. Gaby Mamba, a 16-year-old high school student, and Patrick Luviluka, 27 years old, were among those killed. At the time of writing, their families were still waiting for perpetrators to be charged and prosecuted for their deaths. The UN confirmed the killings, by security forces, of at least 53 people in September 2016 and 40 others in December 2016 during or connected with protests. They included

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2 Amnesty International began documenting human rights violations and abuses against those protesting President Kabila’s attempts to remain in power beyond his second constitutional term from the beginning of the political crisis in January 2015. See Amnesty International, “Democratic Republic of the Congo: Treated like criminals – DRC’s race to silence dissent”, (Index: AFR 62/2917/2015)


Bouquin Bukasa, a 54-year-old member of the opposition party, the Union for Democracy and Social Progress (UDPS). He was hacked to death on 20 September 2016 by unidentified men who attacked the UDPS headquarters in Kinshasa where he worked as a security guard. His attackers then set fire to the building, killing four other UDPS members. Their relatives told Amnesty International that they are yet to see evidence of any political will from the new authorities to address their demands for truth, justice and reparations. Indeed, no complaints submitted to authorities, against the security forces, by victims or their relatives have been investigated. In October 2016, the government released its “Livre Blanc” report on the September 2016 events which fell far short of the minimum standards of investigation, not least by failing to determine the cause, manner, place and time, and circumstances of the deaths in compliance with relevant UN guidelines. On 31 December 2017, 21 January 2018 and 25 February 2018, the security forces again killed a total of 17 people when they fired live bullets and tear gas at peaceful demonstrators. Over 160 protestors were injured, and 400 were arbitrarily arrested. Thérèse Kapangala, a 24-year-old aspiring nun, and Rossy Mukendi Tshimanga, a 36-year-old activist were among the dead. Their families have used all legal means to obtain justice, including by lodging complaints against the Police Commissioner for Kinshasa, Sylvano Kasongo. The authorities have yet to conduct credible investigations and prosecute those responsible. Once again, impunity remains the rule.

The victims’ families do not intend to give up. Father Joseph Musubao, Thérèse Kapangala’s uncle, told Amnesty International: 'I know we are taking a lot of risks in demanding justice for Thérèse. But we owe it to her: her life and her dignity are not negotiable. And then what will happen if those who killed her realize that there is no consequence, as usual? Beyond Thérèse, our fight is a fight for justice in the Congo. Those who shed people’s blood must know that it comes at a high price.'

The government has responded to these events by establishing investigative commissions on two occasions. In February 2018, the Ministry of Human Rights established a joint commission of inquiry, which confirmed the death toll and the unnecessary use of lethal force by the security forces during the December 2017 – January 2018 events.6 In June 2018, the Ministry established a second joint commission of inquiry in a further attempt to investigate the September and December 2016 incidents, following its wholly inadequate Livre Blanc report.7 To date, this Commission’s findings remain unknown and no action has been taken to hold those responsible to account. The biased and incomplete nature of these investigative processes casts doubts on the government’s will to address serious crimes. Despite repeated commitments, and international pressure from UN mechanisms and through US and EU-imposed sanctions, perpetrators continue to enjoy impunity.

After long-delayed elections took place in December 2018, Félix Tshisekedi, of the UDPS, was declared the winner. The pledges he made during his inauguration in January 2019 to enforce the rule of law, fight impunity and uphold human rights have still not been realized. Amnesty International is calling on him to live up to his promises by publicly committing to take all necessary steps to ensure accountability and justice to victims.

The Congolese authorities must ensure transparent, independent, impartial and comprehensive investigations into all crimes and other serious human rights violations committed by security forces during the protests. Alleged perpetrators should be promptly brought before competent courts and prosecuted in accordance with international fair trial standards. Victims and their families’ demand for truth, justice and adequate reparations must be upheld. The Congolese authorities should ensure that the complaints lodged by the victims or their relatives are promptly dealt with in accordance with international human rights law and standards.

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7 The Joint Commission of Inquiry (“CEM-3121”) was established by Ministerial Decree No. 001/CAB/MIN/DH/2018 on 1 February 2018. Its summary report was released by the Minister for Human Rights on 10 March 2018 in Kinshasa.
2. METHODOLOGY

Due to logistical and time constraints, the research for this report is primarily based on events in Kinshasa, where demonstrations were larger, more frequent and more dangerous. Investigations into and prosecutions for human rights violations carried out by security forces outside Kinshasa are not addressed.

Amnesty International conducted field research in Kinshasa in February and March 2018 and in August 2019. The organization’s researchers carried out 115 face-to-face interviews in French and Lingala with survivors, family members of those killed and missing, as well as eyewitnesses. Follow-up phone interviews were also conducted with five victims’ families whose cases were the subject of ongoing legal procedures, and their lawyers. Nineteen additional interviews were conducted with victims’ lawyers, police officers, UN representatives, National Human Rights Commission (CNDH) members, and local and international human rights organizations. Researchers also met government officials including the Human Rights Minister, the Minister of Justice and the Police Commissioner for Kinshasa, and the then-Prosecutor General.

Additional information also was gathered remotely between September 2019 and January 2020, using information from the UN Joint Human Rights Office (UNJHRO) and other human rights NGOs, media reports, official records and statements, three CNDH reports, relevant legislation and international human rights instruments. Amnesty International researchers analysed the Livre Blanc (White Paper), published in October 2016, and the Joint Commission of Inquiry official report on the events of 31 December 2017 and 21 January 2018, released by the government in March 2018.

On 14 January 2020, Amnesty International shared the concerns detailed in this report, in writing with the DRC authorities including the Minister of Justice, the Minister for Human Rights, the Minister of Interior and Security, the Chief Military Prosecutor, the Attorney General at the Court of Cassation, the Governor of Kinshasa, the General Commissioner of the Police, the Inspector General of the Police and the Police Commissioner for Kinshasa, requesting official information and updates on legal proceedings in connection with the cases documented in the report. On 3 April 2020, Amnesty International wrote to them again with a summary of the report’s findings and asked for their response. At the time of writing, the organization had not received responses to either correspondence.
3. BACKGROUND: POLITICAL CRISIS

3.1 ATTEMPTS TO AMEND THE CONSTITUTION

In December 2011, President Joseph Kabila was sworn in for a second five-year term of office, following disputed elections. According to the Constitution, the President is elected by direct universal suffrage for a term of five years which is renewable only once. Thus, President Kabila's second and final constitutional term was set to end in December 2016 following the election of his successor which was due to take place in September 2016.

As early as 2013, some members of President Kabila’s entourage began questioning the validity of the constitutional term limit and called for a review of the Constitution to allow Kabila to stay in power. In June 2013, Evariste Boshab, the former Speaker of the National Assembly and then General Secretary of President Kabila’s People’s Party for Reconstruction and Democracy, proposed the removal of termly presidential limits from the Constitution and the extension of the term of office from five to seven years.

This triggered an outcry from opposition and civil society members, many of whom saw it as a sign that Kabila’s supporters were working to keep him in power. In July 2013, Forces Acquises au Changement (FAC), an opposition platform, launched a campaign to oppose the constitutional revision and the threat of a lifetime president.

On 7 September 2013, President Kabila launched a National Consultation Forum with a view to “pulling the DRC out of a political, social and security crisis.” Shunned by prominent opposition and civil society...
leaders\textsuperscript{17}, the three-week Forum failed to stem the crisis that arose following the 2011 contested elections, and Kabila’s apparent intention to retain power beyond his last term.

Meanwhile, the President’s supporters continued to push for constitutional revision.\textsuperscript{18} Following an extraordinary cabinet meeting in June 2014, the government announced that it had adopted a draft proposal for the constitutional amendment. It did not state which articles of the Constitution would be amended, further fuelling doubts about President Kabila’s willingness to step down after his final term.\textsuperscript{19} In August, several opposition parties and civil society organizations held the first major demonstration rejecting the amendment and calling on President Kabila to step down immediately.\textsuperscript{20} Despite rising tensions, however, the government’s draft proposal was tabled in Parliament in September 2014.\textsuperscript{21} It was eventually abandoned in December 2014, amidst growing pressure from the opposition and divisions within the ruling coalition.\textsuperscript{22}

### 3.2 THE « GLISSEMENT »: THE LONG-DRAWN-OUT ELECTORAL PROCESS

Having failed to amend the Constitution, President Kabila’s supporters set their sights on the electoral law. Most of the rules governing elections were, until then, determined by a June 2011 Election Law.\textsuperscript{23}

On 17 January 2015, the National Assembly voted in favour of amendments\textsuperscript{24} to the Election Law which would allow for the delay of presidential and parliamentary elections until the completion of a national population census, a move which was interpreted by the opposition as yet another strategy to prolong Kabila’s rule.\textsuperscript{25} This triggered\textsuperscript{26} widespread protests between 19 and 21 January which were met with brutality and left at least 43 people dead, most of whom, according to the UN,\textsuperscript{27} were killed by the security forces. On 24 January, the provision was removed following which, tensions subsided.

After the protests, the Independent National Electoral Commission (CENI) published an electoral timetable, scheduling presidential and parliamentary elections for 27 November 2016 while warning that\textsuperscript{28} “important legal, financial challenges” could disrupt the timetable. Opposition and civil society members, including the Catholic Church, continued to express growing concerns of President Kabila’s willingness to hold elections


\textsuperscript{18} In March 2014, for example, ruling coalition leaders, gathering in Kinshasa, insisted that the Constitution be revised. They pressed for the President to be elected by the parliament (indirect suffrage); for the term to be extended from five to seven years; for the presidential elections to be held one year before the scheduled November 2016 deadline; and for the electoral process to start from scratch, with President Kabila allowed to run for a new term.


\textsuperscript{24} Law No 11/033 of 25 June 2011 amending Law No 06/006 of 9 March 2006 on the organization of presidential, legislative, provincial, urban, municipal and local elections


\textsuperscript{26} ibid.

\textsuperscript{27} On 15 January 2015, opposition and civil society groups called on people to “occupy Parliament” and participate in nationwide demonstrations on 19 January to “resist Kabila’s attempts to maintain power beyond his term limit.” VOA, “RDC : l’appel de la population à occuper le parlement”, 15 January 2015, https://www.voanews.com/a/3600277.html


\textsuperscript{31} Amnesty International

\textsuperscript{32} DISMISSED!

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and step down. In his December 2015 speech before Parliament, the President said he wanted a "truly Congolese" electoral process, and strongly rejected any international support for the process. In May 2016, at the request of ruling party MPs, the Constitutional Court ruled that if the election was not held in November 2016, Kabila would remain in power until a newly elected president was sworn in. The court ruling raised controversy, with notably the Catholic bishops calling on the people to oppose any delays of the electoral process.

On 17 October 2016, the Constitutional Court made another controversial decision by approving the indefinite postponement of the presidential election. The ruling coincided with the closure of the National Dialogue convened by President Kabila and facilitated by the AU, which was boycotted, once again, by the main opposition parties and civil society organizations.

On 17 November 2016 President Kabila appointed Samy Badibanga from the UDPS party as the new Prime Minister. Samy Badibanga formed a new government in which several opposition members who, like himself, had participated in the "National Dialogue", were given government positions. However, the UDPS leadership and other key opponents continued to call for a more inclusive dialogue. President Kabila conceded to fresh negotiations under the auspices of the Catholic bishops, this time with the participation or support of the main opposition parties and civil society groups.

On 31 December, the Catholic bishops brokered a new agreement between the ruling coalition and the opposition, known as the "Saint Sylvester Agreement". The Saint Sylvester Agreement included a commitment from President Kabila and his government to hold elections by December 2017 during which time Kabila would retain office, appoint, based on proposals from the opposition, a new Prime Minister "with complete control over a government of national unity" which would be tasked with organizing the elections within the agreed timeline. The Agreement prohibited President Kabila from seeking a third term or initiating or approving constitutional amendments. The government pledged to release all those detained under politically-motivated charges, to allow political exiles to return to the DRC and to reopen the civic space and media.

The international community, Congolese bishops and many civil society organizations considered the Agreement to be the best way to achieve a peaceful transfer of power and stressed the need for all parties to adhere to it.

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33 The Court was presided over by five judges instead of the minimum seven required by law, hence breaching its own quorum rule as per Articles 2 and 90 of the Law governing the organization and functioning of the Constitutional Court (Law 13/026 of 15 October 2013), https://leganet.cd/Legislation/Droit%20Judiciaire/LO.13.026.htm#TIII
35 The "National Dialogue" was a political forum which was officially convened by Presidential Decree on 28 November 2015, with the stated objective of finding a compromise on controversial issues regarding the electoral process. It opened a year later, on 1 September 2016, under the facilitation of the AU’s envoy, former Togolese Prime Minister, Edem Kodjo, and ended on 18 October 2016 with the signing of a Political Agreement between the ruling coalition and some members of the opposition.
42 Saint Sylvester Agreement, para. V.2, page 7. The provision adds: “However the Conseil National de Suivi de l’Accord and the CENI can unanimously appreciate the time necessary for the completion of said elections.”
43 Idem, para. III.2.1., p. 5
44 Idem, para. III.3., p. 6
45 Idem, para. II.1. (p. 3), para. II.2. (p. 4) and para. III.2.1. (p. 5)
46 Idem, Chapter V. (p. 14)
47 In the message of the plenary assembly of the CENCO of February 22, 2017, the Catholic bishops declared: “The Saint Sylvester Agreement is a consensual and inclusive political compromise, and the only realistic roadmap that will allow country to get out of the socio-political crisis.” (La Croix, “Non au blocage, disent les évêques Congolais”, 28 February 2017, https://www.la-croix.com/Urbi-12
stakeholders to fully and swiftly fulfil their commitments. Soon afterwards the Agreement’s implementation stumbled amidst new disagreements between the signatories, particularly in relation to procedures for nominating the Prime Minister. Subsequent discussions between the signatories, under the aegis of the Catholic bishops, to determine how to implement the Agreement reached a stalemate.

On 1 February 2017, Etienne Tshisekedi, the opposition’s most prominent figure, died in Brussels while having medical treatment. He had been a key player in the Agreement and had headed the oversight committee in charge of monitoring its implementation. Subsequently, the divisions among the opposition intensified. On 28 March 2017, the Catholic bishops withdrew as mediators after failing to get agreement for the appendixes from Kabila’s coalition and the opposition, to implement the Agreement. On 7 April 2017, President Kabila unilaterally appointed Bruno Tshibala – also from the UDPS – as the new Prime Minister replacing Samy Badibanga. The UDPS strongly rejected the appointment and accused President Kabila of violating the Agreement. Ultimately, the main opposition coalition – the Rassemblement – withdrew from talks and refused to sign the appendixes to the Saint Sylvester Agreement, while some individuals from the opposition agreed to join Tshibala’s government and the Kabila coalition.

