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HRW – Human Rights Watch

DR Congo: Opposition Under Assault

(Kinshasa) – Government security forces in the Democratic Republic of Congo (<https://www.hrw.org/africa/democratic-republic-congo>) used live ammunition and teargas to disperse largely peaceful political opposition rallies during candidate registration in early August 2018.

Authorities also restricted the movement of opposition leaders, arrested dozens of opposition supporters, and prevented one presidential aspirant, Moïse Katumbi, from entering the country to file his candidacy for the presidential election scheduled for later this year.

“Congolesse authorities have firmly clamped down on the political opposition in an apparent attempt to control the electoral process,” said Ida Sawyer (<https://www.hrw.org/about/people/ida-sawyer>), deputy Africa director at Human Rights Watch. “Elections can’t be credible when an opposition leader is banned from participating and opposition supporters risk death, injury, or arrest just for going out on the streets to peacefully support their leaders.”

The findings are based on personal and phone interviews in August with more than 45 victims and witnesses of violations, medical workers, activists, and Congolese political party members and leaders in Kinshasa, Goma, and Brussels, Belgium.

The Congolese government should end the excessive use of force against opposition supporters, release arbitrarily detained opposition party members and activists, and investigate serious violations and appropriately hold those responsible to account, Human Rights Watch said. The authorities should allow all Congolese to fully and freely participate in the electoral process, including by permitting Katumbi to enter the country and register as a candidate.

Concerned governments and regional bodies should press President Joseph Kabila and other senior officials to end the repression of the opposition and to ensure that the electoral process is free, fair, and inclusive. The governments and regional bodies should expand targeted sanctions if grave human rights violations continue.

On August 1, security forces fired teargas and live ammunition to disperse tens of thousands of supporters who had gathered to welcome the opposition leader and former Vice President Jean-Pierre Bemba in the capital, Kinshasa, wounding at least two people. Bemba returned to Congo to register as a presidential candidate after an International Criminal Court (ICC) appeals chamber overturned his war crimes and crimes against humanity convictions (<https://www.hrw.org/news/2018/06/11/no-redress-central-african-victims>) on June 8. Soon

after Bemba arrived in Kinshasa, security forces blocked him from going to his residence in Kinshasa’s Gombe neighborhood. The authorities claimed his home was in a “presidential zone” that was off limits.

On August 2, the mayor of Lubumbashi, in southeastern Congo, issued a written statement that Katumbi would not be authorized to land at the Lubumbashi airport (<https://twitter.com/MuellerTimo/status/1025076489426034689>) by private plane, as he had requested. Katumbi, who has been living in exile for the past two years due to a series of politically motivated judicial procedures (<https://www.hrw.org/news/2016/05/09/dr-congo-crackdown-presidential-aspirant>), traveled instead to Zambia and attempted to enter Congo by road (<http://www.jeuneafrique.com/610492/politique/rdc-moise-katumbi-renonce-a-atterrir-a-lubumbashi-et-tentera-de-rentre-par-la-zambie/>) at the Kasumbalesa border crossing on August 3. Congolese authorities warned Katumbi that they would immediately arrest him (<https://twitter.com/soniarolley/status/1025083941991211008>) upon his arrival in Congo. But when Katumbi reached the border, officials instead shut down the border (<http://www.rfi.fr/afrique/20180803-rdc-moise-katumbi-tente-passer-frontiere-route-annonce-retour>) and denied him entry.

Security forces fired live ammunition and teargas (<https://twitter.com/nononlandu/status/1025393255138160645?s=12>) to disperse the thousands of supporters who came to welcome Katumbi (http://www.jeuneafrique.com/610723/politique/rdc-moise-katumbi-est-arrive-a-la-frontiere-a-kasumbalesa/?utm_source=Twitter&utm_medium=JeuneAfrique&utm_campaign=Tweet_03082018) on the Congolese side of the border on August 3, killing at least one person and wounding one other. Dozens of supporters were arrested. Security forces also deployed massively across parts of Lubumbashi and erected roadblocks on major roads, where they systematically searched (<https://www.radiookapi.net/2018/08/03/actualite/securite/retour-annonce-de-moise-katumbi-lubumbashi-un-dispositif-securitaire>) vehicles.

