



# General Assembly

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## Human Rights Council

### Thirteenth session

Agenda item 3

**Promotion and protection of all human rights,  
civil, political, economic, social and cultural rights,  
including the right to development**

### **Written statement\* submitted by Amnesty International, a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[15 February 2010]

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\* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

## **Democratic Republic of Congo: End persecution of human rights defenders**

Amnesty International welcomes the Government of the Democratic Republic of Congo (DRC)'s invitation to the UN Special Rapporteur on human rights defenders, Margaret Sekaggya, to visit the country in 2009.

Amnesty International shares the Special Rapporteur's concerns with respect to the situation of human rights defenders in the DRC,<sup>1</sup> and encourages the Human Rights Council to give her report on the visit<sup>2</sup> careful attention. The Special Rapporteur's recommendations can provide the basis for effective measures to be taken at the legislative, administrative and policy levels to improve the situation of human rights defenders in the DRC. Amnesty International urges the DRC government to act promptly on the Special Rapporteur's recommendations and report back to the Human Rights Council on measures taken.

### **The current situation of human rights defenders in the DRC**

Human rights defenders in the DRC play a crucial role in drawing attention to human rights abuses, but intensifying harassment makes it increasingly difficult for them to carry out this important work.

Congolese human rights defenders have told Amnesty International that harassment and arrests directed towards them increased sharply throughout 2009. Similarly, UN observers reported a sharp increase in cases of harassment and arrests of human rights defenders in 2009. Many human rights defenders are detained simply because they speak out on behalf of others. Amnesty International's briefing "*Human Rights Defenders under attack in the Democratic Republic of Congo*" documents the persecution faced by eight prominent human rights defenders in the DRC, harassment the organization fears will intensify in the build-up to 2011 presidential and national elections.

Human rights defenders in the DRC face many challenges. Some law enforcement officers are neither professional nor impartial, and they do not always act within the law. As the Special Rapporteur noted after her country visit, trials are not always fair. The criminal justice system is marred by political interference, corruption, lack of capacity and instability in some parts of the country. State officials commit human rights violations with almost total impunity.

Amnesty International shares the Special Rapporteur's concern for the ongoing stigmatization of human rights defenders. Instead of addressing human rights concerns, DRC officials at the national and provincial levels continue to attack the organizations that raise them. For example, in July 2009 the Minister for Media and Communications and government spokesperson, Lambert Mende, accused national human rights NGOs of seeking to destabilize a democratically elected government.

The National Intelligence Agency (ANR), which is directly controlled by the Presidency, is frequently implicated in abuses against human rights defenders. The ANR arrests not only criminal suspects but also human rights defenders and members of the political opposition.

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<sup>1</sup> See Statement of the Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya, as she concludes her visit to DRC available at <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=8353&LangID=E>

<sup>2</sup> A/HRC/13/22/Add.2

In many cases the ANR has denied detainees access to lawyers. Amnesty International continues to receive regular reports of torture and other ill-treatment in ANR detention facilities. Robert Ilunga, a community advocate and head of a human rights NGO in Kinshasa, was arrested by the ANR and held incommunicado for nine days in September 2009 after the NGO issued a press release denouncing harsh working conditions endured by workers at a gravel-making company in Kasangulu, in the province of Bas-Congo.

Golden Misabiko, head of the Katanga branch of a national human rights organization, was arrested by the National Intelligence Agency (ANR) in July 2009 after his organization published a report alleging that government security officials were involved in illegal mining of highly radioactive uranium and other minerals from the Shinkolobwe mine, Katanga province. Following detention for almost a month, Golden Misabiko was convicted and sentenced to one year in prison with eight months' suspended after being found guilty of "publication of false information", a conviction that his lawyers are seeking to overturn. Golden Misabiko suffered severe stomach pains, persistent vomiting and psychological trauma brought on by the appalling conditions of detention, where he was forced to pay the guards to sleep outside on a piece of cardboard to avoid an overcrowded and dirty cell.

Leaders of four human rights organizations based in the south-eastern city of Lubumbashi, Katanga province, received anonymous and increasingly sinister SMS messages since mid-September, when they led a local campaign in support of the then detained Golden Misabiko. "I do not know how much longer I can bear the stress and mental suffering caused by these threats, but every day I resist the temptation to just return to normal life with my family, because I refuse to be intimidated into stopping my work," a human rights defender told Amnesty International.

One of the four human rights leaders who campaigned for Golden Misabiko, Grégoire Mulamba, was abducted on 18 October 2009 on his way home from work. The taxi that was supposed to take him home suddenly diverted from the usual route and as Grégoire Mulamba challenged the driver, another passenger pushed a gun into his ribs and blindfolded him. When the taxi stopped after 20 minutes, Grégoire Mulamba feared he would be killed, but was instead dumped in a cemetery on the outskirts of Lubumbashi. The other three leaders, Timothee Mbuya, Emmanuel Umpula and Dominique Munongo, fled Lubumbashi at the end of September 2009, fearing for their lives. All three returned to the city in October to continue their human rights work, despite an escalating stream of death threats.

### **Government response to action by the Human Rights Council**

During the Universal Periodic Review of the DRC that took place in December 2009, many states expressed concern over the situation of human rights defenders in the DRC and made recommendations to the DRC government. The DRC has since indicated that it supports the UPR recommendations to "take further measures to protect the rights of human rights defenders..."; to "ensure that crimes and violations against human rights defenders and journalists are effectively investigated and prosecuted" and to "adopt an effective legal framework for the protection of human rights activists in line with the Declaration on Human Rights Defenders".

In accordance with a March 2009 resolution of the Human Rights Council, the DRC government has set up a Human Rights Liaison Committee to strengthen human rights cooperation between the UN, the government, the security services and human rights activists.

## **Amnesty International's recommendations to the Human Rights Council**

Amnesty International urges the Human Rights Council to call on the Congolese government to:

- Act promptly on the Special Rapporteur's recommendations and to protect human rights defenders, who continue to be arbitrarily detained by security agencies and subjected to an alarming number of death threats.
  - Uphold the right to freedom of expression and ensure that Congolese human rights defenders are protected from threats, arbitrary arrests and assaults;
  - Promptly implement in law and practice the UPR recommendations on the protection of human rights defenders for which it has indicated support;
  - Ensure that the prison sentence against Golden Misabiko is not enforced and request a judicial review of his case.
  - Investigate the unlawful detention of Robert Ilunga and the death threats against Grégoire Mulamba, Timothée Mbuya, Dominique Munongo and Emmanuel Umpula, and bring those responsible to justice;
  - Adopt legislation to protect human rights defenders in accordance with the UN Declaration on Human Rights Defenders;
  - Support initiatives, such as the Ministry of Human Rights Liaison Committee, to enable human rights defenders to bring concerns and protection needs directly to senior government and security force officials;
  - Give adequate resources and attention to the Human Rights Liaison Committee so that it can effectively supplement international human rights monitoring mechanisms;
  - Ensure that anyone deprived of their liberty is held only in an officially recognized detention centre under the control of the judicial authorities.
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