

# AMNESTY INTERNATIONAL

## Public Statement

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### **Democratic Republic of Congo (DRC): Time to end threats against human rights defenders**

Amnesty International today called on the DRC government to take concrete steps to identify and bring to justice individuals, including state officials, responsible for threatening Congolese human rights activists.

The organization is concerned about several threats or attacks against human rights defenders across the country in recent months, including an apparently concerted campaign of intimidation against one of the country's foremost independent rights organizations, *Journalistes en danger* (JED).

On 18 February a new national constitution, ratified by the Congolese people in a referendum in December 2005, came into effect. The constitution guarantees respect for fundamental human rights, including freedom of expression and freedom of information. "In approving the new constitution, the people of the DRC have expressed their longing for an end to years of violence, insecurity and unlawful state practices. The DRC authorities need now to ensure that the provisions of the Constitutions are applied in practice and halt conduct by state security agents which violates human rights," Amnesty International said.

On 10 December 2005, several JED personnel received anonymous text messages on their mobile phones threatening that they would "disappear one by one" unless JED ceased its activities within 10 days. The messages were reportedly sent from a newly-created phone number which, according to the mobile phone operator, had not yet been assigned, an indication, according to some, that state security services were behind the death threats. The threats appeared to be linked to JED's demands for an effective independent investigation into the murder of Kinshasa political journalist Franck Ngyke Kangundu, and his wife, Héléne Paka, on the night of 2/3 November.

The intimidation has continued. When JED released details of its investigations into the double murder in an 8 February 2006 interview with a Kinshasa newspaper, JED personnel received further threatening phone calls. After JED published its own report into the killings on 14 February 2006, which revealed possible political motives for the murders, JED's president Donat M'baya Tshimanga was summoned to the headquarters of the police special services and intelligence unit, the *Direction des renseignements généraux et services spéciaux* (DRGS). Donat M'baya Tshimanga is currently in hiding.

"The legitimate work of human rights activists and journalists to expose human rights abuses and incidents of maladministration and corruption is vitally important, especially so as the DRC approaches national elections later this year," said Amnesty International. "The rights of these individuals and organizations to work unmolested and free from fear must be upheld by the Congolese state."

Amnesty International recalls that, under the UN Declaration on Human Rights Defenders, states "shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and

in association with others, against any violence, threats, retaliation, de facto or *de jure* adverse discrimination, pressure or any other arbitrary action” carried out as a consequence of his or her legitimate exercise of human rights.

Amnesty International calls on the DRC government to launch prompt, thorough and impartial investigations into threats against human rights defenders, including those against JED, and to bring the perpetrators to justice in accordance with international standards of fair trial.

The organization also urges the international community to raise concerns about the security of human rights activists in the run-up to elections with the DRC government at the highest levels.

### **Background**

Human rights defenders in DRC often work in conditions of extreme danger. Congolese activists have previously been victims of torture, extrajudicial execution and arbitrary arrest. In most areas the local political and military authorities are hostile to the activities of the local NGOs, which they fear may expose their involvement in human rights violations. The activists are frequently called in by the authorities for questioning or to settle so-called “administrative matters” that are in reality thinly disguised acts of intimidation; their offices are subject to unannounced arbitrary visits by security officials. In some cases, human rights activists have been threatened with death at gunpoint. On 31 July 2005, human rights activist Pascal Kabungulu Kibembi, the Secretary-General of *Héritiers de la Justice* (Heirs of Justice), a leading human rights organization, was murdered at his home in the eastern city of Bukavu, allegedly by soldiers.