Police also stopped members of parliament and other officials from Katumbi’s political coalition as they drove toward Lubumbashi’s airport, where they were expecting Katumbi to land. “As we tried to pass, a police officer pointed his gun at us and threatened to shoot us if we dared to continue,” one official told Human Rights Watch. “He said he was executing orders from his superiors,” the official said. When the delegation later tried to travel to Kasumbalesa to meet Katumbi there, police stopped them at a roadblock just outside of town and forced them to turn around.

In the eastern city of Goma, police prevented Katumbi’s coalition members from holding a peaceful protest (<https://www.radiookapi.net/2018/08/03/actualite/politique/goma-la-police-empeche-la-tenue-de-la-manifestation-densemble-au>) on August 3. Protests continued in Lubumbashi and Kasumbalesa over the following days, as authorities continued to refuse to let Katumbi enter the country. On August 6, security forces shot dead a 10-year-old boy and wounded at least four people during protests in Lubumbashi.

Police again used teargas to disperse peaceful supporters of another opposition leader, Félix Tshisekedi, when he filed his candidacy for president at the national electoral commission, CENI, in Kinshasa on August 7.

Despite campaigning by top ruling party officials (<https://twitter.com/soniarolley/status/997101020655374336>) for the president to make a bid for an unconstitutional third term – and in the face of increasing national (<https://twitter.com/soniarolley/status/1015588123227672579?s=12>), regional (<http://www.jeuneafrique.com/mag/607488/politique/rdc-angola-partie-de-cache-cache-entre-kabila-et-lourenco/>), and international (<https://www.ft.com/content/565c3308-96eb-11e8-b747-fb1e803ee64e>) pressure to step down – Kabila did not submit his candidacy. He instead chose Emmanuel Ramazani Shadary, current permanent secretary of the ruling party and former vice prime minister and interior minister, as the candidate for his electoral platform. In May 2017, the European Union sanctioned (<https://www.hrw.org/news/2017/06/01/dr-congo-eu-us-sanction-top-officials>) Ramazani for his involvement in “planning, directing, or committing acts that constitute serious human rights violations” in Congo.

In total, 25 people filed their candidacies (<https://www.ceni.cd/articles/presidentielle-et-legislatives-nationales-en-rdc-lassemblee-pleniere-de-la-ceni-debute-les-deliberations-des-dossiers-des-candidatures>) for the presidential election during the registration period between July 25 to August 8. Katumbi submitted two complaints to the Conseil d’Etat (<http://www.jeuneafrique.com/614414/politique/presidentielle-en-rdc-moise-katumbi-saisit-le-conseil-detat-pour-que-sa-candidature-soit-acceptee/>), the country’s highest court, on August 8, contesting the migration department’s refusal to let him enter the country and calling on the electoral commission to permit him to register to vote and submit his candidacy. The court has not yet issued a decision.

The electoral commission published its preliminary list of candidates (<https://www.ceni.cd/rubriques/actualites>) on August 24, disqualifying six presidential candidates (<https://twitter.com/soniarolley/status/1033269669078216705>), including Bemba and three former prime ministers, for reasons that many civil society activists (<https://actualite.cd/2018/08/25/rdc-lacaj-denonce-les-injonctions-du-ministre-de-la-justice-membre-du-fcc-a-lendroit-de-la-ceni/>) and opposition political leaders (<http://www.rfi.fr/afrique/20180825-rdc-6-candidats-exclus-presidentielle-dont-jean-pierre-bemba>) denounced as arbitrary and politically motivated. Candidates can appeal to the country’s Constitutional Court. The final list of candidates will be published on September 19.

“Kabila not filing as a candidate is a crucial first step, but a credible electoral process is still a long way off,” Sawyer said. “Persistent pressure from Congo’s regional and international partners is needed for the country to avoid more repression and bloodshed and have a truly democratic transition.”

The Quest for New Elections

Over the past three years, Congolese government and ruling party officials and government security forces have used repression, violence, and corruption to extend their hold on power (<https://www.hrw.org/blog-feed/democratic-republic-congo-crisis>). President Joseph Kabila remains in office beyond the end of his constitutionally mandated two-term limit in December 2016.