On 7 July 2017, amidst continuing mistrust and tension, the CENI President announced that it was impossible to hold the elections before the end of 2017, citing technical, security and financial obstacles. On 5 November 2017, following growing domestic and international pressure particularly from the EU and the US government, the CENI published another electoral calendar in which the presidential, parliamentary


48 See for example: “The Security Council is encouraged by the spirit of flexibility and compromise demonstrated by Congolese political leaders in reaching this agreement, for the stability, peace, development and consolidation of constitutional democracy in the DRC […]. The Security Council stresses the importance for the Government of the DRC and its national partners to take all necessary steps to accelerate preparations for the elections without further delays, within the agreed timeframe.” (UN News, “Welcoming DR Congo political accord, UN Security Council urges efforts to resolve remaining issues”, 4 January 2017, [https://news.un.org/en/story/2017/01/548882-welcoming-dr-congo-political-accord-un-security-council-urges-efforts-resolve]). The EU welcomes the agreement of 31 December 2016 which is the only way to establish the necessary legitimacy for the institutions which should manage the transition, including the Presidency.” (European Council, “Council conclusions on the Democratic Republic of the Congo”, 6 March 2017, [https://www.consilium.europa.eu/en/press/press-releases/20170306/conclusions-co-rdg/])


50 The discussions over the “particular arrangement” were aimed, inter alia, at determining the modalities and quotas for the appointment of the government, the composition of the transitional oversight body known as the “Conseil national de Suivi de l’Accord” (CNSA), the list of people considered as political prisoners or exiles, etc.

51 Etienne Tshisekedi wa-Mulumbu (father of current DRC President Félix Tshisekedi) was co-founder and leader of the oldest and largest Congolese opposition party, the Union for Democracy and Social Progress. He died of illness in Brussels, Belgium, on 1 February 2017, at age 84. See Reuters, “Congos main opposition leader, Etienne Tshisekedi, dies at 84”, 1 February 2017, [https://www.reuters.com/article/us-congo-tshisekedi/congos-main-opposition-leader-etienne-tshisekedi-dies-at-84-idUSKBN15G5D1]


54 “Congo tense as Catholic bishops withdraw from talks”, Reuters, 28 March 2017, [https://af.reuters.com/article/afro957186575-02ATP]


56 “Rassemblement was a coalition of opposition and civil society organisations created in June 2016 under Etienne Tshisekedi’s leadership with an aim of unitying their forces in the struggle for the respect of the Constitution and the peaceful transfer of power. See Le Monde, “RDC, the Opposition launches its anti-Kabila ‘Rassemblement’ around Etienne Tshisekedi”, 10 June 2016, [https://www.lemonde.fr/africque/article/2016/06/10/rcd-contre-laccord-⎛ตรassemblage-anti-kabila-derriere-etienne-


59 Several demonstrations took place between July and October 2017, notably led by a collective of civil society groups to demand the publication of an electoral timeline and the enforcement of the 2016 New Year’s Agreement, or otherwise the establishment of what they called a “transition without Kabila.”

60 Notably the EU, the US and the UN Security Council through statements, resolutions, targeted sanctions and multiple other diplomatic actions. It was against this backdrop that the US ambassador to the UN, Nikki Haley, visited the DRC in mid-November 2017 and urged President Kabila to hold long-delayed elections no later than 2018 or face consequences. See for example: The Washington Post, “Haley urges Congo leader to hold elections soon or risk international backlash”, 27 October 2017, [https://www.washingtonpost.com/politics/haley-urges-congo-leader-to-hold-elections-soon-or-risk-international-backlash/2017/10/27/2017102717ca-bbda-11e7-a908-
a47707554b4a_story.html]

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and provincial elections were scheduled for 23 December 2018.⁶¹ The following month, President Kabila promulgated another controversial electoral law⁶² which elicited mixed responses. For some, this was, at last, a clear roadmap to the elections, while for others its publication only a month ahead of the deadline established by the Saint Sylvester Agreement was just part of meaningless Kabila’s “sliding strategy.”⁶³ Consequently, on 22 December 2017, the CLC called for a series of peaceful marches to demand the implementation of the trust-building measures⁶⁴ under the Saint Sylvester Agreement and for elections to be held “without Kabila” and no later than 2018 in accordance with the electoral calendar.⁶⁵

In August 2018, President Kabila chose former Interior Minister Emmanuel Ramazani Shadary as the Front Commun pour le Congo (FCC)⁶⁶ presidential candidate.⁶⁷ Two prominent opposition contenders were prevented from running on legal or administrative grounds. In August 2018, the authorities had blocked candidate Moïse Katumbi from entering the country when he tried to return from exile.⁶⁸ The authorities gave no reason for the measures against Moïse Katumbi, which had no legal basis and violated his right to freedom of movement.⁶⁹ Later that month, the CENI rejected the candidacy of the Congo Liberation Movement’s Jean-Pierre Bemba on grounds that he was convicted by the ICC for witness tampering.⁷⁰ CENI’s decision to exclude Jean-Pierre Bemba as a candidate was confirmed by the Constitutional Court on 3 September 2018.⁷¹ The CENI and the Constitutional Court also rejected the candidacy of five other candidates: Antoine Gizenga on the grounds his application was not signed, Samy Badibanga and Marie-Josée Ifoku on grounds they were not of Congolese origin, Adolphe Muzito on the basis of “unsolved conflict” which elicited mixed responses. For some, this was, at last, a clear roadmap to the elections, while for others its publication only a month ahead of the deadline established by the Saint Sylvester Agreement was just part of meaningless Kabila’s “sliding strategy.”⁷²


3.3 ELECTIONS AT LAST

After years of uncertainty and delays, as well as an electoral campaign marred by violence⁷³, the presidential, parliamentary and provincial elections finally went ahead on 30 December 2018⁷⁴, with 21 candidates officially vying for the presidential election. Four days earlier, however, the CENI announced that 1.25 million voters (over 3% of the DRC’s 40 million voters) from the regions of Beni, Beni-ville, Butembo and Yumbi were barred from voting (over 3% of the DRC’s 40 million voters) from the regions of Beni, Beni-ville, Butembo and Yumbi.
would not be allowed to vote on security grounds as well as for health reasons connected to the Ebola epidemic.

On 10 January 2019, the CENI declared Felix Tshisekedi, an opposition leader, the provisional winner of the presidential election having received 38.5% of the vote. Leaked data from CENI’s central database, and another which came from the Catholic church’s tally, suggested that another opposition candidate, Martin Fayulu, was the winner. The AU responded to the leaks on 17 January, urging the DRC authorities to delay the announcement of the final results or hold a recount because there were “serious doubts about the provisional results.” The government dismissed the calls and on 19 January, the Constitutional Court confirmed Felix Tshisekedi as the winner. He was sworn-in on 24 January 2019.

3.3.1 TIMELINE

75 They would be de facto excluded from the presidential election, while parliamentary and provincial elections were postponed to March 2019.
78 The Financial Times, “Congo voting data reveal huge fraud in poll to replace Kabila”, 15 January 2019, https://www.ft.com/content/2b97f5e6-189d-11e9-b93e-4351a53f1c3
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***HUMAN RIGHTS CRISIS LINKED TO THE ELECTORAL PROCESS***

- **26 January 2001:** Joseph Kabila takes oath following the assassination 10 days earlier of his father and president, Laurent-Désiré Kabila.

- **18 & 19 December 2005:** Holding of the referendum for the adoption of the current Constitution (enacted on 18 February 2006).

- **16 December 2006:** Joseph Kabila takes oath as president for a five-year term renewable one time according to the 18 February 2006 Constitution.

- **20 December 2011:** President Kabila takes oath as president of the republic for a second (and constitutionally last) five-year term in office.

- **7 September 2013:** President Kabila launches the “national consultations” aimed at “pulling the DRC out of a political, social and security crises”.

- **9 June 2014:** The DRC government adopts a draft law amending the Constitution. The project is eventually abandoned in December the same year.

- **15 January 2015:** Opposition and civil society groups call on the population to demonstrate against the draft bill amending the electoral law and against Kabila remaining in his post beyond the end of his term.

- **19-24 January 2015:** First wave of large demonstrations across the country against President Kabila, accused of using the census as a tactic to delay the elections and cling on to power. At least 43 protestors and bystanders are killed, including 57 in Kinshasa alone, 110 injured and at least 160 arbitrary arrested, according to the UN/JHRO.

- **5 January 2015:** Evariste Boshab introduces a bill before the National Assembly to amend the electoral law, with a provision subjecting the elections to the holding of the general census of the population.

- **17 January 2015:** The national assembly adopts the new electoral bill with the controversial provision subjecting the holding of elections to prior organization of a general population census.
12 February 2015:
The Independent National Electoral Commission (CENI) releases the electoral calendar, setting the elections for 27 November 2016.

23 January 2015:
The Senate drops the impugned provision in the draft electoral law that would have subjected the holding of elections to a general census of the population.

15 March 2015:
The police and intelligence officers disrupted a peaceful workshop organized by civil society organizations, arbitrarily arresting about 30 activists, Congolese and foreign journalists as well as a US diplomat. Foreigners are released after a few days, while five Congolese activists are charged with attempts to overthrow President Kabila and his government through violent means and kept in incommunicado detention for several days or months, and five more forced into exile.

19 March 2015:
Discovery of a mass grave in Maluku, in the outskirts of Kinshasa. Human rights groups suspect the 421 corpses to be those of people killed during previous protests.

1 September – 18 October 2016:
Political dialogue held under the leadership of the African Union, boycotted by the main opposition parties and civil society groups.

12 October 2016:
Release of a report (Livre Blanc) containing the government’s conclusions on “the events of 19 and 20 September 2016”. The contested report claims all the abuses were committed by the protesters, and the security forces did not commit human rights violations.

17 October 2016:
The Constitutional court approves the postponement of the elections beyond November 2016.

15-31 December 2016:
Important protests calling President Kabila to step down at the end of his term. At least 40 people killed, 147 injured, and 917 arbitrarily arrested across the country, according to the UN.

11 May 2016:
The Constitutional Court rules that Kabila can retain power if the elections slated for November 2016 are delayed.

19-21 September 2016:
Important protests against a new postponement of the presidential election. At least 53 killed, 143 injured and 293 people unlawfully arrested and detained according to the UN.
2 February 2017: Kabila’s main opponent Émilienne Tshisekedi dies in Brussels

31 December 2017: 
First protest called by the newly established Catholic Lay Coordination Committee (CLC) to demand the holding of elections. At least seven people killed by the security forces, hundreds injured, and scores arbitrary arrested, mainly in Kinshasa.

25 February 2018:
Third march called by the CLC. At least two killed by the security forces, hundreds injured, and scores arbitrary arrested, mainly in Kinshasa.

10 January 2019:
The CENI releases the provisional results of the presidential election. They are questioned by some, including the AU.

31 December 2016:
Signing of the “global and inclusive agreement” — also known as the Saint Sylvester Agreement — between the most important political stakeholders under the leadership of the Catholic bishops. The agreement provides for, inter alia, the holding of the delayed elections within a period of 12 months.

5 November 2017:
The electoral commission sets the presidential, legislative and provincial elections for 23 December 2018.

21 January 2018:
Second march called by the CLC. At least eight killed by the security forces, hundreds injured, and scores arbitrary arrested, mainly in Kinshasa.

30 December 2018:
Holding of general elections after an ultimate one-week postponement but excluding over one million voters for health and security reasons.

24 January 2019:
Félix Tshisekedi is confirmed winner by the Constitutional Court and sworn-in for a first five-year term in office.
4. VOICES OF DISSENT MUZZLED

Between January 2015 and December 2018, anyone who dared to criticize President Kabila or his government – be they [opposition members], civil society activists, students, trade unionists, journalists, artists, or foreign researchers and diplomats – was considered an enemy of the DRC and subjected to harassment by state bodies.

The authorities partially or completely shut down the internet seven times for at least 59 days cumulatively. They unlawfully arrested and detained at least 46 journalists in connection with the ongoing protests, expelled or cancelled the visas of 11 foreign reporters, a Human Rights Watch researcher and the Director of the Congo Research Group. They closed at least seven local media outlets (some of them repeatedly and for prolonged periods); and cut-off or otherwise interfered with RFI and Radio Okapi’s transmitters on three occasions. On one occasion, in November 2016, the signal of RFI in Kinshasa was cut-off for nine-months. The authorities imposed a blanket ban on protests between September 2016 and November 2018. The ban was de facto lifted at the beginning of the electoral campaign. Officially, the general ban remained in place at the time of writing.

4.1 ARBITRARY ARRESTS, DETENTIONS AND SYSTEMATIC BANS ON ASSEMBLIES

Following the unprecedented January 2015 protests, the authorities considered all critical voices and opposition gatherings as a threat to national security. They increased the use of blanket bans on meetings and peaceful demonstrations organized by groups opposed to Kabila’s presidency.

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83 In addition to infringing on human rights, in particular the right to information, Internet shut downs have had an important economic and social blow. In 2018, the President of the Federation of Enterprises of Congo (FEC), Albert Yuma, estimated that DRC companies lost up to 10% of their turnover per day of Internet shut down, and that the overall losses for companies could reach USD 20 million a day. RFI, “RDC: lourdes conséquences économiques après la coupure internet”, 24 janvier 2018, http://www.rfi.fr/fr/afrique/20180124-rdc-lourdes-consequences-economiques-apres-coupure-internet
86 See Section 5.1
4.1.1 HARASSMENT AND ARBITRARY ARRESTS OF PRO-DEMOCRACY ACTIVISTS AND OPPONENTS

On 15 March 2015, police and officers of the ANR disrupted a meeting in Kinshasa. They arbitrarily arrested around 30 people including prominent Congolese activist Fred Bauma, journalists and a US diplomat.69 The meeting which was held to discuss youth civic engagement had been organized by Congolese pro-democracy activists and members of the Senegalese citizens’ movement Y En a Marre, and Burkina Faso’s Le Balai Citizen. It had planned to end with the launch of a new collective of Congolese pro-democracy youths called FILIMBI. During the meeting, the participants had criticized President Kabila’s tactics to retain power. The government accused the organizers and participants of “promoting violence”, harming state security, and plotting to remove the “democratically elected government.”87 It also said the meeting was “illegal and subversive”, and accused western diplomatic embassies including US representatives, of urging Congolese youth to lead a violent revolution akin to the 2014 popular revolt in Burkina Faso.88

The US diplomat and the foreign journalists were released the next day while the activists from Burkina Faso and Senegal were expelled on 19 March after being held incommunicado and interrogated in an ANR cell.89
Ten Congolese activists and bystanders were charged with various offenses, including “plotting a conspiracy against the head of state.”90 Five were held incommunicado for up to 17 months while five others went into exile.91

On 18 March, alluding to the civic and non-violent group LUCHA92, the Minister of Communication accused “a Congolese movement recruited in the east… whose leaders were transported to Kinshasa to do their job….” of being used by “imperialist powers” to destabilize the institutions of the DRC, including through violent means… announced that “the firm reaction of the security services … made it possible to defeat these reckless people and… the Congolese government will defend its sovereignty at any cost.”93 According to the Minister, the stated objective of the Senegalese and Burkinabe contractors and their Congolese allies was to disrupt the democratic and electoral process in the DRC.94 “They were inspired by the Arab Spring which did all the good that we know to our Libyan brothers, and the ‘revolution’ of 2014 in Burkina Faso which, for some reason, they would like to repeat in the DRC.”95

EXTRACTS OF THE OPINION ADOPTED BY THE UN WORKING GROUP ON CONGOLESE ACTIVIST FRED BAUMA’S PROLONGED DETENTION:

