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Recent Attacks on Freedom of Expression and Freedom of Assembly in the DRC

The recent signing of a peace accord and creation of a transitional national government in the Democratic Republic of Congo has done little to alleviate attacks on human rights activists, journalists, and members of civil society. The following cases of arrest, beating, and intimidation are among those documented by Human Rights Watch within the past three months. Human Rights Watch urges members of the new government, which includes the groups responsible for these and other attacks, to recognize the valuable contribution that independent activists can make to the country's transition and to ensure greater respect for the rule of law and freedom of expression.

South Kivu

- Donatien Kisangani Mukatamwina, a human rights activist working for the Uvira-based Solidarity - Exchange for Integrated Development (SEDI), was arrested by agents of the Rwandan-backed Rally for Congolese Democracy (RCD-Goma) on June 27, beaten, and detained for thirteen days without charge. He was arrested at the nearby Burundi border as he was traveling for a short visit there. A few days before his arrest, security agents of the RCD-Goma visited the SEDI office and questioned the executive secretary, Remi Ngabo, about the organization's work and its funders.
- On May 28, 2003, agents of the RCD-Goma's intelligence division in Bukavu arrested Joseph Nkinzu, director of the Radio Rehema. He was detained for two days and beaten severely with a torn-up tire. Police asked him to sign an agreement not to broadcast any news that might be seen as opposed to the RCD-Goma. He was not charged with any crime. Radio Rehema is supported by the Protestant church. Nkinzu and Ben Kabamba, director of the Catholic-supported Radio Maria, had both been threatened on several occasions during April and May 2003 for broadcasting news deemed unfavorable to the RCD-Goma. The independent Radio Maendeleo was shut down from December 2002 until early July after reporting on public discontent over an RCD-Goma policy. Several of its staff members were briefly detained when the RCD-Goma first closed the radio in December.
- Maitre Charles Katambayi, an active member of the bar and association of judicial defenders, was shot to death in front of his house by an RCD-Goma soldier in Uvira on May 25, 2003. The next day, a military officer (also with the RCD-Goma) located the soldier allegedly responsible for the killing and summarily executed him.
- Pascal Kabungulu et Betu Kajigi of the Bukavu-based organization Héritiers de la Justice (Heirs of Justice) were threatened in May and went into hiding after exposing resource exploitation by an officer of RCD-Goma in Kamituga, Mwenga. Two of the organization's partners in Kamituga, Desire Kisuku Mwassa Bindi and Ngama Kasuku of the NGO CFGL, were arrested by the RCD-Goma on May 29, reportedly for having provided Héritiers de la Justice with information.
- The umbrella group Société Civile planned marches around the country on May

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HRW Press Release, December 13, 2002

10, 2003 in support of a delegation from the capital Kinshasa traveling to rebel-held areas for the first time in five years, dubbed the "caravan of peace." Agents of RCD-Goma in Bukavu fired upon, beat, and arrested activists who came out in the thousands to welcome the delegation in town and at the local airport. Officials of the governor's office (who had been duly notified of the demonstration) had urged civil society leaders to call off the march in the morning when it became clear that the delegation from Kinshasa would not arrive as scheduled that day, apparently because of official opposition to the visit. One demonstrator was killed by a stray bullet, thirty-eight sustained bullet wounds, and at least seven people were arrested and detained for periods of two to seven days.

- Bibiche Ntibonera, a youth activist and head of the NGO SOS-Femmes Battues that supports battered women, was arrested and severely beaten by RCD-Goma soldiers on April 11, 2003 when she tried to deliver a letter on behalf of the South Kivu Société Civile, protesting recent fighting between the RCD-Goma and a small armed group the Mududndu-40. Two weeks later, she was evacuated to a hospital in Kinshasa suffering severe consequences from the beating. RCD-Goma security agents also harassed some of the organizations that had signed the letter. They searched the offices of the children's rights organizations BAIOD and Jeunes sans Frontières on several occasions in April and May, prompting both to shut their offices. Officials in the governor's office reportedly recently encouraged Jeunes sans Frontières to resume operations, but warned against posting news bulletins on a bulletin board outside its office. Both offices remain closed.
- Descartes Mponge of the organization ACADHOSHA, a Shabunda-based organization that reports on human rights violations and helps rape victims access medical care in Bukavu town, was arrested by the RCD-Goma on March 24 in Bukavu and detained for two days. He did not appear before a judge and was not informed of the reason for his detention.