Security forces have killed nearly 300 people during largely peaceful political protests since 2015, including by recruiting former fighters from the abusive M23 armed group (<https://www.hrw.org/report/2017/12/04/special-mission/recruitment-m23-rebels-suppress->

protests-democratic-republic-congo) to take part in the crackdown. Security services have arrested hundreds of political opposition supporters and pro-democracy and human rights activists. The intelligence services mistreated many of them and held them in illegal detention for weeks or months, without charge or access to their families or lawyers. Others were put on trial on trumped-up charges.

A Catholic Church-mediated power-sharing agreement signed on December 31, 2016, and known as the “New Year’s Eve agreement (<https://www.hrw.org/content/298259>),” called for elections by the end of 2017 and for “confidence building measures” to ease tensions and open political space. Congo’s ruling coalition has largely flouted these commitments, as repression continues, and many political prisoners and activists remain in detention (https://www.hrw.org/sites/default/files/supporting_resources/drc_political_prisoners_june_2018.pdf). In November 2017, the electoral commission published an electoral calendar (https://www.ceni.cd/assets/bundles/documents/cadre-legal/cadre-legal_1513696917.pdf) setting December 23, 2018, as the date for presidential, legislative, and provincial elections.

Katumbi’s case was one of the “emblematic cases” highlighted in the New Year’s Eve agreement’s confidence-building measures. Congo’s conference of Catholic bishops (<https://www.radiookapi.net/2017/05/03/actualite/politique/rdc-la-cenco-recommande-le-retour-de-moise-katumbi-en-homme-libre>) and many others (<https://actualite.cd/2017/07/20/rdc-lubumbashi-ong-relevant-irregularites-proces-katumbi/>) have denounced the irregularities in the judicial proceedings against Katumbi, including political pressure on judges (<http://www.rfi.fr/afrique/20160728-rdc-juge-chantal-wazuri-pressions-jugement-katumbi>) to rule against Katumbi. One judge who refused to hand down a ruling against Katumbi was shot and almost killed (<http://www.rfi.fr/afrique/20180608-rdc-accusations-juge-mbuyi-kabila-indignant-kinshasa>) by unidentified armed men. In June 2017, the Office of the United Nations High Commissioner for Human Rights (<http://www.jeuneafrique.com/448395/politique/rdc-kinshasa-permettre-a-katumbi-de-participer-a-presidentielle-selon-lonu/>) said that Katumbi should be allowed to return to Congo and fully participate in the electoral process.

Justice Minister Alexis Thambwe Mwamba announced on August 16, 2018, that Congo had issued an international arrest warrant (<https://www.aljazeera.com/news/2018/08/drc-issues-global-arrest-warrant-opposition-leader-katumbi-180816135118122.html>) for Katumbi.

In a statement (<https://au.int/en/pressreleases/20180809/statement-chairperson-commission-electoral-process-democratic-republic-congo>) on August 9, the African Union Commission’s chairman, Moussa Faki, appealed “to all actors concerned to work together, in good faith, to hold peaceful, transparent and truly inclusive elections, in particular by guaranteeing the right of all citizens who wish to compete.”

On August 13, the UN Security Council (<https://www.un.org/press/en/2018/sc13455.doc.htm>) “reiterated that effective, swift and sincere implementation of the [2016 New Year’s Eve] Agreement, including the Agreement’s confidence building measures as well as respect for fundamental rights, and the electorate timeline are essential for peaceful and credible elections on 23 December, a democratic transition of power, and the peace and stability of the DRC.”

In an interview with Radio France Internationale (<http://www.rfi.fr/emission/20180815-manuel-domingos-augusto-ministre-angolais-angola-salue-vivement-decision-kabila>) (RFI) on August 14, 2018, the Angolan foreign minister, Manuel Domingos Augusto, said that Kabila’s decision not to run was “a big step,” but that more needs to happen “for the electoral process to succeed and achieve the objectives that have been set by the Congolese.” He emphasized the need for full respect of the New Year’s Eve agreement, including the confidence building measures, and for the elections to be inclusive.

