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DR Congo: Authorities Foundering on Rights

Crackdown on Media, Dissent, Protests

(Kinshasa) – The administration of President Felix Tshisekedi in the [Democratic Republic of Congo](#) has taken a serious downturn in respect for human rights in 2020. Congolese authorities have cracked down on peaceful critics, journalists, and political party members, while using state of emergency measures imposed due to the [Covid-19](#) pandemic as a pretext to curb political protests.

Dozens of people who have criticized government policies, including on social media, have faced intimidation and threats, beatings, arrests, and, in some cases, prosecution.

“The human rights gains of President Tshisekedi’s first year in office seem to be rapidly dissipating,” said [Thomas Fessy](#), senior Congo researcher at Human Rights Watch. “Tshisekedi should reverse course and stop this mounting repression of peaceful speech and assembly.”

Human Rights Watch interviewed 36 people in Congo, including victims of abuse, lawyers, human rights and pro-democracy activists, and journalists. Since January, Human Rights Watch has documented at least 39 cases of threats and harassment related to free speech and media freedom across half of the country’s 26 provinces. In 17 of the cases, people were arrested, including 2 who remain behind bars. At least 11 people were arrested on charges of “contempt toward officials,” including provincial governors, parliament members, and, in one case, the president. Of the 19 journalists facing harassment, 8 were arrested.

Heri Kalemaza, a 33-year-old lawyer and spokesperson for the Congolese Party for Progress (PCP) in South Kivu province, has been detained since March 4, 2020 on charges of “contempt” toward the provincial governor. © Private

Heri Kalemaza, a 33-year-old lawyer and spokesperson for the Congolese Party for Progress (PCP) in South Kivu province, has been detained since March 4 on charges of contempt toward the provincial governor. “I started receiving intimidating WhatsApp messages from the governor’s investigative cell telling me not to give any more broadcast interviews and stop criticizing the governor’s performance,” Kalemaza told Human Rights Watch. He was later arrested upon entering a radio studio. “The prosecutor told me to write a letter of apology to the governor in order to shut the case, but I refused because this would be incriminating myself.” Kalemaza is facing [trial](#) at Bukavu’s central prison.

Henri Maggi, the vice-president of the youth league for former president Joseph Kabila’s People’s Party for Reconstruction and Democracy, was sentenced on July 9, 2020 in Kinshasa to 18 months in prison for “contempt” of President Felix Tshisekedi. © Private

In Kinshasa, Henri Magie, the vice president of the youth league for former president Joseph Kabila’s People’s Party for Reconstruction and Democracy (PPRD), was arrested on May 16 for “contempt” of President Tshisekedi. “Heavily armed police suddenly came out of two jeeps to arrest me like a bank robber for having said something on television,” he said. “I was sent to prison without even attending a hearing.” On July 9, a court sentenced him to 18 months in prison for suggesting in a media interview that Tshisekedi had not won the 2018 elections.

In [Mongala](#) province since May, the authorities ordered the temporary closure of at least four radio stations, revoked the credentials of six journalists, and suspended several broadcast programs of a political nature.

On May 9, Christine Tshibuyi, a Kinshasa-based reporter at the online outlet Actualité.cd, received threatening phone calls after she published an article about attacks on journalists in the town of Mbuji-Mayi. “Don’t mess around with the governor [of Kasai-Oriental], we know where your family

lives,” she said she was told over the phone. She said that the same day, a four-wheel-drive vehicle of the type commonly used by the Republican Guard rammed into the front of her car, forcing her to crash against a wall. She told Human Rights Watch that a man, flanked by four Republican Guards, then slapped her in the face, making her bleed. She said she reported the incident, but the authorities did not investigate.

Since March, when the government banned large public gatherings under the state of emergency to curb the spread of Covid-19, security forces have used excessive and lethal force to break up demonstrations and disperse crowds. On July 9, as mass protests took place in several cities against the appointment of a new president for the electoral commission, police killed at least one demonstrator in Kinshasa and two demonstrators in the southern city of Lubumbashi. Scores more were injured.

In Kinshasa, protesters beat and stoned a police officer to death while another officer was severely wounded. Groups of demonstrators also destroyed both public and private property. Protests in other cities were largely peaceful. The authorities should promptly investigate the use of lethal force in the Kinshasa and Lubumbashi protests, Human Rights Watch said.

