

DR Congo: Kabila Should Commit to Leave Office

End Government Repression, Rein in Security Forces

(Kinshasa, December 16, 2016) – [Democratic Republic of Congo](#) President Joseph Kabila should make a public commitment before the end of his second term, on December 19, 2016, to respect the constitution and leave office, Human Rights Watch said today. Failing to do so will increase the likelihood of major violence and government abuses in the coming days and weeks.

Government repression against activists, political opposition leaders, peaceful protesters, and others who oppose attempts to extend Kabila's presidency has escalated in recent months, Human Rights Watch said. Ongoing talks between the opposition and the ruling coalition, [mediated](#) by the Catholic Church, have not resolved the political impasse, while Kabila has repeatedly refused to declare if and when he will step down.

“There is a grave risk that Congo could descend into widespread violence and chaos in the coming days, with potentially volatile repercussions across the region,” said [Kenneth Roth](#), executive director of Human Rights Watch. “President Kabila is the one person who can prevent this, by making a clear, public commitment to step down and by ending the violent repression by those under his command.”

Congolese across the country have been mobilizing for large-scale demonstrations beginning on December 19 to pressure Kabila to leave office. In addition, leaders of armed groups in the eastern part of the country have said that the army and police will no longer be “legitimate” after December 19, increasing the likelihood of armed conflict. The country's brittle security forces could fracture if Kabila relies on force to stay in power, and Congo's neighboring countries could become involved, as they have during past fighting in Congo.

Throughout the country, government officials and security forces have repeatedly [banned](#) opposition demonstrations and fired teargas and live bullets on peaceful protesters. During one of the deadliest [crackdowns](#), in the capital, Kinshasa, from September 19 to 21, security forces killed at least 66 protesters, Human Rights Watch found, and possibly many more as demonstrators protested the electoral commission's failure to announce presidential elections. Some burned to death when the Republican Guard presidential security detail attacked opposition party headquarters. Security forces took away the bodies of many victims. Some were thrown into the Congo River and later found washed up on its shores.

Over the past three months, Human Rights Watch interviewed more than 75 victims, witnesses, security force officers, and others about the September crackdown and received credible reports of over 30 additional people killed by security forces.

Since January 2015, Congolese authorities have arbitrarily arrested scores of activists and opposition leaders, some of whom the intelligence services held incommunicado for weeks or months while mistreating or torturing them, while others were tried on trumped-up charges. The government has shut down Congolese media outlets close to the opposition, at least six

of which remain blocked. The signal for Radio France Internationale (RFI), the most important international news outlet in Congo, has been blocked in Kinshasa since November 5.

One of the September protesters told Human Rights Watch that soldiers arrested him on September 19, put him in an army truck, and drove him around Kinshasa for several hours. He said he witnessed soldiers shooting at a group of peaceful protesters outside of their truck: “When we drove by a group of young men gathered together, they started shooting. ‘You shot him in the neck but he isn’t dead,’ one of the soldiers said. ‘Shoot again,’ the other said.”

Some protesters in Kinshasa turned violent, beating or burning to death at least four police officers and one bystander. They also burned and looted police stations, a courthouse, public surveillance cameras, Chinese-owned shops, buildings associated with majority party officials, and other places seen as being close to or representative of Kabila and his government. Human Rights Watch found that police officers and members of youth leagues mobilized by ruling party officials and security force officers were also involved in the violence and looting.

After the September protests, authorities [banned](#) political meetings and rallies in Kinshasa. On several occasions when the political opposition or pro-democracy youth groups attempted to organize demonstrations or rallies, security forces fired teargas to disperse groups, arrested organizers, or surrounded opposition leaders’ homes to prevent them from leaving. Unidentified assailants have also attacked several opposition leaders’ homes in recent weeks. Over 100 pro-democracy youth activists, representatives from the opposition youth leagues, musicians, and journalists have been arrested since October in Kinshasa, Lubumbashi, Goma, and Bunia – most while planning or mobilizing participation in planned protests. At least a dozen remain in detention.