At a recent Southern African Development Community (SADC) summit in Windhoek, Namibia, the Namibian president and new SADC chairman, Hage Geingob, said in an interview with RFI (<http://www.rfi.fr/afrique/20180818-hage-geingob-president-namibie-je-ai-jamais-aide-ete-payee-areva>) that the crisis in Congo could lead to more refugees fleeing to neighboring countries if it is not resolved. “That’s why, as a sub-regional organization, we intervene to say: colleagues in the region, we have rules about elections,” he said. “They need to be inclusive, they need to be transparent, and the opposition leaders need to have a say.”

Congolese human rights and pro-democracy groups created an online platform (<http://electionsrdcongo.com/>) on August 14 with detailed information on the electoral process and 10 conditions they identified as necessary for the elections to be free, fair, transparent, and inclusive.

They called for the government to immediately release political prisoners, allow the free return of those living in exile, allow arbitrarily closed media outlets to reopen, ensure independence of the judiciary, and allow freedom for all Congolese to protest peacefully. They also said the electoral commission should reject the use of controversial voting machines thought to pose a danger of vote tampering, clean up the voter roll, and provide transparency in its activities and financing.

Crackdown on Katumbi Supporters

When Katumbi supporters gathered at the Kasumbalesa border crossing on August 3, security forces killed at least one person and shot and wounded another. Human Rights Watch received credible reports that security forces had killed two other people in Kasumbalesa that day. On August 6, police and soldiers deployed across Lubumbashi, the provincial capital about 90 kilometers from Kasumbalesa. They fired teargas and live ammunition to disperse protesters in several neighborhoods, killing a child and wounding four others. Some of the protesters reportedly set stalls and cars on fire and pillaged shops (<https://www.radiookapi.net/2018/08/06/actualite/securite/haut-katanga-des-coups-de-feu-pour-disperser-les-manifestants-pro>).

The brother of Olivier Tchamala Kambaji, a 19-year-old student and phone airtime vendor, described his brother’s killing in Kasumbalesa on August 3:

Olivier went out at around 5 p.m. to stock up on units to resell. There had been gunshots earlier when Moïse Katumbi was blocked from entering Kasumbalesa, but we thought things had calmed down by then. Olivier went toward his distributor's house, and when he got to the railroad tracks, before getting to the main road, he heard shots. He immediately started to run in the opposite direction, but unfortunately a bullet hit him in the lower part of his back as he was running. He fell to the ground. Just next to him, another young man fell down. He had been hit in his shoulder.

Olivier's friend then called me to tell me what happened, and he said he was taking them to the hospital. But on their way, a police jeep stopped them and took Olivier and the other man who was hit. The police said they would take them to the hospital, but we learned later that they instead drove around with them until the next day, when they were taken to a hospital in Lubumbashi. I got word that he was there, so I drove to Lubumbashi. The people at the hospital told me Olivier was already dead when he arrived. So I can't tell you now whether he died right away or if he died while with the police and could have been saved. It's revolting!

A 19-year-old man who sold cigarettes said that security forces shot and wounded him in Kasumbalesa on August 3:

On my way home [from work], I saw a lot of trouble near the railroad. People were burning tires and throwing stones. I hurried past them. But then the police started firing teargas and live bullets at the crowd. Then I felt something hit me, and I fell down immediately. I did not even see the bullet coming. I was in a lot of pain. The bullet had entered my upper thigh and came out through my back. I was taken to the hospital where the doctors operated on me. They say I need a second operation, but I don't have the money to pay for it. I am in a lot of pain, and I am waiting for God's help.

A 32-year-old mason said that his 10-year-old son, Gédéon Ntumba Kalala, was killed by a stray bullet in Lubumbashi on August 6:

On Monday [August 6], I stayed at our home in the Katuba Kananga neighborhood because of the trouble in the city. My second son, Gédéon, was playing with his friends in front of our house. The protests weren't on our road, but when the shots began, people began fleeing through our neighborhood. It was between 11 a.m. and noon. There were a lot of gunshots, and I didn't have time to hide or tell the kids to take cover. Gédéon's back was to the road, and then all of a sudden, I saw him fall over. I ran over to him and saw that he had been hit by a bullet in his lower back, close to his spine. I took Gédéon in my arms and screamed for somebody to come help me. My son bled and suffered. He breathed heavily and was already unconscious.

