

## AMNESTY INTERNATIONAL PUBLIC STATEMENT

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# DRC: DROP DEFAMATION CHARGES AGAINST HUMAN RIGHTS DEFENDER

Amnesty International calls on the Congolese authorities to drop a defamation charge against Donat Kambola, a prominent human rights defender and activist. The charge relates to the publishing of a critical statement and the filing of a criminal complaint alleging corruption with the public prosecutor (procureur général) on behalf of a coalition of NGOs.

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On 25 March 2021, the Mayor of Kolwezi filed a criminal defamation complaint against Donat Kambola, the Coordinator of the Initiative Bonne Gouvernance et Droits Humains (IBGDH – Good Governance and Human Rights Initiative), under Article 74 of the Democratic Republic of the Congo's penal code, which provides for a maximum prison term of one year and/or a fine for criminal defamation convictions. Donat Kambola, a lawyer based in Kolwezi, has worked for many years through his organisation IBGDH on issues linked to the extractive industry, particularly focusing on representing communities displaced by mining activities or at risk of losing their land. Kolwezi is located in the south of the DRC, in an area known as the Copperbelt, and is an important centre of copper and cobalt production. The DRC accounts for 60-70% of the world's production of cobalt, which is a key component in lithium-ion rechargeable batteries used in portable electronic devices and increasingly in electric vehicles.

IBGDH is one of fifteen organisations that comprise La Synergie des Organisations de la Société Civile de Lualaba Œuvrant dans le secteur des Ressources Naturelles (SOLORN – The Coalition of Civil Society Organisations in Lualaba working in the Natural Resources Sector) of which Donat Kambola is the coordinator.

Prior to the complaint being brought, on 15 February 2021, SOLORN delivered a joint letter to the Provincial Government of Lualaba denouncing the state of the roads in some parts of Kolwezi, the impact that their poor state is having on the local communities and problems with ongoing infrastructure works including the construction of roads and public street lighting. The letter also called for an investigation into conflicts of interest and alleged irregularities in the sale of government land. SOLORN also filed a criminal complaint with the public prosecutor related to conflict of interest in public office and embezzlement of public property.

Civil society organisations in the DRC have mobilised to call for the charges against Donat Kambola to be dropped.

The charge against Donat Kambola adds to a worrying trend of individuals in power using criminal defamation law to silence critics and journalists.

Under international law, the DRC should respect and protect the right to freedom of expression, even if such expression risks shocking, offending or disturbing. Charging persons for criminal defamation carries the risk of having a chilling effect that may unduly restrict the exercise of freedom of expression of the person concerned and others and is a violation of the right to exercise freedom of expression.

Amnesty International opposes laws prohibiting insult or disrespect of heads of state or public figures, the military or other public institutions or flags or symbols (such as lèse majesté and desacato laws), since public officials are expected to accept a higher level of criticism than private individuals.

Amnesty International urges the Congolese authorities to amend laws criminalizing defamation, whether of public figures or private individuals, which should be treated as a matter for civil litigation. Furthermore, public officials should not receive state assistance or support in bringing civil actions for defamation. The Congolese parliament should decriminalize defamation, in line with recommendations by UN human rights bodies.