In all, at least 40 opposition leaders and supporters and pro-democracy youth activists remain in detention across Congo, some of them held since early 2015. Others have been charged or convicted during [politically motivated](#) judicial proceedings and are living in exile. Human Rights Watch has documented cases in which senior intelligence agents and officials from the presidency interfered in judicial proceedings, dictating the charges and judgments and compelling judges to comply.

On December 12, 2016, the European Union and United States announced [targeted sanctions](#) – including travel bans and assets freezes – against nine senior Congolese officials who have played a key role in the repression over the past two years.

“The EU and US sanctions send an unequivocal message that those responsible for planning, ordering, or executing violent repression will face consequences – no matter how senior their rank or position,” Roth said. “Kabila and other senior officials should end repressive measures, allow peaceful protests, order security forces not to use excessive force, release political prisoners, drop unjust charges against political leaders and activists, and allow barred media outlets to reopen.”

The United Nations peacekeeping mission in Congo, MONUSCO, can also play a critical role in helping to mitigate violence in the coming days and weeks, Human Rights Watch said. The mission should do all it can with available resources to protect civilians, including by using its presence in Kinshasa and other large cities as a deterrent to violence and the use

of excessive force by Congolese security forces. The mission should also be prepared to rapidly deploy peacekeepers to security incidents across the country.

“Congo’s regional and international partners should mobilize at the highest levels in the coming days to help prevent the situation from spiraling out of control,” Roth said. “Clear messages should be delivered to President Kabila, urging him to make a public commitment to step down and to ensure the security forces use maximum restraint. They should also signal that it will not be ‘business as usual’ in their relations with Congo should Kabila hold on to power by force.”

For more information on repression during the September protests in Kinshasa, please see below.

For more information on the individuals sanctioned by the US and EU, please visit:
<https://www.hrw.org/news/2016/12/16/dr-congo-profiles-individuals-sanctioned-eu-and-us>

For more Human Rights Watch reporting on the political crisis in Congo, please visit:
<https://www.hrw.org/blog-feed/democratic-republic-congo-crisis#blog>

For more Human Rights Watch reporting on Congo, please visit:
<https://www.hrw.org/africa/democratic-republic-congo>

September Protests and Aftermath

The September 19, 2016 demonstrations against the electoral commission’s failure to announce presidential elections took place in Kinshasa, Kalemie, Mbandaka, Matadi, Bandundu, Kananga, Bukavu, Goma, Butembo, and Beni. Outside the capital, the authorities arrested at least 29 people that day. They were later released.

In Kinshasa, the protests and government response quickly turned violent and lasted for three days. Human Rights Watch found that security forces used excessive and unnecessary lethal force, killing at least 66 people on September 19, 20, and 21. The actual figure could be much higher. Human Rights Watch has received credible reports of over 30 other people killed by security forces. Some protesters resorted to violence, killing at least four policemen and a bystander.

The violence Human Rights Watch documented took place in Kinshasa’s Limete, Matete, Masina, Lemba, Kasavubu, Ndjili, Ngaliema, Kimbanseke, Ngaba, Kisenso, and Kalamu neighborhoods.

Human Rights Watch interviewed six Congolese security force and intelligence officers, who said that members of the Republican Guard presidential security detail – including some Republican Guard units deployed in police uniforms – were responsible for much of the excessive force used during the demonstrations, firing on protesters with live ammunition and attacking at least three opposition party headquarters.

“The order was given to suppress the demonstrators so that they wouldn’t succeed in their mission,” one officer said. “The order was given to do everything so they didn’t enter Gombe [the part of the capital where most government buildings, the presidency, and embassies are located].” Another said the orders were to “crush” the demonstrations. Republican Guard

soldiers, army soldiers, and police who would be deployed in Kinshasa the week of September 19 were paid bonuses on September 16 to motivate them for a strong response during the demonstrations, a security officer said.

Several officers said that Gen. Gabriel Amisi, army commander of the first zone of defense, which includes Kinshasa and other western provinces, and Gen. Ilunga Kampete, overall commander of the Republican Guard, led an operations command center in Kinshasa during the week of September 19 and gave orders to the security force units on the ground who carried out the repression. The officers also said that Colonel Ferdinand Ilunga Luyolo, commander of the National Intervention Legion of the Congolese Police (LENI), gave orders to Republican Guard troops who were deployed wearing police uniforms and armed with assault rifles and grenades during the crackdown.