Gédéon was quickly taken to the hospital, but he could not be saved, his father said.

A 34-year-old vendor of second-hand clothes in Lubumbashi said she was shot on August 6:

In the morning, we heard noise coming from the road. There were lots of shots fired. I learned that there were demonstrations to demand the return of Moïse Katumbi. I didn't dare leave my house that day and go out to sell clothes. Then around 11 a.m., I was outside doing laundry when I heard a noise and felt that something had hit me in my pelvis. It was a little hot, but it didn't hurt right away. Then I looked down and saw blood. I started to scream and cry. My mother quickly took my dress off and we saw that a bullet had hit me. My brother immediately left to get a taxi to bring me to the hospital. A doctor eventually operated on me and extracted the bullet.

I think I was lucky that day, but the police must not shoot live rounds at people during a demonstration. Protestors can die and even others who have nothing to do with it, like me, can be hit by stray bullets.

On August 3, Congolese police and migration officials held up for questioning a Congolese correspondent with Radio France Internationale, Baudouin Kamanda Wa Kamanda, as well as two parliament members and two university professors, after they returned to Congo from Zambia. The officials drove them to the provincial capital, Lubumbashi, under the pretext of ensuring their protection and handed them over to the migration agency director in Lubumbashi. The group was released shortly after.

Police stopped a Congolese journalist with Canal Congo Télévision on the road as he was traveling to Kasumbalesa to cover Katumbi's return. He said:

We were about 20 kilometers from the town [of Kasumbalesa] when three police jeeps came and told all drivers to return to Lubumbashi. There was a long line of vehicles at a standstill because of a roadblock further ahead. We turned back, and I started filming the long line of vehicles. About 30 kilometers away from Kasumbalesa, ANR [national intelligence] agents and police officers came up to me, grabbed me, and snatched my phone and my camera. They started checking the images I had filmed, and they later told me that I had compromised state security.

The journalist said that the ANR agents held him for about four hours in a house about 20 meters from the road, near a police office. They erased the images he filmed and released him after returning US\$150 of the \$200 they had taken from him, he said.

Dozens of Katumbi supporters were also arrested at the border with Zambia (http://www.rfi.fr/afrique/20180812-rdc-arrestation-militants-katumbi-lubumbashi-kasumbalesa-frontiere-zambie?ref=tw_i) on August 3 and 4. At least 64 of them, all men, were taken before a judge on August 10 and accused of various charges, including “rebellion,”

“inciting civil disobedience,” “intentional destruction of goods or property,” and “aggravated theft.” They were again taken before a judge on August 22 and remain in detention in Kasapa, Lubumbashi’s central prison.

Rights Violations Against Bemba and His Supporters

When Bemba returned to Congo on August 1 after 11 years abroad, police restricted him and his supporters’ movements. The secretary-general of Bemba’s Movement for the Liberation of Congo (MLC) political party, Eve Bazaiba, said that authorities made last-minute changes to their agreed-upon itinerary the day before Bemba’s arrival:

Two weeks before Bemba arrived, we had already agreed with the city authorities on the itinerary that he would take with his supporters after leaving the airport. But to our surprise, [police] General [Sylvano] Kasongo informed us the day before Bemba arrived that only two protocol officers would be able to welcome him on the tarmac, and only 10 people could wait for him in the [airport] VIP lounge. Upon leaving the airport, his motorcade was not to drive at less than 40 kilometers per hour, stop, or slow down. If he dared to stop, the police would use teargas or any other tool at its disposal to disperse his supporters, Kasongo told us.

When Bemba arrived, security forces used excessive force, firing teargas and live ammunition to disperse the tens of thousands of supporters who had peacefully gathered to welcome him. At least two people were shot, according to MLC party officials and hospital records seen by Human Rights Watch. In the commotion as people fled, several people fell and were hurt or were trampled.

