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Freedom of the Press 2011 - Congo, Democratic Republic of (Kinshasa)

Status: Not Free

Legal Environment: 25

Political Environment: 32

Economic Environment: 24

Total Score: 81

The laws of the Democratic Republic of Congo (DRC) and the country's 2005 constitution provide for freedom of speech, information, and the press, but these rights are limited in practice by President Joseph Kabila's government and various nonstate actors. Officials have used an array of regulations and laws to restrict free speech and suppress political criticism, including bringing criminal charges against journalists and shutting down broadcast operations. Several journalists were charged under DRC's repressive criminal defamation laws. In July 2010, the editor of *Le Monitor*, Pascale Mulunda, was arrested and accused of libel. After three weeks, he was released on bail but placed on probation, and his case remained pending at year's end. In November, the publisher of *Africa News*, Achille Kadima Mulamba, was sentenced to eight months in prison in connection with a story alleging embezzlement of public funds. He was free on appeal at year's end. Journalists were also subject to a range of vague anti-state charges. Beginning in April, Jullson Eninga of the Kinshasa newspaper *Le Journal* spent five months in prison while on trial for treason after he published a communiqué by a militia group. Eninga was eventually acquitted and released. Local media outlets are also subject to regulation by the High Authority on Media (HAM). The agency's mandate is to ensure freedom of expression, but it has the power to temporarily suspend outlets for hate speech and other serious ethical transgressions, and its decisions have at times been criticized as politically biased. In October 2009, the National Assembly passed a bill establishing yet another regulatory agency, the High Council for Broadcasting. Press freedom groups have expressed concerns about the transparency of the selection process for council members; however, the council was not established at year's end.

The trend of attacks and harassment that journalists have faced in the past continued in 2010. In September, 31 local and international press freedom groups wrote a letter to Kabila reporting "an increase in deliberate attacks on journalists and media in the past two months, attacks that could foreshadow even greater repression" in the run-up to presidential and legislative elections scheduled for November 2011. In June, one of Congo's most senior and prominent human rights activists, Floribert Chebeya, was murdered in Kinshasa, compounding fears over freedom of expression. Government officials and security agents throughout the country frequently harass critical journalists and media outlets, often via the national intelligence agency, known as the ANR. About

17 local journalists spent at least 48 hours in jail in 2010, some without charge, according to the Congolese press freedom group Journaliste en Danger (JED). One reporter, Tumba Lumembu of the newspaper *Tempête des Tropiques*, was held incommunicado in ANR custody for two weeks in September before being formally accused of "insulting the head of state." He was then transferred to prison and finally exonerated in November.

Nonstate actors, including armed groups, also subjected local journalists to threats and abuse. Journalists working in the east, where a two-year military offensive against foreign-origin armed groups is ongoing, were particularly vulnerable to threats and self-censorship. In April 2010, cameraman Patient Chebeya Bankome was murdered in Beni, North Kivu province, the fifth local journalist to be killed in the turbulent Kivus region since 2007. Three soldiers were quickly convicted of the murder, but JED called for the investigation to be reopened, arguing that the trial was rushed and that the facts behind the case had not been sufficiently established. In October, Congolese authorities allowed Radio France Internationale (RFI), a major source of news for many residents, to begin broadcasting again after being forced off the air in 2009. However, local radio stations remained subject to the whims of local authorities. For example, three radio stations connected to exiled former presidential candidate Jean-Pierre Bemba (currently on trial before the International Criminal Court) were shuttered for three days in July. In September, rural community radio station Radio Bandundu FM was shuttered for a month on the orders of a provincial governor after he was criticized by a talk show guest.

The population of DRC largely relies on radio broadcasts for the news due to high rates of illiteracy and the relatively high costs of newspapers and television. Many private newspapers are nonetheless published, particularly in Kinshasa, and although they are not always objective, they are often highly critical of the government. Private newspapers must pay a license fee of 250,000 Congolese francs (\$280) and meet other administrative requirements before operating. There are several hundred privately owned radio and television stations, in addition to three state-owned radio stations and a state-owned television station. The state broadcasters reportedly favor Kabila's party, though other political parties represented in the government are occasionally granted access. The UN peacekeeping mission in DRC, known as MONUC, operates the only nationwide independent radio network, Radio Okapi, which has set new standards for reporting and media objectivity in a volatile political scene. Many media outlets are reportedly owned by public figures and businessmen, and are used for political propaganda rather than objective reporting. Journalists at major outlets are usually poorly paid and lack sufficient training, leaving them vulnerable to bribery and political manipulation. While internet access has spread in urban areas thanks to the proliferation of private internet cafes, only 0.72 percent of the population accessed the internet in 2010. The government does not engage in internet censorship.

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