“On 23 March 2015, Maître Sylvain Lumu, lawyer for Mr. Bauma and other young people arrested, filed a criminal complaint against unknown persons for “abduction, arbitrary arrest, unlawful detention, and for violations of the rights guaranteed to individuals.” Despite several efforts by Me Lumu to get in touch with his client, Mr. Bauma, he was denied access by the Congolese authorities. […]

“In the light of the above, the Working Group is of the opinion that the continuing deprivation of liberty of Mr. Bauma Winga is arbitrary in that it lacks a legal basis, that it occurred while he was exercising his freedom of expression and opinion, and that his right to be assisted by a lawyer was violated […]

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72 An allusion to the popular revolt which ousted President Blaise Compaore of Burkina Faso from power in October 2014, notably with the mobilization of the Balai Citizen citizens’ movement
73 Ibid
75 Ibid
76 The Fight for Change (LUCHA, for Lutte pour le Changement in French) is the main citizens’ movement in the DRC, campaigning for accountability, justice and respect for human rights through peaceful means, including non-violent direct action. Formed in 2012 by a group of young people in the eastern town of Goma, LUCHA first campaigned for social and economic rights such as access to drinking water and decent employment before taking up the issue of respect for the Constitution and the right to vote. LUCHA and similar citizens’ movements which appeared in its wake across the DRC became popular, especially among young people, and were particularly targeted by the authorities, in the context of the popular revolts which resulted in the overthrow of governments in several African countries between 2011 and 2014
77 Ibid
78 Government statement, 18 March 2015, op. cit.
79 Ibid

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Fred Bauma was eventually released on bail on 23 August 2016, along with another Congolese activist Yves Makwambala, who had been arrested at the same meeting.\textsuperscript{97} Charges against each of the Congolese activists had not been dropped at the time of writing.\textsuperscript{98}

4.1.2 SYSTEMATIC AND UNLAWFUL BANS ON ASSEMBLY

In the aftermath of the January and March 2015 events, the government increased control over NGOs’ activities and banned the activities of the citizens’ movements LUCHA and FILIMBI, deeming them to be “anarchical, subversive or even terrorist groups.”\textsuperscript{99}

On 26 May 2016, opposition political parties called for nationwide protests against the Constitutional Court judgment allowing President Kabila to stay in power until his successor was elected.\textsuperscript{100} At least 12 planned


\textsuperscript{97} Amnesty International, op. cit.

\textsuperscript{98} The three other activists were released on various dates during 2015


\textsuperscript{100} Jeune Afrique, “Présidentielle en RDC : Appel à des marches de protestation le 26 Mai”, 13 May 2016, www.jeuneafrique.com/335960/politique/pr%C3%A9sidentielle-rcd-appel-a-marches-de-protestation-26-mai
protests were banned by local authorities. The Mayor of Lubumbashi prevented one protest from going ahead on grounds that “the march was not opportune, especially given that the judgment of the Constitutional Court is irrevocable and binding”. The Governor of North Kivu Province extended the ban on protests already imposed by the mayors of Beni, Butembo and Goma, to the entire province, giving two reasons: “these structures are not legal, and these protests are unfounded because the judgment of the Constitutional Court is unassailable. Moreover, the Province of North Kivu is mourning. In our tradition, we don’t grieve our dead people by protesting in the street.” The Mayor of Mbujimayi in central DRC told organizers who had notified him in writing of their intention to hold a peaceful demonstration: “Your letter does not provide legitimate reasons for holding the planned protest. The political groups that signed the letter which we are examining, have no legal status, which invalidates your request…” Protests were prevented or dispersed in at least 16 cities. The UNJHRO recorded 101 arbitrary arrests connected with protests between 23 and 26 May. Most of those arrested were released after a few hours or days without charge.

On 22 September 2016, the provincial government of Kinshasa released a press release announcing a ban on “any political demonstrations” throughout Kinshasa, until further notice. On 31 March 2017, on the instructions of the Deputy Prime Minister and the Minister of the Interior and Security, all political demonstrations were prohibited throughout the country. The order was implemented by governors of provinces, mayors, territorial administrators and police officials, with an exception for rallies and meetings organized by members of the ruling majority.

These bans allowed law enforcement forces under the supervision of the administrative authorities, to disrupt the meetings, protests and other activities of targeted organizations, frequently using violence.

**EXCERPT FROM AN INTERVIEW WITH THE PROVINCIAL POLICE COMMISSIONER FOR KINSHASA, CÉLESTIN KANYAMA, PUBLISHED BY JEUNE AFRIQUE ON 4 NOVEMBER 2016:**

Question: “Since you say that the population is calm now, why not allow protests to proceed?”

Answer: “The provincial government felt that having street protests in the current context was not the priority. You can ask the governor. My responsibility is security. I do not mind politics. I’m just following orders.”

Article 26 of the Constitution guarantees the right to assembly and requires organizers to notify the administrative authorities of all public demonstrations. According to the Special Rapporteur on the rights of freedom of peaceful assembly and of association, “this system of prior notification allows authorities to take necessary measures to facilitate and protect demonstrations, while taking measures to ensure public safety and order. However, spontaneous assemblies, exempt from prior notice, should be allowed when an immediate response to a political event might be justified. If organizers fail to notify the authorities, the assembly should not be dispersed, and the organizers should not be subjected to criminal or administrative sanctions resulting in fines or imprisonment”. Local authorities, however, reacted to letters notifying them of assemblies as if they were requests for authorization, and arbitrarily prohibited planned protests. Such


**Ibid**


**Ibid**

**Ibid**


**Message No 25/CA/BPRM/MININTERSEC/ERG/067/2017 from the Deputy Prime Minister, Minister of Interior and Security (31 March 2017)**


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 blanket bans, based on vague and unnecessary presumptions, fall short of international standards.\textsuperscript{112} They illustrate the disproportionate, and unlawful restrictions on the right to freedom of assembly in the DRC between 2015 and 2018.

\textbf{4.2 RESTRICTIONS OF THE RIGHT TO SEEK AND RECEIVE INFORMATION}

Authorities systematically infringed upon the right to seek and receive information. Between January 2015 and December 2018, in a clear effort to break popular mobilization and to hide ongoing human rights violations, they repeatedly shutdown the internet for prolonged periods, and sometimes closed telephone lines and/or SMS services.\textsuperscript{113} They closed media outlets they considered to be critical of the government or too close to their opponents. They intimidated journalists, harassed human rights defenders and researchers, and used repressive legislation.\textsuperscript{114}

In January 2015, one day after the uprising began, the authorities ordered telecommunication companies to shut down the internet, and block access to SMS services and phone lines.\textsuperscript{115} The blackout lasted for at least 18 days, although the services were restored for banks and government agencies after just 48 hours.\textsuperscript{116}

\textsuperscript{112} International human rights law and standards allow certain restrictions to be imposed by states. Article 21 of the International Covenant on Civil and Political Rights (ICCPR) states that permissible restrictions are those “imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others”. The restriction must also be proportionate to the legitimate purpose it intends to achieve. No limitation should be imposed in a way that infringes the essence of the right.” Human Rights Committee, General Comment No. 31: “The Nature of the General Legal Obligation Imposed on States Parties to the Covenant”, U.N. Doc. CCPR/C/21/Rev.1/Add.13, 2004, para 6.


\textsuperscript{113} Between January 2015 and January 2019, the Congolese authorities shut down the Internet seven times, for a total of 59 days.


The shutdowns were imposed the day before or during major opposition protest events in September 2016, December 2016,117 August 2017,118 December 2017,119 January 2018120 and February 2018.121 On 31 December 2018, in anticipation of the election results, the authorities cut internet access for 20 days.122 Over the same period (between January 2015 and December 2018), always on the eve of or during a major event, the authorities closed or obscured the signals used by several local and international media,123 including the UN-backed Radio Okapi.124

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Attacks against journalists were intensified, including by the increasing use of surveillance, the refusal to grant or renew visas for foreign correspondents, some of whom were expelled from the country. Between May and June 2017, the authorities refused to renew the accreditation of RFI and Reuters correspondents in Kinshasa, until they had no option but to leave the country. A team from the Belgian Vlaamse Radio- en Televisieomroeporganisatie (VRT) channel was also expelled in December 2016, as well as an independent Belgian journalist and film director in July 2017. Reporters Without Borders had recently reported that it had recorded more abuses against journalists in the DRC than in any other sub-Saharan country in 2018.

Any restrictions on the right to freedom of expression should be provided for in law, be necessary and proportionate and serve the purpose of protecting specified public interests or the rights or reputations of others. Journalists and the media, in particular, should be protected by the state so that they are able to do their work. The DRC’s prolonged Internet shutdowns and restrictions on social media use, as well as other restrictions imposed on journalists, appear to be unnecessary restrictions to the rights of the Congolese people to seek and receive information, and are in violation of international standards.

132 Human Rights Committee, Comment No. 34 on freedoms of opinion and expression, September 2011, https://www2.ohchr.org/english/bodies/hrc/docs/gc34.pdf
5. THE HUMAN COST OF THE “PEACEFUL TRANSFER OF POWER”: DEADLY CRACKDOWNS

“They have denied us everything. Absolutely everything: the freedom to express ourselves peacefully, the sanctity of life, the dignity of those they killed in cold blood and whose bodies they then confiscated, the right to mourn, and any prospects for truth and justice.”

Pierre, a Kinshasa Catholic priest and victim

[132] Interview with Pierre, Kinshasa, 26 February 2018. (Name has been changed to respect the interviewee’s anonymity)

The unlawful use of blanket bans on demonstrations were almost always a prelude to violent repression. The administrative or political authorities, including the Minister of Interior and Security, governors and mayors, imposed the bans while giving explicit orders or instructions to the security forces to ensure their strict observance of such orders, which resulted, in practice, in the violent dispersal of protests, whether peaceful or not.

In November 2017, after the Kinshasa Governor reminded opposition and civil society organizations of the indefinite ban on all protests, the new Police Commissioner for Kinshasa said: "The Governor gave us the order to disperse all demonstrations. Any gathering of more than five people will be dispersed." \footnote{Jeune Afrique, “RDC : les autorités promettent de disperser tout rassemblement”, 15 November 2017, https://www.jeuneafrique.com/402896/politique/rdc-les-autorites-promettent-de-dispenser-tout-rassemblement/}
During the four-year period, according to UN reports and Amnesty International’s research, Congolese security forces killed at least 320 people, and injured around 3,500 others; they unlawfully arrested or detained at least 8,000 people in connection with the largely peaceful protests.

The following is a review of the events of January 2015, September and December 2016, December 2017, January and February 2018 – the deadliest episodes of the four-year long repression – with testimonies from some of the victims and their relatives.

5.1 JANUARY 2015

On Monday, 19 January 2015, demonstrations erupted in Kinshasa following the introduction of an electoral bill at the weekend by Parliament’s lower house.

Thousands of police and army officers were deployed to the streets of Kinshasa armed with live ammunition, including machine guns. Despite the disproportionate response, demonstrations turned into a popular uprisings spreading to other cities like Lubumbashi and Goma. Throughout that week, security forces relentlessly fired live rounds and tear gas at protesters, killing at least 43 people and injuring at least 110 others, mainly in Kinshasa, according to UNJHRO.

On 24 January, Léon Kengo wa-Dondo, the Senate Speaker, withdrew the proposed controversial legislation and demonstrations halted.

5.1.1 GABY MAMBA

Gaby Mamba, a 16-year-old-high school student, was shot by police, while at home in Matete in the Kinshasa suburbs, on 19 January. When gunfire on the streets intensified he went upstairs to see what was happening. He ducked to avoid a sudden spray of bullets but was hit in the neck when he got up and died on the spot.

Angry youths lifted his corpse and put him on a cart which took him to a police station, but the police quickly dispersed them. His aunt told Amnesty International how the family “watched from afar, horrified” as one of the policemen slashed Gaby Mamba’s face with a bayonet. The police then loaded his bleeding body onto their jeep and drove away. She said, “we tried to follow them to find out where they were taking him, but it was impossible to catch them. After two days searching, we found his body in the morgue at St. Joseph Hospital. The guards at the morgue told us that the body was thrown by a police pick-up onto the street nearby.”

Still, the family could not retrieve Gaby Mamba’s body. Four other survivors and relatives told Amnesty that the ANR had instructed morgue managers to refuse to allow family members or anyone else searching for the dead to embalm the bodies or to hand them over for burial.

140 Amnesty International report, “Democratic Republic of the Congo – Treated like criminals: DRC’s race to silence dissent” (Index: AFR 62/917/2015) documented the government’s crackdown on politicians and activists speaking out against President Kabila’s efforts to cling to power beyond the constitutional term. It exposed a pattern of arbitrary arrests, prolonged incommunicado detentions by the ANR, and trials based on trumped-up charges which violated the rights to liberty, freedom of expression, association and peaceful assembly. In September 2016, in the “Dismantling Dissent” report (AFR 62/4701/2016), Amnesty International explored government repression of the right to freedom of association of youth movements, human rights organizations, and political parties opposing President Kabila, including through the use of trumped-up charges and unfair trials.
141 Ibid.
142 Ibid.
143 Ibid.
144 Interview with Gaby Mamba’s uncle, Kinshasa, 16 August 2019
145 Interview with Gaby Mamba’s aunt, Kinshasa, 16 August 2019
146 Interview with Gaby Mamba’s uncle, Kinshasa, 16 August 2019
147 Interview with four relatives and survivors, Matete, Lingwala and Mtsinza-Pigeon in Kinshasa, 16 and 17 August 2019

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“The authorities wanted to bury him as a homeless person, to justify their narrative which presented the victims as looters. It took 45 days before we could finally bury him, after having spent more than USD2,000 in expenses.”143 She said the family received over 1.5 million Congolese francs (USD2,000) from the provincial government for financial assistance144 to cover or reimburse funeral expenses.

With the help of one of the neighbours, who is also a lawyer, Gaby Mamba’s family filed a complaint against unknown145 persons for his killing before the Matete High Court. They have never received a response from the prosecutor or any other judicial authority, nor even a visit from an official representative.146

The magistrate in charge of the case, based at the Matete Prosecutor’s office, told Amnesty International that they had no resources to investigate the case and he was not able147 to find Gaby Mamba’s file.148 The family has no means to pursue the case and his aunt said, “the lawyer accepted to help us for free: how could we put pressure on him?”149 A cousin said: “the years have passed, but for us the pain remains strong. Whenever I see young people of his age, I cannot help but think of the man he would have become. As long as those who killed him remain unpunished, it will be impossible for us to end the mourning.”150

143 The family was obliged to pay this illegal fee to state officials to obtain the body and organize the burial
144 Interview with Gaby Mamba’s aunt, Kinshasa, 16 August 2019
145 This is a normal procedure under DRC law. When the offender is not known or not clearly identifiable, the victim may file a complaint against “persons unknown”
146 Interview with Gaby family’s lawyer, Kinshasa, 17 August 2019
147 Interview with Benjamin Wango Batuli, Substitute Prosecutor of Republic, Matete High Court, 17 August 2019. Article 19 (2) of the Constitution stipulates that “everyone has the right to have his case heard within a reasonable timeframe by a competent judge”
148 Ibid
149 Interview with Gaby’s aunt, Kinshasa, 16 August 2019.
150 Interview with Gaby’s cousin, Kinshasa, 16 August 2019.
5.1.2 PATRICK LUVILUKA

Patrick Luviluka, 27, was shot in the ribs by the police while at a demonstration on 20 January 2015, in Ngilima in the Kisenso neighborhood, Kinshasa. His aunt said, “he was bleeding, so young people put him on a wooden rickshaw to take him to OMECO, a local public hospital… but he was refused treatment.”151

The people who took Patrick Luviluka to the hospital told his uncle that the staff said they had been instructed not to treat anyone injured during the demonstrations and they had “begged them not to let him die… but they categorically refused to touch him. He died in our arms.”152 A Red Cross worker had tried to stitch the wound and later helped them to take his body to the morgue.