A Congolese journalist covering Bemba’s return said:

When Jean-Pierre Bemba’s motorcade left Ndjili airport, a large crowd of supporters followed. Not far from the airport, police began firing [tear]gas at the crowd and live bullets into the air to prevent the supporters from accompanying the motorcade. The crowd was in complete disarray and people fled in all directions. Some of them jumped over the airport fence to take refuge. Once inside the compound, Republican Guard soldiers fired into the air to chase them away. The supporters had to jump over the fence again and several of them hurt themselves. It’s clear that the police didn’t want Bemba to be accompanied by a big crowd of his supporters.

An MLC activist was wounded as police dispersed the activists accompanying Bemba’s motorcade:

Several people accompanied Bemba’s motorcade as he left the airport. I was one of them. When we crossed the airport’s entrance onto the main road, the crowd outside began demanding that Bemba walk with them. That’s when the police started shooting at us with [tear]gas and bullets in the air. I then climbed over the airport fence to find shelter, but I fell on my head and injured myself. Afterward, the other police officers who were inside the airport perimeter started shooting in the air to chase us away. I was forced to jump over the wall again despite my head injury. First-aid workers from the Red Cross eventually came to my rescue and drove me to the hospital.

Later in the day, after Bemba greeted his supporters at his party’s provincial headquarters and left to go to the central Gombe commune, an activist said that the police dispersed Bemba’s supporters with teargas as his motorcade approached:

As we sat on the ground waiting for Bemba’s motorcade to arrive, riot police and regular police jeeps were parked on the side of the road. A message began to circulate that Bemba’s motorcade was leaving his party’s [provincial] headquarters, and the supporters began to mobilize to welcome him. The police then deployed the riot trucks on the road to prevent the crowd from moving forward. As Bemba’s convoy approached, the police started firing teargas. It was a total mess. I saw people running in all directions. Some fell to the ground and were trampled on.

Later that day, police also prevented Bemba from staying in his family residence on Pumbu Avenue in Gombe commune, where most government and UN offices and embassies are located. Bazaiba said she had been informed of that change by Kinshasa’s provincial police commissioner the day before Bemba’s arrival:

General Kasongo told me that it was inconceivable that Senator Bemba dared to reside within 100 meters of the PPRD [ruling] party headquarters and within less than one kilometer from the president’s residence. He said these were orders received from the hierarchy. Bemba had to instead spend his entire visit at an office in the “GB” commercial complex owned by his family.

Kasongo told journalists (<https://actualite.cd/2018/08/01/rdc-bemba-empeche-par-la-police-de-rejoindre-sa-residence-de-pumbu/>) on August 1: “I received instructions that I must enforce. Bemba can go stay at the Memling [a well-known hotel in Kinshasa] or elsewhere, but not in Pumbu.”

After Bemba filed his candidacy at the electoral commission on August 2, security forces again fired teargas to disperse his supporters.

On August 24, the electoral commission rejected Bemba’s candidacy (<https://www.reuters.com/article/us-congo-politics-opposition/congo-rejects-presidential-bid-of-opposition-leader-bemba-idUSKCN1LA007>) on the grounds that he had been convicted for

witness tampering (<https://www.reuters.com/article/us-congo-icc/ex-congolese-vp-bemba-convicted-of-witness-tampering-at-war-crimes-court-idUSKCN12J1JD>) in a separate ICC case. Congolese law prohibits those found guilty of corruption from running for president. MLC officials have contended that witness tampering does not amount to corruption (<https://www.bloomberg.com/news/articles/2018-08-25/congo-s-bemba-disqualified-from-contesting-election-in-december>), and on August 27, Bemba’s lawyers appealed (<https://actualite.cd/2018/08/27/rdc-les-militants-du-mlc-a-la-cour-constitutionnelle-lors-du-depot-du-recours-contre-lirrecevabilite-du-dossier-de-bemba/>) to the Constitutional Court to overturn the decision.

ecoi.net summary:

Kinshasa: Security forces used live ammunition and tear gas to disperse several largely peaceful opposition rallies in early August 2018, killing at least 2 and wounding several; dozens arrested


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