

AI Index Number: AFR 62/5909/2017

Ref: TG AFR 62/2017.001

Heads of State
Southern African Development
Community - SADC
SADC House
Gaborone
Botswana

**AMNESTY
INTERNATIONAL**



AMNESTY INTERNATIONAL INTERNATIONAL SECRETARIAT
Peter Benenson House, 1 Easton Street
London WC1X 0DW, United Kingdom
T: +44 (0)20 7413 5500 F: +44 (0)20 7956 1157
E: amnestyis@amnesty.org W: www.amnesty.org

17 March 2017

Your Excellencies,

Greetings from Amnesty International.

I write to raise Amnesty International's concerns about the deteriorating human rights situation in the Democratic Republic of Congo (DRC) as the country struggles to find a solution to the current political impasse and uphold its regional and international obligations to protect, promote and fulfil human rights. We commend efforts by the Southern African Development Community (SADC) to help the DRC to resolve the current crisis and believe the Extraordinary Summit to be held on 18 March in Swaziland should give prominence to addressing human rights violations to prevent further deterioration of the stability of the Great Lakes region.

Since 2014, Amnesty International has documented numerous human rights violations linked to the electoral process in the DRC, including violations of to the right to life and security of the person, freedom of expression, association and peaceful assembly.

Over the past three years, the DRC authorities have arbitrarily arrested and unlawfully detained several political leaders and human rights defenders who have spoken out against delays in the organization of elections in 2016 and called on President Joseph Kabila to step down in December 2016 as his second and last constitutional mandate ended.

The justice system itself has become a tool of reprisal against political candidates and human rights defenders.

For example, on 20 January 2015, Jean Claude Muyambo Kiassa, an opposition leader from Congolese Solidarity for Democracy and Development (*Solidarité congolaise pour la démocratie et le développement*) was arrested and charged with breach of confidence, illegal withholding of documents and threatening assault. The arrest happened after Jean Claude Muyambo Kiassa called for President Joseph Kabila to designate a successor and proposed the name of Moise Katumbi as the candidate of the Presidential Majority platform for the 2016 elections.

In March 2015, youth activists beginning to organize around the electoral process through the citizen's movements Struggle for Change (*Lutte pour le Changement*) and *Filimbi* were arrested at a press conference in Kinshasa and unlawfully detained. While many were released over the following days, Fred Bauma and Yves Makwambala spent more than a year in prison after being detained for 50 and 40 days respectively in secret detention.

In September 2015, Moise Katumbi Chapwe, former Governor of Katanga province, announced his resignation from the governorship and the ruling party. In June 2016, he was summoned before

judges on accusation of possessing a private militia after his intention to run for office in the 2016 elections was made public.

Between 2014 and 2016, Amnesty International documented at least five other cases of judicial harassment of political leaders and dozens of pro-democracy youth activists in relation to the electoral process.

Opposition and civil society groups have been banned from exercising their right to peaceful assembly in several cities, including Kinshasa, Lubumbashi and Goma. Media houses, including Radio France International and Nyota TV (owned by Moise Katumbi) have been banned from operating freely and internet access was temporarily shut down in December 2016 across the country.

According to the UN's Joint Human Rights Office, at least 93 people were unlawfully killed by security forces during protests organized by the opposition and civil society in September and December 2016.

Over the past year, Amnesty International also observed a significant increase in human rights abuses and violations committed against civilians in the context of ongoing armed conflict in the country. Civilians continue to be targeted and killed in the Beni region, in North Kivu, despite the presence of Congolese and UN forces who have a clear mandate to protect civilians. Inter-ethnic conflict between the Nande and Hutu in the same province continues to decimate the civilian population from both communities with little action by the DRC authorities.

The recent re-emergence of the Movement of the 23 March (M23) in the region of Rutshuru is of great concern. Our memories are still fresh about the suffering this group inflicted on the civilian population of North Kivu in 2012 and 2013.

In the Kasai, during the government's military operations against the Kamuina Nsapu's armed group, there have been unlawful killings by government security forces of individuals who do not pose any threat, which have been exposed in recent videos. On 12 March, two UN experts investigating these recent attacks were abducted along with four Congolese aides by unknown individuals.

Amnesty International believes that the gridlock of the electoral process has had a substantial impact on the government's capacity to effectively respond to emerging conflict, protect civilians and address critical human rights issues.

The agreement reached on 31 December 2016, under the mediation of the Catholic Church's Episcopal Conference of Bishops (CENCO), was seen by many Congolese as an important step to ensure a reasonable transition period, ensure the organization of elections in 2017 and decrease tensions by opening civic space, releasing political prisoners and reopening opposition media outlets.

The failure to implement this agreement so far poses a great risk of further gross human rights violations and the economic and security destabilization of the Great Lakes region.

As SADC meets to discuss the situation in the DRC, Amnesty International calls on you to urge the Government of DRC to:

1. Take appropriate measures to defuse the risk of intensified conflict and further human rights violations by opening the civic space, releasing political prisoners and reopening opposition media outlets;
2. Guarantee the rights to freedom of expression, association and peaceful assembly and lift all bans on protests organized by opposition and civil society groups;
3. Promptly and independently investigate human rights violations allegedly committed by the security forces, including unlawful killings, during protests and military operations;
4. Allow the media to operate freely across the country and ensure protection for journalists;
5. In collaboration with UN forces, protect civilians in areas of armed conflict;
6. Cooperate with neighbouring countries in the region to effectively implement the Peace, Security and Cooperation Framework on the DRC and the Great Lakes region and support the DRC and the UN in their efforts to protect civilians.

Amnesty International urges you to commit publicly to these recommendations and ensure the Government of the DRC takes these important steps to prevent further escalation and human rights violations.

I look forward to continued dialogue on the issues raised in this letter.

Yours sincerely,

Salil Shetty

Secretary General