Patrick Luviluka’s aunts told Amnesty International that while the Kinshasa provincial government gave them a small amount of money to help with the funeral, they received no visits from officials, “neither the mayor, or even the neighborhood chief, no one has ever come to see us to offer condolences or tell us about an… investigation into his killing.”153

They said their nephew was not a political activist: “He was just a citizen who cared about his country and his family. We don’t know how state affairs work, all we know is that he deserves justice. He did not die of illness, and he was peaceful. He was not a looter or thief; he worked hard as a motorcycle driver to honorably earn a living. He was killed by the police. Somebody needs to be held accountable...”154

They explained that no one in the family knows how to handle the legal process, and they could not afford a lawyer. They have not lodged a complaint; they “heard that even those who have complained have so far received nothing but threats. If the authorities cared about Patrick’s life, they would not wait for us to file a complaint to ensure justice…. We are here, waiting for them to act.”155

There are more than 41 others who were also killed by security forces in Kinshasa between 19 and 22 January 2015.156 At least six people were killed in Goma in similar circumstances.157 To Amnesty International’s knowledge, no members of the security forces have been prosecuted in connection with these events to date. Even when families have brought judicial complaints, there have been no prosecutions and, apparently, there are no ongoing investigations. Consequently, even families who can afford to file complaints refrain from doing so.

5.2 VIOLENT CLASHES - SEPTEMBER AND DECEMBER 2016

On 19 September 2016, CENI failed to make the expected announcement to confirm that presidential elections would take place 60 days later, on 19 November, in accordance with the Constitution.158

The day before, the authorities issued a ban on all gatherings in public places and ordered the deployment of thousands of police and military to all strategic areas of Kinshasa, as well as to other major cities to ensure public order.

Meanwhile, opposition parties and civil society organizations called for peaceful demonstrations across the country to demand President Kabila’s resignation.

On 19 September protesters defied the ban and took to the streets. Groups of youths attacked the headquarters of several political parties linked to the ruling coalition, surveillance cameras and traffic lights, and looted and set fire to private property like houses, cars, private schools and businesses which belonged

151 Interview with Claire Batwanga, Patrick Luvukila’s aunt, Kisenso, 15 August 2019
152 Interview with Claire Batwanga and Esther Fukumoko. Patrick Luviluka’s aunts, Kisenso, 15 August 2019
153 Ibid
154 Ibid
155 Ibid
157 Ibid.
158 Article 73 of the Constitution states that “the ballot for the election of the President of the Republic is convened by the Independent National Electoral Commission ninety days before the expiration of the term of the incumbent President.” President Kabila’s second five-year term having started when he was sworn in on 20 November 2011, the opposition considered 19 September 2016 as the deadline for the 90th day before the expiration of his mandate on 19 December 2016
to people perceived to be close to, or to support the President. The demonstrators barricaded several roads including with burning tires, stones and anything else they could find.\textsuperscript{159}

Security forces responded with tear gas and live ammunition and as the situation became increasingly out of control, the authorities deployed more police and military personnel, using armoured tanks and vehicles.\textsuperscript{160}

### 5.2.1 THE UDPS FIVE

On the night of 19 September 2016, a group of men in army uniforms attacked the UDPS headquarters in the Limete district of Kinshasa. Bouquin Bukasa, a 54-year-old UDPS member who worked as a security guard at the UDPS building, was hacked to death with knives. Stéphane Mwabilayi, Bilomba Tshimungu, Pierre Kapena Wetu and John Mutamba Mbuyi, also UDPS members, were killed\textsuperscript{161} after the attackers set fire to the building. Eyewitnesses said the perpetrators were wearing Republican Guard uniforms.\textsuperscript{162}

That night, Emmanuel\textsuperscript{163} was working as a security guard at a commercial building about 50 meters from the UDPS headquarters. He told Amnesty International that he saw three army pick-up trucks stop at Le Petit Boulevard street around 11pm. They stayed a few minutes before making a U-turn and leaving. He said, “the first time, there were people around the party’s headquarters, known locally as “Permanence”. I saw three other cars which I believed to be the same at around 3am. I was awakened by the sound of their


\textsuperscript{160} Ibid

\textsuperscript{161} Interview with relatives of the five victims, Kinshasa, 7 August 2019

\textsuperscript{162} Interview with three eyewitnesses, Kinshasa, 8 August 2019. (Their names have been withheld to respect their anonymity)

\textsuperscript{163} Interview with Emmanuel, Kinshasa, 8 August 2019. (Name has been changed to respect the interviewee’s anonymity)
engine. This time there were no people around, and the electricity had just been cut-off in the
neighbourhood. Four or five men climbed the wall of the Permanence, and sometime later I heard
explosions and saw that the building was on fire. The pick-ups that were still waiting in the street went away
at high speed, I was very scared.”

Emmanuel’s testimony was corroborated by three other eyewitnesses.

In the early hours of 20 September, UDPS members and others gathered at the headquarters to find out
what had happened overnight and found the bodies among the debris.

The families of three of the victims told Amnesty International that they felt forgotten both by the state and
the UDPS. One said: “Our loved ones were killed while serving the UDPS. Each year a ceremony is organized
at the headquarters… supposedly to commemorate them. Yet no party official has ever visited any of us to
see or find out about the living conditions of the widows and orphans. The complaints that the party leaders
promised to lodge on our behalf have never been lodged. Even the graves where our loved ones are buried
are barely recognizable: they are covered with grass… when the UDPS had promised to arrange the
burials.”

According to the UNJHRO, at least 49 people were killed by the security forces between 19 and 21
September 2016 across the DRC, including at least 40 in Kinshasa, as a result of the use of excessive force

“ANYONE WHO TRIES TO PARTICIPATE IN THE DEMONSTRATIONS WILL BE TREATED AS AN ENEMY OF THE STATE”

Police Commissioner for Kinshasa Célestin Kanyama, 14 December 2016

Ahead of 19 December 2016, the day considered to be Kabila’s last day as president, opposition groups
repeatedly called for peaceful protests to demand President Kabila’s resignation. At least two attempts to
demonstrate were stifled by the security forces on 5 and 19 November 2016.

On 14 December, the Police Commissioner for Kinshasa told journalists that anyone who tried to
participate in the demonstrations against President Kabila “will be treated as an enemy of the state.” He
described the police would “use all force and do everything in its power to ‘neutralize’ them… “This time, papa, mama, uncle, grandparent, before your children leave the house, ask them ‘where are you going?’ Did you look at the photos of your wife and children? Did you look at your husband’s photos? If you have looked at their photos and have taken a decision, then you can go ahead. If you meet the police, … I do not even know if you will get a chance to see those pictures again”… Célestin Kanyama’s statements were
widely broadcast on public radio and television.

According to the UNJHRO, at least 17 people were killed by the police and the army between 19 and
20 December in Kinshasa alone, in connection with the demonstrations which still took place despite the
authorities’ ban, and their warning against the demonstrators. Célestin Kanyama’s statements suggest the
December 2016 crackdown was premeditated.

According to the UNJHRO, at least 49 people were killed by the security forces between 19 and 21
September 2016 across the DRC, including at least 40 in Kinshasa, as a result of the use of excessive force

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164 Interview with Emmanuel, Kinshasa, 8 August 2019. (Name has been changed to respect the interviewee’s anonymity)
165 Telephone interview with Jacquemin Shabani, senior UDPS member, Nairobi, 23 August 2019
166 Group interview with three of the families of UDPS members killed during the attack at the party headquarters on 20 September 2016, Kinshasa, 7 August 2019
168 Ibid
170 Ibid
171 Ibid
against protesters and extrajudicial executions. At least four police officers were also killed in clashes with the protesters.

The security forces killed at least 40 more people countrywide between 19 and 20 December 2016 in connection with the political tensions. In Kinshasa alone, the security forces killed around 17 protesters, 15 of whom were killed either because they were targeted or otherwise by stray bullets. At least 184 people were arrested in Kinshasa and 800 in other provinces. In most cases the arrests were arbitrary.

Victims and their families told Amnesty International researchers about the ordeals they faced when trying to file complaints and apply for remedies.

5.2.2 JACKSON MPUNGI, MESHACK BOTAMBA, BOWEYA NTANDO AND MUKANDA MANDOMBE

Jackson Mpungi Ndombasi, 43, was unlawfully killed on 19 December 2016 in front of his house in Kisenso neighbourhood in Kinshasa, while he was running to take shelter during the crackdown on protests. After killing him, the police took his body away. In an interview with Amnesty International, his brother said, “at each step, you are asked to pay money. The police officer or the prosecutor who is supposed to receive your complaint, the lawyer who must draft the complaint and accompany you throughout the process, the inspectors who must carry out field visits, the doctor who is supposed to give you the death certificate: everyone demands money. Where could we find all this money, when at the end of the day we are not even assured to get justice?”

Besides the financial cost, victims and their relatives expressed a lack of trust in the justice system which is why many were reluctant to file complaints. Meshack Botamba, 16, was shot dead during the protests in Kinshasa on September 19, 2016. His father Antoine Botamba Efomi told Amnesty International that “lodging a complaint would have been a waste of time and money. The police who killed my son did not act on their own, they had a leader and received orders somewhere. It turns out that they are the same leaders for the magistrates. This is a system that knows nothing about justice.”

Others simply did not know how to go about obtaining justice, a situation often compounded for those who cannot afford a lawyer. Boweya Ntando, 46, died from a gunshot wound to the head on 20 September 2016, when soldiers fired at protesters around the Kingabwa neighbourhood, in the north of Kinshasa. Her younger sister Molela Mowaki, a fish seller at the local market, now cares for Boweya Ntando’s 12 children, aged between six and 17 years, in addition to her own six children. She said, “I know nothing about state affairs, and I have nobody to help me. Even if I knew what to do, where would I find the money to pay a lawyer when I am already struggling to take care of these children? And after all, is justice not a right that all victims are entitled to, whether we studied or not, whether we are rich or poor?”

At least 10 of the relatives interviewed said they feared taking steps to obtain justice for fear of reprisals from the police.

The mother of 31-year old Mukanda Mandombe who was shot dead by soldiers of the Republican Guard during the demonstrations on 19 December 2016 in Kimbanseke area told Amnesty International that, “the soldiers who shot my son are well known to everyone in the neighbourhood. They have weapons, they can do anything they want. Lodging a complaint against them would be suicide for me and my children. I have already lost a son, I do not want to cause more deaths in my family.”

176 Ibid
177 Ibid
178 Ibid
179 Ibid
180 Interview with Eric Ndombasi Kinsenso, Kinshasa, 9 August 2019
181 Ibid
182 Ibid
183 Ibid
184 Interview with Molela Mowaki, Kinshasa, 9 August 2019
185 Interview with the mother of a victim, Kinshasa, 12 August 2019
5.3 PEACEFUL CHURCHGOERS AND BYSTANDERS KILLED BY THE POLICE: DECEMBER 2017 – FEBRUARY 2018

On 31 December 2017, 21 January 2018 and 25 February 2018, peaceful demonstrations organized by the CLC in Kinshasa, Goma, Kananga, Lubumbashi and Mbandaka were brutally repressed by the security forces using excessive and lethal force. Amnesty International recorded at least 18 people killed, including 16 in Kinshasa, one in Kananga and one in Mbandaka, mostly from gunshot wounds. They wounded at least 160 people and arbitrarily arrested over 400. The demonstrators were demanding the implementation of the Saint Sylvester Agreement of 31 December 2016.

In Kinshasa, Amnesty International investigated killings of peaceful demonstrators and by-standers by plain-clothed members of the police, army, the Presidential Guard and other security agents. They were killed on the streets, in people’s homes, and even inside churches, parish courts and health facilities. Witnesses saw

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police and army officers collecting the bodies of the dead and putting them in police and army trucks before disappearing. The organization’s research found at least seven cases in which security forces had attempted to disappear the bodies of those killed at demonstrations.

5.3.1 ERNESTE MAMBIMBI KIANGA

Ernest Mambimbi Kianga (also known as Sous-Diacre), a 59-year-old father of five, was a well-known actor from Kinshasa. He died on January 5, 2018 from a gunshot wound sustained on 31 December 2017 during the violent dispersal of demonstrations by the police in the Kasavubu commune of Kinshasa.

His wife told Amnesty International, “Erneste left home in the morning of Sunday 31 December 2017 to go to his younger brother who owns a garage here in Kasavubu neighbourhood. He told me he wanted to ensure his brother… would not open his business as the situation was tense. While talking to his brother at the entrance to the latter’s compound, he was suddenly hit by a bullet in the lower abdomen, as the police were shooting on protesters in a street nearby.”

He was taken to the Kokolo military hospital in a critical condition. His wife recalled that “doctors at the Kokolo hospital told us that they did not have enough room for him, so we took him to the Kinshasa General Hospital, also known as Mama Yemo hospital. The next day… on Monday, he had surgery as the doctors wanted to extract the bullet from his stomach. But as time went on, the situation continued to deteriorate. On Tuesday, he was admitted to the intensive care unit, to no avail. On Friday 5 January 2018, around midnight, he passed away.”

His wife said that his body was taken to the Mama Yemo morgue, but instead of having it embalmed and kept with respect, the morgue employees wrapped him in a body bag and left it on the floor in filthy room serving as a morgue. The next day, on Saturday, as we came to talk to them, the body was still… on the floor. Morgue officers told us that they were forbidden from embalming the bodies of those killed with bullets during or in connection with the protests...

“We had visited all the offices of administrative and judicial authorities in Kinshasa. One day while we were desperately prowling around the hospital, one soldier among those who guarded the morgue told us he could arrange for us to recover the body, if we paid him USD50. The next day, I remember it was Saturday 27 January in the morning, we found the money and went to see the soldier. This is how we got the body back. It was literally decaying. We buried him the same day.”

The family received three million Congolese francs (around USD2,000) from the Ministry of Human Rights as part of the Joint Commission of Inquiry (CEM 3121) initiative for funeral expenses, but still do not have any information about who shot Erneste Kianga, nor have they received any form of redress. His wife explained “we are a modest family, and Sous-Diacre was everything to us. You know our country well: even to file a complaint and hope for justice, you have to have money. Justice is luxury for us, we could not afford it.”