North Kivu

- Agents of the RCD-Goma's Directorate General of Migration arrested Valerien N'zchanzchu Kenda Kenda in Goma on May 7 and detained him for twelve days after he requested permission for members of the North Kivu branch of Société Civile to demonstrate in support of the caravan of peace. Senior RCD-Goma officials told Human Rights Watch his offense was signing the letter when his leadership of the organization had been contested. There was no march in Goma.
- Richard Muhindo Bayindu, director general of CREDDHO in Goma, was arrested, beaten, and held for several hours by the RCD-Goma on April 29, 2003. Ituri
- Staff of Justice Plus, a human rights organization working in Ituri, north-eastern Congo, were harassed and threatened by the Union of Congolese Patriots (UPC) on February 5, 2003 after their director gave an interview on international radio about human rights in Ituri. Two employees were arrested and their office equipment was seized. Some of the members of Justice Plus went into hiding fearing for their lives. The UPC claimed that members of Justice Plus were "creating dangers for themselves." The two employees were later released without charge and the equipment returned after an intervention by Human Rights Watch.

Maniema

- Dieudonne Muzaliwa Bulambo, a journalist with the National Radio-Television of Congo (RTNC) in Kindu was seriously beaten by RCD soldiers on May 2, 2003 after having reported that Rwandan soldiers were present in the region. The RTNC, which is affiliated with the Rwandan-backed RCD, dismissed him from his position while he was in the hospital recovering from his injuries.

Lubumbashi

- A court in Likasi, some 80 miles from Lubumbashi, convicted Donatien Nyembo Kimuni of the independent newspaper La Tribune of criminal defamation on July 11, 2003 and sentenced him to five years in prison. The charges were related to an article he wrote in June about poor labor conditions for workers in the mines of the resource-rich region.
- Two human rights activists, Prince Kumbwamba of the African Association of Human Rights (ASADHO) and Gregoire Mulamba Tshisakamba of the Center for Human Rights and Humanitarian Law (CDH) and eight other civilians were acquitted by a the Court of Military Order (COM) of charges of inciting rebellion. Eight Lubumbashi residents were arrested on April 16, 2003 for being in possession of a press statement issued by local human rights groups which had criticized the continued operation of the COM in Lubumbashi, despite a government promise to abolish it throughout the country by the end of 2002. When the two activists went to COM headquarters seeking information about the eight detained persons later that day, they were arrested and had their hands bound behind their backs.
- Jean Pierre Muteba, a trade unionist at the Gecamines in Lubumbashi, was briefly detained by government security agents on March 18 when participating in a seminar on natural resource exploitation. He has been a leader in the civil society movement against resource plunder.

Kinshasa

- National police raided the offices of a church-run radio and television station Radiotelevision Message de vie (RTMV), which broadcasts primarily religious programming, on June 10, 2003, physically threatening the director Fernando Kutino and journalists present at the time and confiscating their broadcast equipment and transmitters. Kutino, the pastor of the movement "Sauvons le Congo," (Let Us Save the Congo) had reportedly gained a substantial popular following in the weeks leading up to the incident. RTMV remains banned.
- A journalist with the independent Tropicana TV station was briefly detained and interrogated when trying to film the police dispersal of a peaceful demonstration organized by the opposition party Union for Democracy and Social Progress (UDPS) on April 23, 2003. Police forced him to erase the images he had filmed.

Kasai

- In Kasai there has been a crackdown on freedom of expression as well. Congolese national police arrested Roger Salomon Lulemba bin Kiabululu, correspondent of the weekly L'Eveil, in Tshikapa town on July 12, 2003, beat him, and detained him overnight, reportedly for trying to contact officials at the town hall outside of normal business hours. The same day, police detained a radio journalist Gustave Mpinganayi representing the Radio Kilimandjaro for four hours in the nearby diamond-rich village Kamonia. Earlier that day, Mpinganayi had reported on a dispute between two diamond traders. Two weeks earlier soldiers with the Congolese army (FAC) in Tshikapa beat a television journalist while trying to keep him from filming a football match. They subsequently detained him and his cameraman for interrogation.

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