Youth recruited by security force officers and government officials, including Youth and Sports Minister Denis Kambayi, were paid to infiltrate the demonstrations. A member of the ruling party's youth league said Kambayi and other party officials recruited him and other youth, paid them about US\$35 each, and instructed them to "disrupt the opposition's demonstrations and cause trouble so that it looks like the violence was sparked by the opposition."

"We had special clothes on to help us identify each other, and we incited demonstrators to attack offices of the parties from the ruling coalition," he said. "The protesters were really angry against those in power, so they let themselves be manipulated without realizing it. We also led them to attack public buses and other buildings associated with the ruling party."

Kambayi, in a telephone conversation with Human Rights Watch, said that the allegations were "baseless rumors" and that he had no official connection to the ruling party's youth league.

A youth league member associated with Vita Club, a soccer team whose president is the army officer General Gabriel Amisi Kumba, told Human Rights Watch that he was also called to a meeting in advance of the demonstrations, with General Amisi and several dozen members of the youth league. "We received instructions to create disorder among the demonstrators and to incite them to damage property," the youth league member said. "This would then be blamed on the protest organizers. One of our members was recognized by the protesters and seriously beaten up because they understood he was an infiltrator." Human Rights Watch contacted Amisi about the allegation but did not receive a reply.

Two Congolese security and intelligence officers told Human Rights Watch that ruling party officials and security force officers had recruited members of youth leagues and demobilized fighters to disrupt the demonstrations. "They were there to infiltrate and make the demonstrations explode [into violence] from the inside," one said. "They would start the trouble, the demonstrators would then respond, and that would then justify the response from the police."

In an apparent attempt to block independent observers from documenting the government repression, security forces detained eight international and Congolese journalists and two human rights and pro-democracy activists soon after the protests began on September 19. The offices of a prominent human rights organization and a civil society organization were also vandalized.

In the days following the protests, security forces conducted warrantless door-to-door searches in several parts of Kinshasa, allegedly looking for looted goods and weapons stolen from police stations. They arrested scores of young men, many of whom appear to have been targeted at random. Opposition leaders Moïse Moni Della and Bruno Tshibala were also arrested on September 19 and October 9, respectively, and accused of responsibility for the September 19 violence. Tshibala was provisionally [released](#) on November 29. Martin Fayulu, another opposition leader, was badly injured when a teargas canister hit him in the head on September 19, and hospitalized for several days.

In the aftermath of the demonstrations, authorities denied relatives, activists, and independent human rights investigators access to hospitals and morgues and threatened their staff, telling them to remain silent about those injured or killed during the protests. This made it impossible for many families to bury their loved ones or obtain the compensation Kinshasa's provincial government officials had promised.

A preliminary [report](#) by the United Nations Joint Human Rights Office (UNJHRO) in Congo on the protests in Kinshasa found that 53 people had been killed, including 48 by state actors; 143 people had been injured; and at least 299 arbitrarily detained. The authorities denied the UN teams access to detention facilities upon instructions from senior Defense Ministry officials, and the teams had difficulty visiting morgues. Security forces prevented two UN vehicles from reaching the demonstrations. A police agent shot teargas at one vehicle, and a sniper on top of an anti-riot police truck shot twice at another but missed.

In an October 8 "white paper," the government said that 32 people were killed in Kinshasa on September 19-20. The government praised the police for their "professionalism" and blamed the protest organizers for having "manipulated" demonstrators, saying they were responsible for "rebellion, killings, rape, pillage, arson, and willful destruction."

Accounts From Victims, Witnesses

On September 19, some protesters tore and set fire to a poster with a photo of President Kabila in Kinshasa's Matete neighborhood. Security forces first used teargas to disperse the protesters and then ran after them, firing live bullets into the crowd, killing at least one protester. A witness said:

When other protesters were trying to pick up the dead body, the police fired teargas to disperse the crowd and prevent them from carrying away the body. The next day, the police conducted door-to-door searches in our neighborhood, breaking down doors when residents refused to let them in. They said they were looking for the youth who had sabotaged the "symbol of power." Many youth were arrested and others fled the neighborhood.