Congo’s human rights minister, André Lite, told Human Rights Watch by phone in response to its findings that he “condemn[ed] these abuses.” “As the president urged, courts and tribunals have to be uncompromising in the respect of fundamental rights,” he said. With respect to courts convicting people for exercising their basic rights, Lite said: “We will put victims forward for presidential pardon to empty their criminal records and inform the Superior Council of Magistrates of these abuses to sanction magistrates where it is necessary.”

International human rights law [recognizes](#) that in the context of a serious public health emergency, restrictions on some rights can be justified when they are strictly necessary, proportionate, and nondiscriminatory. However, emergency measures should not allow authorities to ban or quell peaceful rallies for political reasons under the guise of protecting health.

The Congolese government needs to continue to respect the rights to freedom of expression, association, and peaceful assembly, Human Rights Watch said. When serious violations occur, the government is obligated to promptly and impartially investigate and take appropriate disciplinary or legal action, regardless of the rank or position of those responsible.

All baseless charges against journalists and peaceful critics should be dropped, Human Rights Watch said. The government should also take concrete measures, in line with regional and international human rights instruments, to protect journalists and make good on Tshisekedi’s [pledge](#) to turn the media into “a real fourth estate.” Congo [ranks](#) 150th in this year’s World Press Freedom Index, out of 180 countries. New legislation should repeal criminal defamation and ensure that factual accuracy and the public interest are defenses to defamation claims.

“President Tshisekedi should recognize that attacks on journalists and peaceful critics are an assault on democracy,” Fessy said. “Unless Tshisekedi stops resorting to his predecessor’s tools of repression, his assurances of respect for human rights will be nothing but empty promises.”

Cases of Abuse, Repression

On May 29, the United Nations Joint Human Rights Office in Congo raised [concerns](#) about “the increasing trend of arbitrary intimidation, arrests, and detention of human rights defenders, journalists and members of political parties” in certain provinces. “The health emergency cannot be used as a pretext for muzzling democratic freedoms, contrary to the rule of law,” it said.

The following cases of threats, harassment, and arbitrary arrest since the beginning of 2020 involve individuals exercising their basic rights to freedom of expression or peaceful assembly. A number were charged with “contempt” of authority. They are drawn from the 39 cases Human Rights Watch documented. However, Human Rights Watch believes there are many more incidents that have not been investigated.

Equateur Province

On July 7, an appeal court sentenced an activist, **Joseph Bayoko Lokondo**, to a suspended 6-month prison sentence, overturning a 13-month prison sentence for “contempt for a member of the government” and “defamatory statements.” He was [arrested](#) on January 20 for criticizing the provincial governor, Dieudonné Boloko, and calling for his dismissal. Lokondo suffered from severe illness due to unsanitary conditions in the prison in Mbandaka, the provincial capital, and the beating he received the day he was arrested. He was transferred to a hospital for 11 days. He was released on July 8.

Kongo-Central Province

On July 12, national intelligence agency officers arrested **Patrick Palata**, editor of Tala Tala TV, in

Matadi. He was interrogated about a series of TV interviews recorded the day before his arrest while he was investigating the death of a woman who was allegedly shot by one of the governor’s personal guards during a protest against road tolls. He was [released](#) on July 14 without charge, but his recordings were confiscated, preventing him from broadcasting the story.

North Kivu Province

Jimmy Nzialy, a lawyer and national coordinator of the group Génération Positive-RDC, was detained in a cell at the prosecutor’s office in Goma on May 27, following a complaint by Patrick Munyomo, a member of parliament, who accused him of contempt and defamation. Nzialy was transferred to Goma’s central prison, then released on bail on June 13.

Espoir Miganda Mugisho, an activist in Goma’s Mugunga district, was arrested on June 2 and accused of “contempt for authority” and the murder of two police officers, after he denounced alleged criminality by police officers. He told Human Rights Watch that police officers beat him in jail and that the authorities denied him family visits and access to a lawyer. He was transferred to Goma’s central prison, then released on bail on June 22.

Sankuru Province

In Lodja, **Joseph Omega**, a journalist, was arrested on May 12 and jailed after two members of the provincial parliament accused him of defamatory statements and insult. He was released on June 2.