After Ernest Kianga’s death, his family, including five children, left their home because they could not afford the rent. They moved into a small house with the children’s grandparents. Bénédicte Kianga, the eldest daughter, managed to continue studying, and obtained her state diploma in July 2018. She said “it was dad who did everything for me. He paid for my studies. Mom had to go into debt so that I could take the state exams. I dreamed of doing graduate studies to become an air hostess, but that dream has vanished. Even finding something to eat is difficult. They killed papa, and my dream as well.”

5.3.2 THÉRÈSE KAPANGALA

Thérèse Kapangala, 24, was the daughter of a police officer and an aspiring Catholic nun. She was shot dead on 21 January 2018, in the forecourt of Saint François de Sales church in Kinshasa. Eyewitnesses said that the Police Commissioner for Kinshasa and the Police Commissioner for the Lukunga District gave orders to shoot indiscriminately and disproportionately at peaceful protesters that day.

186 Interview with Constantine Tambwe, Kinshasa, 6 August 2019
187 Ibid
188 Ibid
189 See Section 6.2
190 Interview with Bénédicte Kianga, Kinshasa, 6 August 2019
SHOOT-TO-KILL

Father Joseph Musubao, Thérèse Kapangala’s uncle and a close friend, was conducting mass the day she died. He told Amnesty International, “the mass began around 6.30am…. At the end… around 8:30am, the representatives of the CLC reminded the Christians about taking precautions if they wished to participate in the peaceful march. The watchword was to march around the streets of the neighbourhood where the church is located, then return to the courtyard, say a final prayer and disperse. Around 9:00am, the crowd came out of the parish courtyard, with the acolytes and myself in front. We were carrying twigs as a sign of peace, walking peacefully, singing Christian hymns and praying. We had only marched about 50 meters from the gate, on the street called Kumriko, when the police started shooting tear gas at us. We fled into the parish enclosure. We tried to march two more times, and each time the police threw toxic gases at us. While some of us were inside the church and others in the courtyard, with the gate closed, I suddenly heard a burst of bullets. In the confusion, I heard young people calling me saying my niece Thérèse had been shot. I couldn’t believe my ears. I ran up and saw Thérèse lying in front of the side door of the church.”

A doctor trying to resuscitate Thérèse Kapangala who was shot at St Francois. She later died.

A retired surgeon who was also in the courtyard, and who attempted to revive Thérèse, told Amnesty International:

‘… I had a good view of the courtyard gate. I saw a police vehicle with a machine gun on its roof. It was a large, dark blue vehicle. It stopped just outside the gate. The policeman who was on the turret turned the cannon towards the parish courtyard and adjusted it. I had the reflex to run and hide by the wall of the church. Then I heard a female voice shouting in Lingala ‘beta!’, which means: ‘fire!’ Then I heard a burst of bullets. The people in the courtyard were running around. Some huddled behind the trees, others threw themselves on the ground. Then I heard people screaming. As the blast stopped and the vehicle seemed to withdraw, I stepped forward and it was there, about ten meters from where I was hiding, that I saw Thérèse who was lying on the ground, in a pool of blood. I approached, pushing the weeping people already gathering around her. The bullet had… pierced her heart and exited on the left side. Her pulse was weak….

[191] Interview with Father Joseph Musubao, Catholic priest, Kinshasa, 24 February 2018

Amnesty International
I then did cardiac massages, while people were calling for emergency services. But it didn’t work out: she died, in my arms.192

Amnesty International interviewed at least four more eyewitnesses who confirmed the testimony about the police vehicle, the fact that the Police Commissioner for Lukunga District ordered the police to shoot, and the volley of bullets fired in cold blood on those hiding in the church courtyard.193 At least three others in the congregation were wounded, including two by bullets and a third who was hit by a piece of brick which the gun fire caused to fall off from the wall of the church.194 An MP who witnessed the event said:

“I was one of the people on the front line, right after the priests. I saw Police Commissioner Sylvano Kasongo with my own eyes - I had known him since... he was the Commander of the Institutional Protection Unit at the Parliament. He was sitting in a police pick-up, surrounded by dozens of armed policemen. We talked a bit as I tried to convince him to let us continue the peaceful march; the churchgoers behind me continued to kneel and sing Christian hymns. But he did not want to hear anything. He asked the police officers who were observing to disperse us. They seemed hesitant, which made him angry. He clapped his hand hard on the door of the jeep and shouted in Lingala at the dozen or so police officers 'beta bango!’ which means 'hit them!’ Then they started shooting again, and we ran as best we could.”195

Another eyewitness said, "there were several dozen police officers in the streets around the parish. Everyone knows the woman who commanded them, her name is Colonel Lily, she is the Chief of Police for the Lukungu district. I saw her with my own eyes."196

THÉRÈSE’S BURIAL

Thanks to the Red Cross, Thérèse’s body was taken to the morgue at the Mama Yemo general hospital. But complications arose when the family returned to the morgue the next day to embalm her body. The morgue official told us that since Thérèse died from a gunshot wound, we would need authorization from the provincial health ministry to embalm her... body and, later on, to bury her. The Minister of Health referred us to the advisor to the governor of Kinshasa. He asked us to go see the Attorney General at the Gombe Court of Appeal instead. When we got to the public prosecutor’s office, the magistrate sent us back to the morgue’s chief.”197

Forty-eight hours after Thérèse’s death, the family received written authorization from the attorney general at the Kinshasa-Gombe Court of Appeal to embalm her corpse. Father Joseph Musubao said, “at every office we were sent to, we had to pay so that we could see the authorities or get any papers. We were able to remove the body on 8 February 2018, and to bury it on 9 February. During this time, and until the funeral, we had not been visited by any state representative, not even the mayor, nor did we get a simple message of condolences as we mourned.”198

COMPLAINTS, INACTION AND THREATS

On 29 January, the family lodged a complaint for murder against unknown persons, through a lawyer, at the office of the Auditor General of the FARDC.199 On 15 February, having received no response, the family filed a second complaint, this time against the Police Commissioner for Kinshasa. At the time of writing, neither complaints have been acknowledged.200

When the Ministry for Human Rights established a joint commission of inquiry into the events of 31 December 2017 and 21 January 2018, Thérèse’s family were contacted in connection with funds to cover the funerals. Unlike other families, they declined the government’s offer of funds. Father Joseph Musubao said he was more concerned about getting truth and justice. Another family member said, “the state has not...
yet told us who killed our daughter, why it has killed her, where the weapon used came from and from whom came the order to shoot inside at churchgoers, yet it wants to make fun of us or is it a way for the state to buy our silence? Our daughter’s blood is priceless!”

Thérèse’s mother, Mrs. Madeleine Longo, told Amnesty International: "As if killing Thérèse was not enough, from the beginning they did everything to intimidate and threaten us. Because of these threats, Thérèse’s dad was unable to attend the funeral. He had to give up his job for the state, and up to now he lives in hiding because he refuses to continue working for a state that killed his own daughter. One evening, three men entered the house, they told me: ‘Madam, why are you refusing the money? You are hard-headed, but we can take you, your daughters and your brother, and you will do nothing. People can come here and rape your remaining daughters; you will continue to scream but nothing will ever happen.’”

A few weeks later, during a formal meeting with the judicial inspector charged with investigating the complaint against the Police Commissioner for Kinshasa, the official asked Mrs. Madeleine Ngalula if she was sure she wanted to confront Sylvano Kasongo. She said, “his eyes and the tone of his voice clearly meant that we had gone too far by daring to target the Police Commissioner for Kinshasa. We never heard back from the Inspector.”

Father Joseph Musubao told Amnesty International, "I know we are taking a lot of risks in demanding justice for Thérèse. But we owe it to her: her life and her dignity are not negotiable. And then what will happen if those who killed her realize that there is no consequence, as usual? Beyond Thérèse, our fight is a fight for justice in the Congo. Those who shed people’s blood must know that it comes at a high price.”

Thérèse Kapangala was waiting to join the convent of the Holy Family Sisters of Bergam in July 2018. As her father can no longer work, her mother must take care of Thérèse’s five siblings alone.

5.3.3 ROSSY MUKENDI TSHIMANGA

TARGETED

Prominent pro-democracy activist Rossy Mukendi Tshimanga, 36, died a few hours after he was shot by a policeman at Saint Benoît Catholic church of Lumba, in Kinshasa, during a march on 25 February 2018. Eyewitnesses told Amnesty International that Rossy Mukendi was shot in the abdomen while he was closing the church gate to protect protesters who had taken refuge there after the police dispersed them. Rossy Tshimanga’s friend Fidèle was with him when he was killed. He told Amnesty International:

“The police were shooting tear gas all along. At least two tear gas cannisters were thrown inside the church’s courtyard. Most protesters went to hide inside the church. Rossy, myself and a few other youth leaders stayed outside to ensure everyone was safe and to warn the youths to stop throwing stones at the police... I wanted to stop a young man from throwing a projectile, I sensed that the police who were advancing towards us had a clear intention to do harm. I told Rossy, ‘we need to retreat.’ I saw the lady, Carine. I saw her arriving. There were about eight policemen around her. The way they were coming towards us, they had bad intentions... I asked my brother Rossy to go inside the church. At the gate, a young man who was on the street climbed the wall of the parish on the side I was... he wanted to throw stones at the police and hide in the church. I stopped him. ‘It is not allowed’, I told him. At this point, I turned my back to the gate. I told Rossy, ‘let’s close the gate’. The guy who wanted to throw stones... tried to climb the wall again. When I let go of the gate to take the guy down, I heard a shot. I bent down. I thought I was injured by the bullet. I started to yell at the guy. A young man from Ngaba came to touch me on the shoulder. I turned, I saw Rossy lying down and screaming. I called for help. I had to see the parish priest to let him know we needed urgent transport. I didn’t know the church. I was running everywhere, in all directions. I was looking for a solution without success.”

“I wanted us to go through the main gate, but I was advised not to use that exit as the police were still around. We decided to use the compound behind the parish, where there is a maternity wing. We climbed

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201 Interview with Jean-René Mabwilo, Thérèse Kapangala’s uncle Kinshasa, 14 August 2019
202 Interview with Madeleine Longo, Thérèse Kapangala’s mother, Kinshasa, 14 August 2019
203 Ibid
204 Interview with Father Joseph Musubao, Catholic priest, Kinshasa, 7 February 2018
205 Interview with three eyewitnesses to Rossy Mukendi Tshimanga’s killing, Kinshasa, 28 February 2018
206 Interview with Fidèle, Kinshasa, 28 February 2018. (Name has been changed to respect the interviewee’s anonymity).
207 Ibid
DISMISSED AS “TROUBLEMAKERS”

On the evening of 25 February 2018, a police spokesperson dismissed reports about Rossy Tshimanga’s killing, as well as another protestor, 18-year-old Eric Boloko, a college student, who had been killed in the town of Mbandaka. The police spokesperson announced on national radio and television that the security forces had reached their “zero death” target, with “only two offenders wounded in Kinshasa, and a few troublemakers arrested in Goma.” On the next day, the police acknowledged Rossy Tshimanga and Eric Boloko’s deaths. However, the police insisted that “Mr Rossy Mukendi, domiciled at Manzengale Avenue in Ngaba, came down to Saint Benoit, in Lembé to cause disorder. During confrontations with the police, the troublemaker Rossy was seriously injured by rubber bullets. Rushed to Saint Joseph, he eventually died.” As for Eric Boloko’s murder, the authorities announced that the police officer responsible for his murder was arrested and sentenced to life imprisonment and USD 150,000 in damages, following an accelerated trial held in Mbandaka on 26 and 27 February 2018. No senior police official was prosecuted in this trial, which had sparked criticism from local human rights defenders.

On 26 February 2018, at a press conference, the Police Commissioner for Kinshasa said Brigadier-in-Chief, Tokis Kumbo, had “fired rubber bullets” at Rossy Tshimanga. In a press release, the police said, “... this police officer wanted to defend his Unit’s Commander, Deputy Superior Commissioner Lokeso Koso Carine, in front of a hostile crowd which attacked her and her colleague Scom Mutampa Willy who got away with a serious head injury. The accused police officer will be referred to the competent authority for disobeying orders.”

The official version was strongly challenged by Rossy Tshimanga’s relatives, who continued to accuse Deputy Superior Commissioner Carine Lokeso of being responsible for his murder. Their claim is supported
by several witnesses,216 who said she had ordered one of her guards to shoot. Doctor François Kajingulu, Director of the Saint Joseph hospital, who examined Rossy Tshimanga and certified his death, said he was “adamant that the wounds were caused by one or two live bullets, not rubber bullets.”217

On 1 March 2018, as the public accused the authorities of a cover-up, and of protecting Deputy Superior Commissioner Lokeso Carine from prosecution218, the police spokesperson went even further in opposing any challenge to the official version, declaring “we wish that any confusion concerning the responsibility for this homicide on the Deputy Superior Commissioner Lokeso Carine, be ruled out. The alleged perpetrator of the homicide of Rossy has indeed been identified and referred to the Gombe garrison prosecutor’s office. We take this opportunity to warn all those who continue to spin a web of lies by spreading outrageous remarks about the aforementioned police officer: they will be liable to prosecution, in accordance with relevant criminal law.”219

**ROSSY MUKENDI’S BURIAL**

Rossy Mukendi’s family and local human rights organizations accused the authorities of “confiscating” his body and preventing his burial.220 His body was kept in a morgue for almost three months, amid disagreement between his family and the authorities about his funerals. His funerals were eventually held on 18 and 19 May 2018. On the day of his burial on 19 May, the police fired tear gas at the mourners, including many of Rossy’s fellow pro-democracy activists, following a disagreement with them about the route to the cemetery, prompting the young people carrying the coffin to drop it to the ground and run away. The police placed the coffin in a pick-up truck and dropped it off at the Necropole cemetery where he was later buried by a few family members and friends.221

Two weeks later, on 2 June 2018, Rossy Mukendi’s father, Ferdinand-Ignace Tshimanga, died of a heart attack which his wife, Madeleine Ngalula believed was “caused by the great sorrow he suffered since Rossy’s death.”222 Rossy Tshimanga’s younger brother, Yannick Tshimanga, said his father had been “plagued by grief” since Rossy’s killing, the difficulties in recovering his son’s body, and finally the “humiliation” during the May funeral.223 “It was too much for him”, he said.224

After Rossy’s funeral, his relatives said they continued to receive threats and were put under pressure by the authorities to stop demanding justice. Yannick Tshimanga said, “I have been threatened with death by Commissioner Carine’s relatives. I have received anonymous calls from individuals who told me that if I don’t shut up, I would be the next to be killed. Even today, I do not feel completely safe especially since Carine Lokeso is still in her post and has not been prosecuted.”225 Overnight on 12/13 June, on the eve of Rossy Mukendi’s father’s funeral, unidentified armed men attacked the family home in the Ngaba district of Kinshasa and stole furniture, electronic devices and other valuables.

Despite the serious allegations against her, on 7 August 2018, Deputy Superior Commissioner Carine Lokoso was among police and army officers decorated by President Kabila for their “exceptional bravery” during an official ceremony held at the Cité de l’OUA in Kinshasa and aired on national television.