A member of the Innovative Forces for Union and Solidarity (FONUS) opposition party said his party headquarters was torched early on September 20 by men in military uniform:

About 4:20 a.m., we were on the balcony [of the headquarters], guarding the premises. We heard a suspicious movement outside the building and went a little closer to see what was going on. We saw a man who already had climbed over the wall and others who were trying to force the gate open. They were all armed, and they

were wearing military uniforms. They had caps shielding their faces, and some had ski masks on. When they saw us, they fired three shots but we managed to flee and climb over the wall to the neighbors. We were hiding but could see them pour fuel and destroy the windows with a steel bar. In the morning, neighbors came to help us put out the fire. Then police officers came too, dispersing us with teargas as if they wanted to see the headquarters burn.

On September 20, security forces wearing police uniforms shot at protesters pillaging a Chinese-owned shop. A witness said:

I saw the police arrive to chase away the protesters who were looting. They fired live bullets at them, and three people were killed, including a man who was just walking by. The police then took all of the bodies away with them.

The uncle of a youth who was shot in the head by security forces on September 19 said that the family was not allowed to take his body out of the morgue for burial:

My nephew was shot in the head while protesting with the others on Monday [September 19]. We later learned that the Congolese Red Cross brought his body to the morgue. When we arrived at the morgue to recover his body, military police stationed at the morgue threatened us and said we would be sent to Ndolo prison [a military prison in Kinshasa]. They said they had received orders from their superiors to accuse everybody who came looking for victims of having sent their children to remove President Kabila from power.

The Red Cross later gave us a number that had been allotted to my nephew's corpse. When we returned to the morgue, one of the staff there told us that, according to their registry, the body had already been removed. By whom and when? We have not received any response. Even if we have already held a funeral for him, we hope that the day will come that we can bury his body. We also never received the funds the governor of Kinshasa promised the relatives of victims because we haven't received any documents from the morgue showing that the body of our nephew was brought there.

A witness told Human Rights Watch about the killing of a police officer during the demonstrations on September 19:

I saw the protesters attack the headquarters of the PPRD youth league, and as they advanced, the policeman who was guarding the building tried to resist instead of fleeing. The large crowd of protesters threw rocks at him and then set him on fire.

A Congolese journalist said that he and a colleague were detained while filming the protests on September 19:

I was filming demonstrators burning tires and barricading the street when a police truck arrived at the scene. I approached a police officer to ask him whether we could continue filming. He agreed but told me he was surprised to see me in a red zone. Later, intelligence agents arrived and told the police officer not to let me film them. The intelligence officers then asked us to identify ourselves and show our authorization to film. They took our identity cards and then told us we were arrested.

They brought us to a police office, where we were held for several hours before being released. They never returned our IDs.

A human rights activist who was arrested on September 19 while observing the demonstrations with his colleagues described what happened:

Military police followed us into a house where we were trying to take cover as shots were being fired. They then ordered me to follow them and made me get in their truck. About a dozen other people were arrested with me. They drove us to a military camp, and there they took my watch, shoes and belt. I counted 121 people arrested. They identified us individually from 2 p.m. to 11 p.m. and then proceeded to interrogate us. One of the officers allowed me to use his phone so I could alert my colleagues. We spent the night on the floor. They let me go on Wednesday [September 21].

A police officer told Human Rights Watch that six bodies with bullet wounds were found on the shores of the Congo River in Kinshasa's Kinsuka neighborhood on September 21:

We received information that four bodies were discovered in the morning - two young boys, one girl and a young man. All had bullet wounds. In the early evening, two other bodies of young boys with bullet wounds were discovered. The prosecutor in charge asked us to push the bodies back into the water so they would sink. We did as we were told.

Other witnesses confirmed to Human Rights Watch that they saw dead bodies along the shores of the river in Kinsuka in the days and weeks after the September protests. One witness said that the police and Red Cross took some of the bodies away in a bus.

<https://www.hrw.org/news/2016/12/16/dr-congo-kabila-should-commit-leave-office>