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Democratic Republic of the Congo: Human rights concerns in the run up to Presidential election campaigns

The 2006 presidential elections were marred by human rights violations including excessive use of lethal force, arbitrary arrest and detention and enforced disappearances. In the past two months, arbitrary arrest of journalists and opposition leaders, repression of peaceful political events, and death threats against human rights defenders raise concerns for the forthcoming 2011 pre-electoral and electoral phases.

In light of these recent events, Amnesty International calls on the Democratic Republic of the Congo (DRC) authorities to protect the rights of freedom of association, assembly and expression of its population, including human rights defenders and members of the political opposition. In particular it calls on the authorities to allow human rights defenders to carry out their legitimate activities protected from threats, arbitrary arrests and detention. It calls on the authorities to ensure that criminal laws are not applied in breach of these rights and that anyone accused of criminal activity, including members of the opposition, receive fair trials. Furthermore, in cases of violations, authorities must undertake prompt, thorough, and impartial investigations of allegations of abuses of human rights, investigations which are capable of identifying those responsible and bringing them to justice.

Death threats against human rights defenders:

Amnesty International is concerned about the security and the right to freedom of expression and association of human rights defenders and opposition leaders in the DRC as the country prepares to enter the pre-electoral period ahead of the November 2011 presidential elections.

Prominent lawyers and human rights defenders Jean-Claude Katende and Georges Kapiamba, of the Kinshasa office of the African Association for Human Rights (ASADHO), both received explicit death threats on 1 and 2 February after they held a press conference on the 1 February at which they condemned the government for its harassment and repression of members of the political opposition, citing a number of specific cases.

The threats were anonymous and sent by text messages from different numbers. One of the messages stated: "If you continue this intoxication campaign against us, your days are counted. Your international partners will not save you". Another call warned that the men could be attacked in the forthcoming days because of their public denunciation of the government.

On the day of the press conference, Minister of Media and Communication and government spokesperson Lambert Mende responded to the issues raised by ASADHO on Radio Okapi, a United Nations funded radio station, denying certain accusations and demanding further evidence for others. He is also reported to have accused the human rights organisation of spreading lies, and of being an instrument of unnamed foreign entities he claimed were seeking to control the country.

In the past, similar accusations by the government levelled at human rights defenders carrying out their legitimate work, have been followed by arbitrary trials infringing on their right to freedom of expression. Telling examples are the 2009 trials of Golden Misabiko from

ASADHO's Katanga office, and Robert Ilunga from the Amis de Nelson Mandela pour les Droits de l'Homme.

The government should ensure that it abides by its responsibilities towards human rights defenders, notably ensuring that they are protected from threats, arbitrary arrests and detention, and take all necessary measures to protect Jean-Claude Katende and Georges Kapiamba, including through an impartial, thorough and effective investigation into the threats received by the two human rights defenders, and concrete action against anyone found responsible.

Repression of political opposition:

Recent acts of harassment and intimidation against the political opposition have also been reported.

Eugène Diomi Ndongala, President of the opposition party the Démocratie Chrétienne, was arrested on 13 January 2011 in Moanda, Bas-Congo Province, where he was visiting members of his party ahead of a national party congress scheduled for February. The arrest took place after an incident the night before apparently initiated by an alleged agent of the General Migration Direction (*Direction Générale de Migration - DGM*). He was charged and sentenced the next day to five months prison for contempt of a public authority and assault ("coups et blessures"). Eugène Diomi Ndongala was eventually acquitted on 3 February by the court on appeal, reportedly after the court found that ruling was based on insufficient evidence and that the person allegedly involved in a fight with Eugène Diomi Ndongala was actually not registered as employed by the DGM, as he had claimed.

In eastern DRC, on 27 January, the police and the army disbanded events organised by two youth groups in the neighbourhoods of Furu and Katwa in Butembo, North Kivu. The groups were collecting signatures for a petition to call for the reversal of constitutional changes recently passed by the Senate that limits presidential elections to one round of voting. The security services tore banners away from the groups, and the National Intelligence Agency (*Agence Nationale de Renseignements - ANR*) allegedly seized a part of the petition that contained nearly half of the 65400 signatures the groups said they had collected. The army circled the neighbourhoods from 27 to 31 January and reportedly searched neighbouring houses to find and seize all those who were connected to the groups. A number of arbitrary arrests took place at the hands of the ANR that night, and there were reports that members of the army looted livestock from residents. All detainees had reportedly been released by 3 February.

Amnesty International has documented over a number of years widespread involvement of civilian security services, in particular the ANR and to a lesser extent the DGM, in human rights violations, notably against members of the political opposition, and is therefore concerned that other such intimidation incidents by the security services will continue and maybe increase in the next nine months.

Arbitrary detention of journalists:

On 17 December 2010, journalist Robert Shemahamba, director of a local radio and television station Radio-Television Communautaire Mitumba RTCM was arbitrarily arrested and detained by the National Intelligence Agency (Agence Nationale des Renseignements - ANR) in Uvira, South Kivu. Robert Shemahamba had hosted a radio debate on the 12th December on Radio Mitumba which had discussed, amongst other issues, President Kabila's State of the Nation speech to the National Assembly. Robert Shemahamba was summoned and interrogated on 13th December, by the state prosecutor. On the 17th of December he was summoned and detained by the ANR, without having been informed of the charges against him. He was held until the 27th December, in two separate ANR detention centres, without being allowed any visitors.

Dominique Kalonzo, correspondent at Radio Maendeleo, who also participated in the radio discussion, went into hiding after having been publicly assaulted by ANR agents on the 24th December allegedly attempting to arrest him by force.