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217 Ibid
222 Interview with Madeleine Ngalula, Rossy Mukendi’s mother, Kinshasa, 8 August 2019.
223 Interview with Yannick Tshimanga, Rossy Mukendi’s brother, Kinshasa, 8 August 2019.
224 Ibid
225 Ibid
A TRIAL MARRED BY SERIOUS IRREGULARITIES, A FAMILY IN DISTRESS

Amnesty International

DISMISSED!
VICTIMS OF 2015–2018 BRUTAL CRACKDOWNS IN THE DEMOCRATIC REPUBLIC OF CONGO DENIED JUSTICE
The trial of the policeman charged with Rossy Tshimanga’s murder began on 25 May 2018 before the Matete garrison military tribunal.\(^{227}\) During the hearings, in which Deputy Superior Commissioner Carine Lokeso was invited to attend only as a witness, the lawyers tried unsuccessfully to press the military tribunal to prosecute her on the basis of "consistent witness testimonies" which suggested she had instigated his murder.\(^{228}\) Faced with the tribunal’s persistent reluctance to prosecute her, in August, the family’s lawyers requested that the tribunal refer the case to the Constitutional Court as the appropriate court to hear the case,\(^{229}\) which the tribunal accepted on 1 October 2018.

According to the family’s lawyer, Richard Bondo, the "defendant Tokis Kumbo himself persistently denied having been the perpetrator of the Rossy Mukendi shooting. Another police officer named Mukenge Alexis corroborated the testimonies of other eyewitnesses, by affirming during the pre-judicial investigation… that it was Carine Lokeso’s bodyguard Bivuala Makiadi who shot Rossy on Carine’s orders. The court also refused to summon Bivuala to give evidence. This is why we have raised unconstitutionality, since article 17 of the DRC Constitution makes it clear that no one can be prosecuted, arrested, detained or convicted for offenses committed by others."\(^{230}\)

Meanwhile, on 21 September, the lawyers had lodged a complaint with the FARDC Auditor General, identifying 10 individuals including the Police Commander for Kinshasa, Sylvano Kasongo, the spokesman for the PNC, Pierrot Mwana Mputu, and Deputy Superior Commissioner Carine Lokeso.\(^{231}\) At the time of writing, no action had been taken by the military justice or the Constitutional Court in regard to the case. Richard Bondo told Amnesty International that, in his view, both the Constitutional Court and the FARDC Auditor General had “shown a lack of will to ensure justice…”\(^{232}\)

Rossy Tshimanga’s eldest son, Kelly Tshimanga,\(^{233}\) who turned 15 in 2019, is studying Biochemistry, and dreams of becoming a computer scientist or politician. He told Amnesty International:

"When Félix Tshisekedi was still an opponent, he came to see us and told me" we will always be there for you." But since he became president, he has given no sign … Those who killed daddy must be prosecuted and punished."\(^{234}\)

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\(^{228}\) Ibid

\(^{229}\) Ibid

\(^{230}\) Ibid

\(^{231}\) Complaint No. CAB/RBTB/PH/177/2018, received at the Office of the Auditor General of FARDC on 21 September 2018

\(^{232}\) Telephone interview with Richard Bondo, family’s lead lawyer, Nairobi, 3 October 2019

\(^{233}\) Rossy Mukendi left two children, a son, Kelly Tshimanga, who was aged 14 by February 2018, and a daughter, Tempérance Ditalala, who was three months old by February 2018

\(^{234}\) Interview with Kelly Mukendi, Rossy Mukendi’s son, Kinshasa, 8 August 2019
6. INVESTIGATIONS: BIASED, INCOMPLETE AND LACKING IN TRANSPARENCY

The authorities’ first reaction to the use of excessive and lethal force by security forces was to accuse the protesters of instigating the violence, and to congratulate the conduct of the security forces. For example, the Minister of Interior and Security announced in December 2016 that “precise instructions have been given to the police to maintain security and public order in strict compliance with the laws and fundamental rights of the people. The Government of the Republic wishes to congratulate the police and salute their courage and patriotism in the face of the numerous provocations to which police agents have been subjected.”

However, following international outrage in response to the levels of violence and the high number of casualties, the government announced it would carry out investigations.

6.1 THE GOVERNMENT’S LIVRE BLANC ON THE SEPTEMBER 2016 DEMONSTRATIONS

On 12 October 2016, the Minister of the Interior and Security presented foreign diplomats accredited in Kinshasa with the findings of government’s investigation into the September 2016 violence, contained in a report dubbed “Livre Blanc.”

Amnesty International analysed the 46-page report and found that it failed to provide any information on the methodology used, how and when the information was collected, and who the investigation team was composed of. It did, however, list damage to buildings and properties: “28 police substations ransacked or burned by protesters, 27 buildings including public buildings and a court of justice, 13 ruling coalition political parties’ headquarters, four schools, private buildings, bank branches, shops.” It pointed to the “insurrectional behaviour” of the organizers and accused them of the “destruction of state symbols, as well as the looting and the burning of public and private goods.” The report did not mention the fire at the UDPS headquarters overnight on 19/20 September, in which five people died. It did acknowledge that 32

236 The report was presented by Interior and Security Minister Evariste Boshab and Justice Minister Alexis Thambwe Mwamba
individuals were killed, including demonstrators killed by the security forces, and security officers killed by demonstrators, but it concluded that "many of the victims among the demonstrators were either armed protesters or looters killed by the security forces in self-defence or to protect private property." It alluded to funeral cost reimbursements for families of the victims.

The report also detailed arrests of "troublemakers, killers, thugs and looters" which led to summary trials against these individuals who were considered to be "morally and physically responsible for the violence".

While it dealt with the killing of 32 people by the security forces, it did not examine the use of lethal force by law enforcement bodies, in particular whether they had applied the principles of necessity and proportionality in accordance with international standards. The information about the circumstances of these killings strongly suggests that they were unlawful killings for which alleged perpetrators should be investigated and prosecuted.

For example, with regards to events at the Institut Madame de Sévigné school in which three demonstrators were shot dead by police officers on 19 September 2016238, it only said: "In reaction to this fire and to put an end to the looting, two law enforcement officers on duty outside the residence of former army General Faustin Munene shot and killed three demonstrators and looters: two men including Mr Tony Bongeli, a 3rd year undergraduate National Pedagogical University student, residing on Mpaka avenue, Ozone district, in the Commune of Ngaliema, and one woman not otherwise identified."239

Further, on page 26, the report referred to the killing of one demonstrator, saying only: "...around 8am, the gunshot murder of Mr Luzolo Giresse, a 22-year-old, student at the Higher Institute of Applied Techniques, domiciled on Avenue Musaka No 39, district 3 / Camp Luka, Commune of Ngaliema, following the looting."240

The report did not provide any indication about which looting event it referred to or the identity of the individuals who shot Giresse nor did it shed any light on the circumstances of, and the reasons for, this killing. In addition, while the report acknowledges the killing by security forces of 32 people on 19 and 20 September 2016, it fails to answer any of the basic questions about the circumstances of these killings.

It concluded241, by denouncing the "violent demonstrations organized by a fringe of the opposition with the aim of realizing their plans to trigger chaos"242, and lists the measures taken by the authorities following these demonstrations, including the "suspension of public demonstrations of a political nature throughout the country", the arrest of "troublemakers", and the initiation of proceedings against the "instigators."

According to the government, 172 offenders [protesters or perceived protesters] were brought before the courts243 in Kinshasa for various offences including rebellion, looting, malicious destruction of public or private property, arson or theft with violence. The report says that 84 individuals were in fact prosecuted by civilian courts in September 2016 resulting in 53 acquittals and 31 were sentenced to between 30 days and 20 years' imprisonment. Of 17 minors reportedly referred to juvenile courts, four were handed over to their parents and one was detained in prison.244 The report does not provide further information, including what happened to other adults and children who were arrested.

Regarding the security forces, the report speaks only of the "arrest of law enforcement officers who were the exception in the sense of their reprehensible behaviour",245 and says that the PNC were investigating, but it fails to give any figures or other details; and none of the judicial proceedings referred to relate to the killings. Neither does it specify how many agents were subject to these investigations, what type of disciplinary or judicial actions were taken against them, or the exact charges brought against them. It makes no reference to claims and testimonies from the victims, their relatives, or eyewitnesses. At the time of writing, Amnesty International could find no information with regards to investigations into or prosecutions of members of the security forces.

The prosecutions were apparently carried out in haste, casting serious doubts as to their impartiality and fairness. The Livre Blanc was a unilateral and unsubstantiated document drafted by the government for political purposes, rather than an investigative report meeting international human rights standards.

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238 Livre Blanc, pp. 10-11
239 Op. cit., p. 11
242 Op. cit., p. 43
243 The report does not mention any case brought before the military justice, suggesting no police or military officer had been brought to justice at least until the date of the publication of the government's report on 12 October 2016
244 "Livre Blanc", pp. 44-45
245 Ibid
The UNJHRO have repeatedly said that the authorities had not conducted any credible and impartial investigations to shed light on the events of September and December 2016.

6.2 JOINT INVESTIGATION COMMISSION INTO THE EVENTS OF 31 DECEMBER 2017 AND 21 JANUARY 2018

On 1 February 2018, the Minister for Human Rights established the Joint Investigation Commission to investigate the events of 31 December 2017 and 21 January 2018. The government-led Commission was composed of delegates from the ministries of Human Rights and Justice, as well as from the CNDH and from civil society organizations. The UNJHRO and AU were invited as observers. The Joint Commission’s purpose was to “collect evidence, verify facts and ensure the perpetrators were punished.”

Although the full report was never made public, a summary was published on 10 March 2018. It confirmed that 14 individuals were shot dead by the police in Kinshasa and made a series of solid recommendations, notably to the government, the Parliament and the judiciary, including to prosecute police and army officers responsible for human rights violations, provide financial assistance to the victims of the crackdowns or their families and to lift the blanket ban on protests immediately.

At the time of writing, apart from a flat rate financial allowance from the government to 32 victims (families of those killed or injured during the two demonstrations), the recommendations have not been implemented.

"Justice and investigations are just a farce. It’s not the first time we’ve heard that. It is a public relations exercise to try to put people to sleep. Justice does not exist, and when there is a semblance of justice, it is the little people who are sacrificed, the main players and the instigators are never worried."

Father Jean-Claude Tabu, Saint Benoît Parish priest, 1 March 2018

Three delegates on the Joint Commission of Inquiry, who were members of local human rights organizations, told Amnesty International of their doubts about the authorities’ intentions to ensure accountability and justice. One referred to “the numerous cases in the past where the authorities have announced investigations into human rights violations and serious crimes without anyone being subsequently prosecuted.” They accepted the Human Rights Minister’s invitation to participate in the...
Commission because they had for a long time been urging the authorities to investigate and prosecute those responsible for the violence during crackdowns: “we wanted to give the government the benefit of the doubt and play a constructive role. After all, there is a beginning to everything!” On 11 April 2018, a month after the report’s summary was published, six human rights organizations, including those which Amnesty International spoke to, suspended their participation in the Commission, accusing the government of failing to implement the primary recommendations.

THE CNDH: ITS ROLE AND CHALLENGES

The CNDH was established by Organic Law No. 13/011 of 21 March 2013. However, it has only been operational since July 2015 following the appointment and swearing-in of its nine members.

The CNDH is an independent, pluralist, and pro-democracy institution. It is endowed with legal personality, and enjoys administrative, financial and technical autonomy. It is mandated, inter alia, to investigate all cases of human rights violations; to refer complainants and victims to relevant government and judicial organs and help them to obtain justice for all known human rights violations. Its headquarters are in Kinshasa and it has local offices or branches in all provinces.

The CNDH conducted investigations and published several reports on the suppression of the demonstrations dealt with in this report. However, its investigations were often limited to events in Kinshasa and fell short of international human rights standards. The CNDH President told Amnesty International that the institution lacks the means to carry out its mission properly. The investigations could not be conducted outside Kinshasa for lack of financial resources and staffing. We manage the best we can. The state only pays the salaries of members of the Commission and some support staff, but the CNDH does not have enough resources to fulfil its human rights mandate, especially in relation to investigating human rights violations. We have a good budget on paper, but implementation is very problematic. We see this as a government strategy to hinder our action.

Even when the CNDH documents human rights violations and makes recommendations, they “... are rarely followed. The government rarely enforces court decisions, let alone our recommendations. But we are not a pressure group, we are a state institution, albeit independent and impartial. We try to push for action through dialogue within the institutional framework.”

6.3 THE JUNE 2018 “JOINT INVESTIGATION COMMISSION”

The international community responded positively to the government’s Joint Commission of Inquiry (CEM 3121) which was established on 1 February 2018 to investigate human rights violations committed on 31 December 2017 and 21 January 2018. The international community’s response led the government to announce its decision to re-investigate human rights violations and abuses committed during September and December 2016. Consequently, on 28 June 2018, the Minister for Human rights established another Joint Commission of Inquiry (also known as CEM 1919) to investigate “the events of 19 September and 19 December 2016.” The inquiry was composed of delegates from the ministries of Human Rights, Justice

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252 Interview with Rostin Manketa, Director, La Voix des Sans Voix, Kinshasa, 9 August 2019
253 ACAJ, ANMDH and VSV’s joint letter to the Minister for Human Rights, 11 April 2018
255 Article 1 of Organic Law of 21 October 2013 establishing the CNDH
256 Article 6 of Organic Law of 21 October 2013 establishing the CNDH
258 Interview with Mwamba Mushikonke Mwamus, Kinshasa, 12 August 2019
259 Ibid
260 Ibid
261 These events had already been covered by the semblance of an investigation contained in the Government’s “Livre Blanc” (October 2016). See Section 6.1.
262 Ministerial Decree No. 003/CAB/MIN/DH/2018, 28 June 2018, the Minister for Human Rights “establishing the Joint Investigation Commission on the events of 19 September and 19 December 2016”
and Interior, the CNDH and representatives of Congolese civil society organizations, with the participation of the UNJHRO and the AU Human Rights Liaison Office as observers. 263

In its report to the UN Human Rights Council in the framework of the Universal Periodic Review in February 2019, the DRC government claimed: “both joint commissions made it possible to establish who was responsible for the events and to draw up recommendations for all public institutions.” 264 Unfortunately, the CEM 1919 report was never made public and Amnesty International has not been able to find a copy. A local human rights defender who participated in the CEM 1919, acting as a rapporteur, told Amnesty International that the investigations were “conducted in spite of many challenges”, but that the final report’s findings were not adopted by delegates and nor were its findings made public. 265 He said: “We only interviewed the victims and families in Kinshasa; we could not make it to other provinces because the Minister for Human Rights said the government did not have sufficient resources. No police or army officer among those we wished to interview responded to our invitation, even though the Commission was led by the government. The work was blocked at some point because the Minister for Human Rights who chaired the Commission had gone on the electoral campaign. She had delegated her deputy chief of staff, but the latter did not seem to have the necessary leadership and power to ensure the work was completed. To date, I cannot tell you what happened with the draft report we were working on. I tried to get a copy of it, to no avail.” 266 According to the delegate, the report has still not been finalized, nor its recommendations adopted; it has not submitted to the judicial authorities. 267

At the time of writing, and to Amnesty International’s knowledge, the authorities have not carried out any judicial investigations or prosecutions in connection with the unlawful killings and other human rights violations committed during the September and December 2016 protests. In her August 2019 report, the OHCHR noted that she found “…it regrettable that, even though the two joint commissions set up to investigate the violations committed during protests that took place between 2016 and 2018…, no judicial action has been taken with regard to the violations documented.” 268

263Ibid
264 UN Human Rights Council, A/HRC/WG.6/33/COD/1, 27 February 2019
265 Telephone interview with the rapporteur of the CEM 1919, 10 February 2020. (Name has been withheld to respect the interviewee’s anonymity)
266 Ibid
267 Ibid
7. INTERNATIONAL RESPONSE

The US government (via its Department of the Treasury’s OFAC) and the EU have responded to persistent human rights violations perpetrated against demonstrators during 2015 - 2018, by imposing sanctions, including travel bans and asset freezes, against 13 DRC government officials and senior security force officers. The sanctions against one individual were lifted in December 2019. Sanctions were first imposed by the US in June 2016 and by the EU in December 2016 and are regularly renewed or reviewed. EU sanctions have also been enacted by the United Kingdom and Switzerland.

