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DR Congo: Free Youth Activists

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Congolese authorities should immediately and unconditionally release two activists who were arrested one year ago during a pro-democracy youth workshop in the Democratic Republic of Congo. Fred Bauma and Yves Makwambala face trumped-up charges in an apparently politically motivated drive to silence dissent. On March 16, 2016, the Supreme Court of Justice is expected to issue a decision on whether to grant the two provisional release.

The arrest of the two activists was part of a growing government crackdown on those speaking out against efforts to extend President Joseph Kabila's stay in power beyond the end of his constitutionally mandated two-term limit, which ends on December 19.

"The continued detention of Fred Bauma and Yves Makwambala a year after their arrest is a stark reminder of the Congolese authorities' willingness to silence peaceful protest," said Ida Sawyer, senior Africa researcher at Human Rights Watch. "The authorities should immediately drop the baseless charges and release Bauma, Makwambala, and other activists and politicians held solely for peacefully expressing their political views."

Congo's National Intelligence Agency (Agence Nationale de Renseignements, ANR), arrested Bauma and Makwambala on March 15, 2015, with at least two dozen others, including Senegalese and Burkinabe activists, a United States diplomat, foreign and Congolese journalists, and Congolese activists, musicians, artists, and logisticians. They were attending a workshop in Kinshasa to introduce Filimbi, a platform to encourage Congolese youth to peacefully and responsibly perform their civic duties. In the following days, the intelligence services also arrested another Filimbi activist and others associated with Filimbi, including a graphic artist who designed the Filimbi logo and Rawbank employees who managed the Filimbi bank account.

During a news conference on March 18, 2015, Communications Minister Lambert Mende said that the Filimbi leaders were planning "terrorist activities" and a "violent insurrection." He provided no evidence to back up the allegations.

While the others were eventually released, Bauma and Makwambala were illegally held at an intelligence agency detention facility for 50 and 40 days, respectively, without charge and without

access to their families and lawyers. They were then transferred to Kinshasa's central prison, where they remain. Bauma is a member of the pro-democracy youth movement Struggle for Change (Lutte pour le Changement, LUCHA) from the eastern city of Goma, while Makwambala is a web expert from Kinshasa who helped design the Filimbi website.

On June 3, Bauma, Makwambala, and four other Filimbi leaders who had fled Kinshasa to escape arrest, were charged with belonging to an association formed for the purpose of attacking people and property, plotting a conspiracy against the head of state, and attempting to either destroy or change the constitutional regime or incite violence against state authority. Bauma was also charged with disturbing the peace, and Makwambala with publicly offending the head of state.

Over the past year, Congolese and international politicians, human rights activists, students, and others have mobilized to support Bauma and Makwambala and urged Congolese authorities to release them.

On April 20, a parliamentary "information mission," established to examine how Congo's security services managed the Filimbi dossier, reported that they found no evidence indicating that the Filimbi leaders and workshop participants were involved in or planning any terrorist or other violent crimes. Following a debate about the report during closed sessions of parliament on June 12 and 13, Congo's National Assembly recommended a "political solution" that would allow for the release of the Bauma and Makwambala, members of parliament who attended the debate told Human Rights Watch.

On June 15, a coalition of 234 Congolese and international rights organizations called for the immediate and unconditional release of Bauma and Makwambala.

On July 9, the European Parliament passed a resolution focused on Bauma's and Makwambala's case, and the call for their immediate release was echoed in a subsequent European Parliament resolution passed on March 10, 2016. Officials from the United Nations and the United States have also repeatedly raised concerns about the continued detention of Bauma and Makwambala.

On the one-year anniversary of their arrest, Bauma and Makwambala are starting a hunger strike to protest their continued detention, according to LUCHA activists. Also on March 15, more than 700 letters from Congolese citizens from across the country are to be delivered to the president's office in Kinshasa, calling on Kabila to release the two activists.

"President Kabila should not ignore the growing coalition of voices calling for the release of Bauma and Makwambala," Sawyer said. "Acting now to release the activists would signal that the government does not oppose Congolese youth and others who want to freely and peacefully express their views in support of the democratic process."

For more information on other Congolese activists and political leaders in detention, please see below.

List of Prisoners

The following people have been arrested since late 2014 after speaking out against attempts to extend President Kabila's term in office or participating in peaceful demonstrations or other political activities. They remain in detention.

Detained in Kinshasa:

Vano Kalembe Kiboko: Former member of parliament from Kabila's majority coalition, arrested on December 29, 2014, after publicly criticizing violent police repression of a demonstration in

Katanga and attempts to allow Kabila to seek a third term. Convicted and sentenced to three years in prison on September 14, 2015, for racial hatred and tribalism and "spreading false rumors." He was detained at Kinshasa's central prison until January 26, 2016, when he was transferred to Kinshasa's military prison, where he remains. His lawyers say the move had no legal basis.