Nord Ubangi Province

On July 16, national intelligence agency officers summoned five members of several local groups for questioning after they gave a joint statement to the media about the political situation in the province. **Max Nzinga**, **Patrick Ndoba**, **Olivier Akpaba**, **Mohamed Akwele**, and **Christophe Tilombe** had co-signed a declaration in which they criticized provincial “mismanagement.”

Sud-Ubangi Province

On April 24, police arrested **Alexandre Robert Mawelu**, a journalist for Radio Liberté in Gemena, the provincial capital, and transferred him to Angenga Military Prison. The arrest occurred after Mawelu criticized the provincial governor in a WhatsApp group linked to his radio show. In his instant messages, Mawelu said that the police violently dispersed mourners at a funeral, citing Covid-19 measures, and beat another journalist. Mawelu was released provisionally on April 29 but still faces charges of “contempt for a member of the government” and “defamatory statements.” Mawelu told Human Rights Watch that he continued to receive messages threatening him until June. His editor, **Phirra Pierre Akambu**, was also interrogated by the national intelligence agency on May 29 about his social media posts, following a complaint by a senior provincial government official.

Mongala Province

Peter Tetunabo, **Taylor Engonga**, and **Yannick Mokanga**, all activists, and **Fabrice Ngani**, a journalist, were arbitrarily arrested on May 9 as they were about to deliver a note to the provincial parliament criticizing Governor Ngbundu Malengo for “bad governance.” They told Human Rights Watch they had not been informed of the charges against them when they were transferred to prison in Lisala, the provincial capital. Engonga and Tetunabo were released on bail on charges of contempt for the authority but were not allowed to leave Lisala and return to their hometowns. Mokanga was released without charges on June 8. Ngani was released on June 4, and said he was ill-treated in detention. On [June 17](#), provincial authorities banned Ngani and five other journalists from reporting. “I have no means and I’m poor, but I have been up against strong men,” he told Human Rights Watch. Several political radio programs were also suspended.

Lualaba Province

Mike Lameki, an activist working on mining issues, said he received anonymous phone calls threatening him and his family following his contribution to a program on Radio Top Lualaba on May 19. During the program, Lameki said that the provincial government and assembly should consider heeding a call from people in Kolwezi, the provincial capital, to dismiss the provincial interior minister due to rising insecurity in the town.

Kasai-Oriental Province

On May 8, **Serge Kayeye** and **Jean-Baptiste Kabeya**, both journalists working for Radio Fondation Daniel Madimba, were stopped at a toll barrier on the road to Mbuji-Mayi. They told Human Rights Watch that they were accused of insulting the provincial governor. They said they were assaulted, and their motorbike was seriously damaged. On May 9, police arrested **Faustin Mbiya**, the radio station’s program director, and took him in for interrogation. He was accused of “contempt of authority” and “public insult” during a radio show. On May 13, Mbiya was released without charges.

Peaceful Demonstrations Repressed in 2020

Kinshasa

On March 30, police opened fire on Bundu dia Kongo demonstrators, killing at least 3 people and injuring 11 others, according to a UN source. The Bundu dia Kongo members were [marching](#) to

“chase the spirit of the coronavirus.”

ecoi.net summary:



Increase in cases of threats

North Kivu

against and harassment of

On May 21, police [killed](#) 22-year-old Freddy Kambale, a Struggle for Change (Lutte Pour Le Changement, LUCHA) activist, during a protest march against continuing insecurity in the town of Beni. On July 13, a court [sentenced](#) a police officer, Eric Ombeni, to life in prison for Kambale's murder.

COUNTRY:

Congo, Democratic Republic

According to the police, three people [died](#) – two by electrocution and one crushed by the crowd – on July 9 while fleeing police breaking up a street protest against the closure of “Zando” market due to ~~Source~~ restrictions.

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On July 13, several people were injured while fleeing from police [breaking up](#) mass protests in ~~Original link~~ Kijiji-Mayi, Kananga, Goma, and Butembo. Some protesters were detained, and most of ~~https://www.vrt.be/nieuws/2020/07/12/d~~

[https://www.vrt.be/nieuws/2020/07/12/d](#)

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