Amnesty International

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DISMISSED!
VICTIMS OF 2015-2018 BRUTAL CRACKDOWNS IN THE DEMOCRATIC REPUBLIC OF CONGO DENIED JUSTICE

Amnesty International

48
### OVERVIEW OF US AND EU TARGETED SANCTIONS AGAINST DRC OFFICIALS SUSPECTED OF SERIOUS HUMAN RIGHTS VIOLATIONS IN CONNECTION WITH THE 2015-2018 CRACKDOWNS.\(^\text{272}\)

<table>
<thead>
<tr>
<th>Name and role</th>
<th>Sanctioning entity</th>
<th>Date listed</th>
<th>Human rights grounds – EU</th>
<th>Human rights grounds - US Department of the Treasury</th>
<th>Position at the time of designation</th>
<th>Current position</th>
</tr>
</thead>
<tbody>
<tr>
<td>Célestin Kanyama (Police Divisional Commissioner)</td>
<td>US Department of the Treasury EU</td>
<td>23 June 2016</td>
<td>Célestin Kanyama AKA Esprit de mort was “responsible for the disproportionate use of force and violent repression in September 2016 in Kinshasa. In this capacity, Célestin Kanyama was therefore involved in planning, directing or committing acts that constitute serious human rights violations in DRC.”(^\text{273})</td>
<td>“Leading role” in serious human rights violations, including extrajudicial executions and enforced disappearances, in his capacity as the Provincial Police Commissioner for Kinshasa between 2013 and 2016, including during the Operation Likofi in which he was the primary commander, and the January 2015 demonstrations.(^\text{274})</td>
<td>Police Commissioner for Kinshasa</td>
<td>Director General of the Congolese National Police Training Centers (appointed to this position by President Joseph Kabila on 17 July 2017)</td>
</tr>
<tr>
<td>Gabriel Amisi Kumba (Major-General)</td>
<td>US Department of the Treasury EU</td>
<td>28 September 2016</td>
<td>“Former Commander of the first defence zone of the Congolese Army (FARDC), whose forces took part in the disproportionate use of force and violent repression in September 2016 in Kinshasa. Gabriel Amisi Kumba has been Deputy Chief of Staff of the Congolese Armed Forces (FARDC) since July 2018, with responsibility for operations and intelligence. Owing to his role, he bears responsibility for the recent human rights violations committed by the FARDC. Gabriel Amisi Kumba was therefore involved in planning, directing, or committing acts that constitute serious human rights violations or abuses in DRC.”(^\text{275})</td>
<td>According to the US Department of the Treasury, Gabriel Amisi’s units “have reportedly engaged in violent repression of political demonstrations.” They have “used excessive force and lethal weapons during demonstrations and political rallies, particularly during demonstrations organized by opposition leaders and civil society actors in January 2015.”(^\text{276})</td>
<td>FARDC Commander for the First Defence Region which covered the provinces of Bandundu, Bas-Congo, Equator, and Kinshasa (September 2014-July 2018)</td>
<td>FARDC’s Deputy Chief of Staff in charge of operations and intelligence (since his appointment to this position by President Kabila in July 2018)</td>
</tr>
<tr>
<td>John Numbi Banza</td>
<td>US Department</td>
<td>28 September 2016</td>
<td>“Was notably involved in the campaign of violent intimidation in the March during the March 2016 gubernatorial elections in the DRC’s four ex-Katangan</td>
<td>Former Inspector-General for the</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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\(^\text{272}\) Individuals sanctioned for reasons other than their alleged involvement in acts constituting human rights violations related to the 2015-2018 political and electoral crisis have not been included in this table


Sanctions were subsequently renewed in December 2017, December 2018 and December 2019


<table>
<thead>
<tr>
<th>Name</th>
<th>Organization</th>
<th>Date of Appointment</th>
<th>Dates</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Lieutenant-General) of the Treasury EU.</td>
<td></td>
<td>12 December 2016</td>
<td>2016 gubernatorial elections in the DRC’s four ex-Katanga provinces.</td>
<td>Numbi used violent intimidation to secure victories for candidates affiliated with President Kabila’s MP coalition. Numbi threatened to kill opposition candidates who did not voluntarily withdraw from the race, and on the day these exchanges purportedly took place, three candidates withdrew.</td>
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<tr>
<td>Congoles National Police</td>
<td></td>
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<tr>
<td>Kalev Mutondo</td>
<td>US Department of the Treasury EU</td>
<td>12 December 2016</td>
<td>29 May 2017</td>
<td>“As long-term Head of the…ANR), Kalev Mutondo is involved in and responsible for the arbitrary arrest, detention and mistreatment of opposition members, civil society activists and others. He has therefore [been involved in] planning or directing acts that constitute serious human rights violations in DRC.”</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td>“He has ordered surveillance of the opposition and supported the neutralization of opposition demonstrations and the extrajudicial arrest and detainment of opposition members, many of whom were reportedly tortured.”</td>
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<td></td>
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<tr>
<td>Gaston Ilunga Kampete</td>
<td>EU</td>
<td>12 December 2016</td>
<td></td>
<td>N/A</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Commander of the Republican Guard Unchanged</td>
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General John Numbi was suspended from his position as Inspector-General of Police on 5 June 2010, after he was accused of the murders of prominent human rights defender Floribert Chebeya and his assistant and driver Fidèle Bazana in Kinshasa on 2 June 2010. However, he continued to play an important role as an unofficial advisor to President Kabila, according to the US Department of the Treasury.


### Amnesty International

**Victims of 2015-2018 Brutal Crackdowns in the Democratic Republic of Congo Denied Justice**

<table>
<thead>
<tr>
<th>Name</th>
<th>Position/Title</th>
<th>Country</th>
<th>Date</th>
<th>Actions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ferdinand Ilunga Luyolo</td>
<td>Commander of the anti-riot body known as the Légion Nationale d’Intervention (LENI) of the Congolese National Police (LENI)</td>
<td>EU</td>
<td>12 December 2016</td>
<td>“Responsible for disproportionate use of force and violent repression in September 2016 in Kinshasa. In this capacity, Ferdinand Ilunga Luyolo was therefore involved in planning, directing, or committing acts that constitute serious human rights violations in DRC.” 283</td>
</tr>
<tr>
<td>Roger Kibelisa</td>
<td>Deputy General Administrator and Head of Interior Security at the National Intelligence Agency</td>
<td>EU</td>
<td>12 December 2016</td>
<td>“As Interior Director of the National Intelligence Service (ANR), Roger Kibelisa is involved in the intimidation campaign carried out by ANR officials towards opposition members, including arbitrary arrests and detention.” 284</td>
</tr>
<tr>
<td>Delphin Kahimbi</td>
<td>Director of Military Intelligence (DEMIAP)</td>
<td>EU.</td>
<td>12 December 2016</td>
<td>Head of Military Intelligence Body (ex-DEMIAP), part of the National Operations Centre, the command and control structure responsible for arbitrary arrests and violent repression in Kinshasa in September 2016, and responsible for forces that participated in intimidation and arbitrary arrests.” 285</td>
</tr>
<tr>
<td>M. Evariste Boshab</td>
<td>Former Vice Prime Minister for Interior and Security</td>
<td>US.</td>
<td>12 December 2016</td>
<td>“In his capacity as Vice Prime Minister and Minister of Interior and Security from December 2014 to December 2016, Evariste Boshab was officially responsible for the police and security services and coordinating the work of provincial governors. In this capacity, he was responsible for arrests of activists and opposition members, as well as disproportionate use of force, including between &quot;Has supported the neutralization of opposition demonstrations” 287</td>
</tr>
<tr>
<td></td>
<td>Member of Parliament for the ruling coalition following the 30 December 2018 elections</td>
<td>US</td>
<td>29 May 2017</td>
<td></td>
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</tbody>
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282 Sanctions renewed on 9 December 2019. See: Council of Europe, Decision 2010/788/CFSP concerning restrictive measures against the Democratic Republic of the Congo, 10 December 2019

283 Ibid

284 Ibid

285 Ibid

### September 2016 and December 2016 in response to demonstrations in Kinshasa, which resulted in a large number of civilians being killed or injured by security services. Evariste Boshab was therefore involved in planning, directing, or committing acts that constitute serious human rights violations in DRC.”

<table>
<thead>
<tr>
<th>Name</th>
<th>Role</th>
<th>Date</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Emmanuel Ramazani Shadary</td>
<td>EU Vice Prime Minister and Minister of Interior and Security</td>
<td>29 May 2017</td>
<td>“As Vice Prime Minister and Minister of Interior and Security since 20 December 2016, Ramazani Shadari is officially responsible for the police and security services and coordinating the work of provincial governors. In this capacity, he is responsible for the recent arrests of activists and opposition members, as well as the disproportionate use of force since his appointment, such as the violent crackdown on members of the Bundu Dia Kongo (BDK) movement in Kongo Central, the repression in Kinshasa over January-February 2017 and the disproportionate use of force and violent repression in Kasai provinces. In this capacity, Ramazani Shadari is therefore involved in planning, directing, or committing acts that constitute serious human rights violations in DRC.”</td>
</tr>
<tr>
<td>M. Jean-Claude Kazembe Musonda</td>
<td>EU Former Governor of Haut-Katanga province (March 2016 – April 2017)</td>
<td>29 May 2016</td>
<td>“As Governor of Haut Katanga until April 2017, Jean-Claude Kazembe Musonda was responsible for the disproportionate use of force and violent repression committed by security forces and the PNC in Haut Katanga, including between 15 and 31 December 2016, when 12 civilians were killed and 64 were injured as a result of the use of lethal force by security forces.”</td>
</tr>
</tbody>
</table>


288. Ibid
security forces including PNC agents in response to protests in Lubumbashi. Jean-Claude Kazembe Musonda was therefore involved in planning, directing, or committing acts that constitute serious human rights violations in DRC.”

| François Olenga (General of the Army) | US Department of the Treasury | 1 June 2017 | N/A | “In his role as head of the Maison Militaire, Olenga has operational control over the Republican Guard” which “has actively disrupted the political process in the DRC, including harassing political rivals, targeting opposing political parties, and arbitrarily arresting and executing Congolese citizens. “Olenga” has overseen security operations on behalf of President Kabila’s efforts to suppress political opposition in the DRC.”

| Joseph Kabila’s Personal Military Chief | To Amnesty International’s knowledge, Olenga holds no official position since he retired in July 2018 |

289 Ibid.
To Amnesty International’s knowledge, the Congolese authorities have not investigated any of the sanctioned individuals. Indeed, some of them have been appointed to new, sometimes more senior official positions. For example, on 16 May 2017, President Kabila appointed General John Numbi by Presidential Order to the rank of Grand Officer in the National Order of Heroes – the country’s highest honorary title – for “his merits and loyal service rendered to the Nation within the Congolese National Police.”291 In a series of orders on 17 July 2017, President Kabila, and others, promoted Célestin Kanyama to the rank of Divisional Commissioner (the most senior rank in the Congolese National Police)292 as well as appointing him as the Director General of the Police Training Schools.293 In November 2017, the President reinstated John Numbi Banza Tambo to a position in the army, and on 14 July 2018, promoted him to Army General or Grand Admiral – making him the Congolese army’s highest ranking officer294. He was also appointed as the General-Inspector of the army.295

The UN, the AU and the EU have repeatedly and publicly condemned the deadly repression of protests and called on the authorities to ensure those responsible are held accountable.296

EXTRACT FROM THE UNJHRO-OHCHR JOINT REPORT ON THE EVENTS OF 19 DECEMBER 2016297

“The DRC security forces have repeatedly used excessive force to quash protests related to proposed presidential elections, firing teargas and live ammunition into crowds of protestors and inflicting numerous casualties.” (UN Special Rapporteur on freedom of peaceful assembly and of association, Maina Kiai, 23 September 2016298)

“People’s demand for a legal and peaceful political transition should not be met with excessive force and paid in blood. They ought to be celebrated and respected. Indiscriminate firing into a crowd is unlawful. Firearms and other potentially lethal weapons should never be used simply to disperse a demonstration.”

(UN Special Rapporteur on summary executions, Agnes Callamard, 23 September 2016299)

“The modus operandi of the Congolese police, Republican Guard, Military Police and ANR agents for dispersing protestors generally involved the use of excessive force, including the disproportionate use of tear gas and the unjustified use of live ammunition.”

(The UN Joint Human Rights Office300)

“While many individuals who took part in the December 2016 events were arrested and charged with looting, destruction of property and insurrection, no State agent or official has so far been investigated or prosecuted for the extrajudicial killings and other serious human rights violations committed in the context of the authorities’ actions to prevent and contain the demonstrations. This was also the case during major demonstrations and opposition activities which occurred in September and November 2016. The lack of accountability for past human rights violations, including those committed during the demonstrations in Kinshasa on 19 and 20 September 2016, may have encouraged a sense of impunity, and defence and security forces to commit further violations in December 2016.

*Despite several calls by national and international actors, including special procedures of the United Nations Human Rights Council, no action was taken by the authorities to create a more conducive*


292 As per the Organic 11/013 of 11 August 2011 on the organization and functioning of the Congolese National Police


294 Under the Congolese Law (Presidential Ordinance No. 10/047 of 23 June 2010 instituting the wearing of ranks and distinctive insignia within the Armed Forces of the Democratic Republic of the Congo), the General of the Army or Grand Admiral is the highest rank, followed by Lieutenant-General or Admiral, Major-General or Vice-Admiral, Brigadier-General or Rear-Admiral, https://www.droitcongolais.info/files/412.06.10 ordinances-congolees-delegues-23-juil-2010_grades-et-insignes.pdf


298 Ibid


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In addition to reactions from DRC partner states and international organizations, the Office of the Prosecutor of the ICC pressured the Congolese authorities to promptly investigate allegations of crimes that may fall under the jurisdiction of the ICC. In September 2016, the Office of the Prosecutor expressed “concerns about allegations of crimes that could constitute crimes within the jurisdiction of the ICC,” and warned all stakeholders that “the Prosecutor would not hesitate to act and take all necessary steps to prosecute those responsible, in line with the principle of complementarity if such crimes were committed.”

Further to that statement, the Office of the Prosecutor of the ICC deployed a mission to Kinshasa between 16 and 20 October 2016 and recalled on “all parties potentially involved, and to all Congolese actors, irrespective of their official status or political affiliation, to show restraint, and ensure in particular that they, their supporters, sympathisers and agents refrain, at all times and in all locations, from committing any act of criminal violence against individuals and property, and take the necessary measures to prevent the commission of such acts.”