Jean-Claude Muyambo: President of the Congolese Solidarity for Democracy and Development (Solidarité congolaise pour la démocratie et le développement, SCODE) political party and former president of the bar association in the former Katanga province, arrested in Kinshasa on January 20, 2015, after mobilizing participation in the demonstrations against proposed changes to the electoral law. Held at Kinshasa's central prison, then transferred to a health clinic, where he is being treated for injuries he suffered during arrest. On trial for "abuse of confidence" and selling a building that did not belong to him, likely based on a complaint that a client brought against him in 2002 - and later withdrew - in his home province of Katanga.

Christopher Ngoyi: Human rights defender involved in mobilizing public participation in demonstrations against proposed changes to the electoral law, arrested on January 21, 2015, and held by the National Intelligence Agency for 20 days, then transferred to Kinshasa's central prison. Judicial proceedings are ongoing. After suffering significant loss of hemoglobin in his blood and other medical conditions, Ngoyi was transferred to a medical clinic in Kinshasa on February 8, 2016. His family said he was returned to Kinshasa's central prison on March 2, before fully recovering and before the cause of the sudden blood loss was discovered or treated.

Ernest Kyaviro: Opposition political party leader arrested in Goma on January 22, 2015, during the week of demonstrations against proposed changes to the electoral law. Transferred to Kinshasa and held at the intelligence agency for 86 days, then transferred to Kinshasa's central prison on April 15. Convicted and sentenced to three years in prison on September 18 for provoking and inciting disobedience toward public authorities. His appeal is ongoing.

Fred Bauma: LUCHA activist arrested during a workshop in Kinshasa on March 15, 2015, to introduce Filimbi. Held by the intelligence agency for 50 days, then transferred to Kinshasa's central prison. Judicial proceedings are ongoing.

Yves Makwambala: Web expert arrested during a workshop in Kinshasa on March 15, to introduce Filimbi. Held by the intelligence agency for 40 days, then transferred to Kinshasa's central prison. Judicial proceedings are ongoing.

Jerry Olenga: Member of the opposition political party Innovative Forces for Union and Solidarity (Forces novatrices pour l'union et la solidarité, FONUS), arrested on November 4, 2015 after attending a news conference by the party's president. Transferred to Kinshasa's central prison after being detained for a month at the ANR. Charged with attacking state security. Judicial proceedings ongoing.

Paulin Lody: Member of the FONUS party, arrested on November 4, 2015 after attending the news conference by the party's president. Transferred to Kinshasa's central prison after being detained for a month by the intelligence agency. Charged with attacking state security. Judicial proceedings ongoing.

Jean-Marie Kalonji: Coordinator of the pro-democracy movement "Fourth Way" (Quatrième Voie), arrested on December 15, 2015. Being held by the intelligence agency in Kinshasa, without charge and without access to his family or lawyer.

Bienvenu Matumo: Member of LUCHA, arrested early on February 16, 2016, before the "ville morte" (general strike), alongside Marc Héritier Kapitene after attending a meeting with other LUCHA activists the night before. Transferred from an intelligence agency detention center to the

prosecutor's office on February 19. He was later transferred to Kinshasa's central prison and is on trial on charges of incitement to civil disobedience, spreading false information, and attacking state security.

Marc Hérítier Kapitene: Member of LUCHA, arrested early on February 16, before the "ville morte" (general strike), alongside Matumo after attending a meeting with other LUCHA activists the night before. Transferred from an intelligence agency detention center to the prosecutor's office on February 19. He was later transferred to Kinshasa's central prison and is on trial for charges of incitement to civil disobedience, spreading false information, and attacking state security.

Victor Tesongo: Member of an opposition political party, arrested on February 15, 2016, on his way home after meeting with LUCHA activists, the night before the general strike. Transferred from an ANR detention center to the prosecutor's office on February 19. He was later transferred to Kinshasa's central prison and is on trial for charges of incitement to civil disobedience, spreading false information, and attacking state security.

Other LUCHA Activists Arrested in Goma early in the morning of February 16, 2016, before the "Ville Morte":

1. Rebecca Kavugho
2. Serge Sivyva
3. Justin Kambale
4. John Anipenda
5. Ghislain Muhiwa
6. Melka Kamundu

On February 24, the six activists were all sentenced to two years in prison for inciting public disobedience. On March 4, an appeals court reduced their prison sentence to six months.

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