The Prosecutor of the ICC reiterated these calls during her visit in Kinshasa in May 2018 and in a statement a few days before the holding of elections in December 2018.

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303 Statement Prosecutor of the International Criminal Court, Fatou Bensouda, at the conclusion of her visit to the DRC. “The fight against impunity and the critical prevention of crimes under the Rome Statute are essential for social stability”, 4 May 2018, https://www.icc-cpi.int/Pages/item.aspx?name=180405-otp-stat

304 Statement by the Prosecutor of the International Criminal Court, Fatou Bensouda, on the recent pre-election violence in the Democratic Republic of Congo, 20 December 2018, https://www.icc-cpi.int/Pages/item.aspx?name=20181220-prosecutor
8. LEGAL FRAMEWORK

The DRC is a state party to several international human rights instruments\textsuperscript{305} including the International Covenant on Civil and Political Rights (ICCPR), the African Charter on Human and Peoples' Rights (ACHPR), the Convention on the Rights of the Child (CRC) and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).

Many human rights are also enshrined and protected under the DRC's Constitution. The Constitution guarantees the rights to life and to physical integrity\textsuperscript{306}, to individual freedom,\textsuperscript{307} the right not to be subject to arbitrary arrest or detention\textsuperscript{308}, the right to information\textsuperscript{309}, to freedom of opinion and expression,\textsuperscript{310} and the right not to be subject to torture or to cruel, unhuman or degrading treatment.\textsuperscript{311}

8.1 FREEDOM OF PEACEFUL ASSEMBLY

The right to peaceful assembly is protected under international law. Article 21 of the ICCPR states: "the right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others." It is also protected by Congolese law under Article 25 of the Constitution which says that "the freedom of peaceful and unarmed assembly is guaranteed subject to the respect for law, public order and morality." Article 26 states, that "the freedom to demonstrate is guaranteed. Any demonstration on the public roads or in the open air, requires organizers to inform the competent administrative authority in writing...."

Restrictions to this right must therefore be provided by law and any restrictions should be necessary and proportionate. Policing of assemblies should be guided by international human rights law, and, in particular, decisions to disperse and to use force should be taken only as a last resort and in line with the principles of necessity and proportionality. Members of the security forces should act in accordance with the UN Code of Conduct for Law Enforcement Officials and the ACHPR Guidelines on Policing assemblies.\textsuperscript{312} Using lethal force against a protester who does not pose an imminent threat to life or of serious injury is prohibited under international human rights law.

Killings that result from unnecessary or excessive use of force by state agents constitute arbitrary deprivation of the right to life, and as such violate Article 6(1) of the ICCPR and Article 4 of the ACHPR. Similarly, unlawful and deliberate killings ordered by government officials or with their complicity or acquiescence


\textsuperscript{306} Article 16 of the Constitution

\textsuperscript{307} Article 17

\textsuperscript{308} Article 17 and 18

\textsuperscript{309} Article 24

\textsuperscript{310} Article 22 and 23

\textsuperscript{311} Article 61

\textsuperscript{312} UN General Assembly, Resolution 34/169 of 17 December 1979, https://www.ohchr.org/EN/ProfessionalInterest/Pages/LawEnforcementOfficials.aspx
amount to extrajudicial executions, which are prohibited at all times and constitute crimes under international law.

8.2 RIGHT TO AN EFFECTIVE REMEDY

The authorities have an obligation to conduct prompt, thorough, independent and impartial investigations into all possible unlawful killings and other allegations of human rights violations by security forces, and to bring the alleged perpetrators to justice.\(^\text{313}\)

Victims of crimes and other serious human rights violations have a right to justice and reparations. The DRC Constitution recognizes that “Everyone has the right to have his case heard within a reasonable time by a competent judge.” The ACHPR provides that: “Every individual has the right to an appeal to competent national bodies against acts which violate his fundamental rights as recognized and guaranteed by conventions, laws, regulations and customs in force.”\(^\text{315}\)

Under international law, victims’ right to remedies\(^\text{316}\) include:

- Equal and effective access to justice
- Adequate, effective and prompt reparation for harm suffered
- Access to relevant information concerning violations and reparation mechanisms

With regards to reparations, the UN Basic Principles and Guidelines states that: “In accordance with domestic law and international law, and taking account of individual circumstances, victims of gross violations of international human rights law and serious violations of international humanitarian law should, as appropriate and proportional to the gravity of the violation and the circumstances of each case, be provided with full and effective reparation, as laid out in principles 19 to 23, which include the following forms: restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition.”\(^\text{317}\)

\(^{313}\) OHCHR, Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law adopted and proclaimed by General Assembly resolution 60/147 of 16 December 2005, [https://www.ohchr.org/EN/ProfessionalInterest/Pages/RemedyAndReparation.aspx](https://www.ohchr.org/EN/ProfessionalInterest/Pages/RemedyAndReparation.aspx).


\(^{314}\) Article 19

\(^{315}\) Article 7.1.1. of the ACHPR

\(^{316}\) Per international law, “victims are persons who individually or collectively suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that constitute violations of international human rights law.” (Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, adopted by General Assembly resolution 40/34 of 29 November 1985), [https://www.ohchr.org/EN/ProfessionalInterest/Pages/VictimsOfCrimeAndAbuseOfPower.aspx](https://www.ohchr.org/EN/ProfessionalInterest/Pages/VictimsOfCrimeAndAbuseOfPower.aspx).

\(^{317}\) UN Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, para. 18.
9. INSTITUTIONAL FRAMEWORK

The President of the Republic is the "guarantor of the Constitution" and is responsible for "ensuring the proper functioning of the institutions." To this end, he enjoys broad powers, including the power to appoint, remove from office, and, if necessary, dismiss, subject to the proposal from the government:

- Senior army and national police officers
- The army's General Chief of Staff, the Chiefs of Staff and the commanders of the major armed forces units
- Senior officials in the public administration
- Managers of public services and establishments, including, for example, the senior officers of the ANR

The President also appoints, removes their responsibilities and, if necessary, dismisses, by decree, the judges and the prosecution services on the proposal of the Superior Council of the Judiciary.

The Parliament – made up of the National Assembly and the Senate – is responsible for passing legislation and exercises control over the government and public services. As such, it should ensure that adopted laws respect the rights of the people as enshrined in the Constitution and in international conventions ratified by the state, including the right to life and the right to effective remedy, as well as the rights to freedom of expression, association and assembly. As the budgetary authority, it must also ensure that the judiciary has the necessary means to carry out its mission.

The judiciary is "the guarantor of individual freedoms and fundamental rights." Therefore, it must enforce the rights of people as enshrined in the Constitution and in international conventions ratified by the state, including the rights to life, to justice, and the rights to freedom of expression, association, and assembly.

318 Article 69
319 Article 81
320 Article 82
321 Article 100
322 Article 126
323 Article 150
10. CONCLUSION AND RECOMMENDATIONS

Five years since the beginning of the protests against President Kabila’s continued rule, members of the security forces allegedly responsible for crimes and other human rights violations during protests, continue to enjoy impunity. This report demonstrates the clear lack of investigations and prosecutions into those who allegedly ordered, committed or facilitated these abuses.

Since his inauguration in January 2019, President Tshisekedi committed on many occasions to strengthen the rule of law, fight impunity and ensure justice. His promises raised the hopes of many, including the victims of the 2015-2018 crackdowns. The measures he took to ensure that most of the DRC’s prisoners of conscience were released were welcomed as a step towards a more open and just society. However, a year after taking office, not one perpetrator of the human rights violations committed during protests has been brought to justice and the few credible recommendations from the government-led CEM 3121 inquiry are yet to be acted upon. As the Director of human rights organisation La Voix des Sans Voix put it, “these are not mere files, but the lives of hundreds of victims which seem to have been dismissed by the State without any form of trial.”

In September 2019, when asked during an interview with French media, about the Congolese people’s need for accountability for past human rights abuses, President Tshisekedi said he had no time to “poke around… in the past. I have no time to waste in gangland slaying, I am forward-looking.”

President Tshisekedi and his government must stop ignoring victims’ suffering and their calls for truth, justice and reparations. Justice is not optional, it is a right for the victims and the state has an obligation to allow its people to realize that right. As a father who lost his 16-year old son at the hands of security forces put it, “justice will not bring my son back, but perhaps it will prevent another parent from having to experience what I have gone through.”

10.1 TO THE PRESIDENT OF THE REPUBLIC

- Publicly commit to ensure that those allegedly involved in crimes and other serious human rights violations against demonstrators between January 2015 and December 2018 are effectively prosecuted regardless of the suspect’s rank or position, and that all necessary measures are taken as a matter of urgency to prevent further brutality against protesters.
- Suspend all government officials, police and military officers suspected of human rights violations in the context of the January 2015 to December 2018 protests including the Police Commissioner for

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224 Open letter from 26 former prisoners of conscience to President Tshisekedi, 10 April 2019, https://www.sautiyacongo.org/lettre-publique-a-monsieur-felix-tshisekedi-president-de-la-republique-democratique-du-congo/
225 Interview with Rodin Marketa, Director, La Voix des Sans Voix, Kinshasa, 9 August 2019
227 Interview with Julien, father of a victim, Kinshasa, 2 March 2018. (Name has been changed to respect the interviewee’s anonymity).
Kinshasa Sylvano Kasongo, as well as all those under international sanctions over allegations of such violations, pending thorough, independent and impartial investigations and prosecutions.

10.2 TO THE JUDICIARY

- Promptly conduct or resume independent, impartial and effective investigations in relation to crimes and other serious human rights violations committed during protests between January 2015 and December 2018, including the killing of Gaby Mamba in January 2015, the killings of five UDPS members on 20 September 2016, the deaths of Thérèse Kapangala on 21 January 2018 and Rossy Mukendi on 25 February 2018.

- Ensure that those suspected of sponsoring, committing or condoning these crimes and other serious human rights violations, including Police Commissioner for Kinshasa Sylvano Kasongo and Deputy Superior Commissioner Carine Lokeso Koso and other high-ranking police, military and government officials subjected to judicial complaints, are promptly investigated and, if accusations are substantiated, prosecuted before independent, impartial and competent courts, in accordance with international fair trial standards.

- Ensure victims’ rights to justice and reparations are respected, including by giving due consideration to their complaints and by allowing such complaints to progress.

10.3 TO THE MINISTER OF JUSTICE

- Ensure the recommendations of the Joint Investigation Commission (CEM 3121) report are promptly acted upon in relation to prosecutions of individuals suspected of human rights violations committed during these events.

- Promptly instruct prosecutors nationwide to open and/or expedite investigations, in an impartial, independent and effective manner, in all cases in connection with crimes and other serious human rights violations committed during protests between January 2015 and December 2018.

10.4 TO THE MINISTER FOR HUMAN RIGHTS

- Ensure the Joint Investigation Commission (CEM 1919) report is finalized and made public as a matter of urgency.

- Compile and promptly publish an inventory of all ongoing judicial investigations and prosecutions in connection with crimes and other serious human rights violations allegedly committed during protests between January 2015 and December 2018, including information about the status of those cases.

- Monitor the implementation of the recommendations of the Joint Commission on the events of January 2018 and February 2018 by relevant state institutions, and regularly communicate progress to the public, the African Commission on Human and Peoples’ Rights, the UN Human Rights Council as well as other regional and international human rights bodies.

10.5 TO THE MINISTER OF THE INTERIOR AND SECURITY

- Enforce the right to freedom of peaceful assembly as provided for by the ICCPR, the ACHPR and other binding international instruments, and, as laid down in international standards including the UN and AU guidelines on policing assemblies, including on the use of force.

- Enforce the provision of Article 26 of the Constitution concerning freedom of peaceful assembly and relevant provisions concerning prior notification: issue formal instructions to administrative authorities including governors, mayors, administrators of territories and others to abstain from imposing the automatic requirement for prior authorization to hold peaceful assemblies, and by sanctioning those who flout instructions, in accordance with relevant laws.
10.6 TO PARLIAMENT

- Adopt and implement a clear legal and policy framework on policing assemblies which is compliant with human rights, including on the use of force, in line with international standards. In relation to the use of force, establish a clear obligation to attempt de-escalation and resort to non-violent means in the first instance, and define clear criteria and thresholds for the different degrees of force and weapons used, including by establishing restrictions and prohibitions to achieve the full respect of the principles of necessity and proportionality.
- Ensure that institutions mandated with investigations and prosecutions of human rights violations, including the judicial system and the CNDH, have adequate means to effectively fulfil their mandates, – including an adequate budget.

10.7 TO THE CNDH

- Actively and effectively support victims and their relatives in their quest for truth, justice and reparation; including through independent and thorough investigations into reports of human rights violations; and regularly report to the public as well as to relevant regional and international human rights bodies, including at the UN and AU levels.

10.8 TO THE INTERNATIONAL COMMUNITY, INCLUDING THE AU, UN, EU, THEIR RESPECTIVE HUMAN RIGHTS MECHANISMS, AND DRC’S BILATERAL PARTNERS

- Support efforts by the DRC authorities to investigate and prosecute alleged past crimes and other serious human rights violations, including by providing funding and technical support where appropriate.
- Hold the DRC authorities to account with regards to the lack of justice and accountability for crimes and other serious human rights violations committed during demonstrations between 2015 and 2018, particularly during relevant human rights review mechanisms.
- Ensure that individuals who are the subject of international sanctions for allegations of serious human rights violations are effectively investigated and prosecuted at national or international levels before considering lifting sanctions.
- Assist the DRC authorities in the enforcement of international standards in relation to the rights to freedom of peaceful assembly and association and public order management procedures, including through human rights components in training courses for police and others.
AMNESTY INTERNATIONAL IS A GLOBAL MOVEMENT FOR HUMAN RIGHTS. WHEN INJUSTICE HAPPENS TO ONE PERSON, IT MATTERS TO US ALL.
DISMISSED!

VICTIMS OF 2015-2018 BRUTAL CRACKDOWNS IN THE DEMOCRATIC REPUBLIC OF CONGO DENIED JUSTICE

Between January 2015 and December 2018, Congolese security forces brutally and systematically cracked down on protesters who opposed President Kabila’s attempts to remain in power beyond his second constitutional term. By the end of December 2018, at least 320 people were dead and 3,500 had been injured, mainly in the capital Kinshasa. More than 8,000 people were also arbitrarily arrested or detained in connection with the protests.

Based on Amnesty International’s monitoring of the situation since 2015 and an intensive two-year research conducted between February 2018 and January 2020, this report explores the Congolese authorities’ failure to effectively investigate these human rights violations, and to bring perpetrators to justice.

While speaking of a past period, the report brings alive the real issues facing the Democratic Republic of the Congo today: the lack of accountability, the judicial acquiescence, the complete absence of justice mechanisms, the widening trust deficit between government and people, the reckless and senseless killings of young people whose only wrong is to have peacefully stood for their rights such as Thérèse Kapangala and Rossy Mukendi, among many others.

It echoes the voices of the victims of the brutal crackdown and their relatives, who are still demanding that justice be done.