

PRO-DEMOCRACY ACTIVISTS DETAINED IN KINSHASA

"Questions and Answers" about Filimbi

*To the Attention of Members of Parliament in the
Democratic Republic of the Congo*

Kinshasa, April 2, 2015

Deeply concerned by the arrests of pro-democracy activists and others in Kinshasa on March 15, 2015, as well as serious and seemingly baseless accusations against them by the Congolese Minister of Communications and Media, we, members of Congolese human rights organizations, call upon the Congolese Parliament – including the "Commission of Information" that was recently established to gather information about the situation – to seek an impartial understanding of who these activists are and to hold the Government to account for what appear to be illegal arrests and false accusations.

We provide below an overview of the movement "Filimbi", the activities organized on March 14-15, and the subsequent arrests, based on our own investigation. We would be happy to meet with the Commission Members or other members of parliament to discuss these issues in more detail.

1. What is "Filimbi"?

Filimbi ("whistle" in Swahili) is a youth platform whose purpose is to encourage Congolese young people to peacefully and responsibly perform their civic duties. The platform brings together several non-governmental organizations, including "Jeunesse pour une Nouvelle Société" (JNS), "Forum National de la Jeunesse pour l'Excellence" (FNJE), and "Lutte pour le Changement" (LUCHA).

2. What were the objectives of the Filimbi workshop?

The objectives of the workshop in Kinshasa on March 14-15, 2015, were to **promote peaceful and responsible civic engagement by Congolese youth** and in particular:

- To encourage a constructive dialogue among the youth about civic engagement;
- To expose youth to successful experiences of youth civic engagement;
- To share tools, resources, good practices and know-how regarding civic engagement;
- To support the establishment of networks of youth and other actors involved in civic participation;
- To produce a song supporting civic engagement;
- To launch the Congolese National Youth Movement "FILIMBI".

3. What were the planned activities?

A workshop took place at the Don Bosco Center in Masina commune, Kinshasa, on March 14-15, followed by a press conference at Eloko Makasi, a socially conscious music and video production company. A concert was scheduled for the evening of March 15, but it was not held due to the mass arrests.

4. Who attended the workshop?

Participants included students from the main Universities and Colleges in Kinshasa; members of civil society organizations, youth networks and religious movements; young artists, musicians, comedians, and sculptors; young people from private enterprises; and members of political party youth leagues from both the majority (ARC, UNADEF) and opposition (UNC, UDPS). There were also youth from the "Young African Leaders Initiative" (YALI) network. Participants came from different cities, including Kinshasa, Kisangani, Goma, Bukavu and Lubumbashi.

Leaders, activists, and musicians from the Senegalese movement "*Y'En A Marre*" and the Burkinabe movement "*Balai Citoyen*" also came to Kinshasa to attend the workshop and to share their experiences. These are two well-respected organizations that work for the promotion of responsible civic engagement by youth in West Africa. **They are peaceful and non-violent organizations.**

5. What happened on March 15?

On March 15, 2015, around 4pm, while workshop organizers were finishing the press conference at the Eloko Makasi studio, men in military police uniforms and civilians believed to be members of the National Intelligence Agency (*Agence Nationale de Renseignements*, ANR) showed up and proceeded to arrest at least around 30 people, first the foreigners, and then people with cameras and other recording devices, and then the rest. Among those arrested were the leaders of the different youth movements, musicians, logisticians, onlookers, national and foreign journalists, and an American diplomat. They were taken directly to the ANR headquarters.

6. Who has been released so far?

Several hours after their arrest, all non-African foreigners, including an American diplomat and French journalists, were released. The next day, a Congolese journalist was released, and three days later, on March 18, the activists from Senegal and Burkina Faso were released, declared "persona non grata", and expelled from the country. A group of Congolese musicians was released on Thursday, March 19, and a Congolese documentary maker was released much later, on March 24.

7. Who is still in detention?

According to the information we have been able to collect, the following people are still in detention: Fred BAUMA, leader of the LUCHA movement; Sylvain SALUSEKE, entrepreneur and activist; Yves MAKWAMBALA, webmaster and graphic artist; and an unknown number of other participants, onlookers, and neighbors who were rounded up after the press conference. At present, it is difficult to provide an exact number.

8. What is their current situation?

Until now, those in detention have not had access to a lawyer, they have not been presented before a judge, and no charges have brought against them. In view of this, these **arrests are qualified as unlawful.** We are very concerned about the life and physical integrity of each detainee. Congolese law and international legal instruments ratified by the DRC require that all

detainees should appear before a judicial official from the prosecutor's office within 48 hours following arrest, that no arrested person may be subjected to any inhuman and/or degrading treatment, and that all detainees are entitled to regular food and access to his/her relatives and chosen lawyer.

9. What is the status of other pro-democracy activists?

Other youth activists who participated in the workshop, but were not arrested, are living in hiding, knowing that they too could be arrested or that their homes have already been illegally searched. In the meantime, because they are not showing up to work, they run the risk of having their employment contracts terminated, despite the dangers they are facing.

10. What happened to the activists in Goma?

On March 17, in Goma, 11 activists from the LUCHA movement were arrested and beaten by intelligence agents during a peaceful demonstration they organized in front of the ANR office to call for the release of their colleagues arrested in Kinshasa. ANR agents also beat up a Belgian female researcher who was later hospitalized, and they briefly detained and questioned a Belgian journalist. The Congolese activists were released later that night. Some among them were tortured.

RECOMMENDATIONS

We call on the Congolese Government:

- To urgently release the activists and others still in detention, or to immediately present them before a competent judge in the event that there are substantial grounds to believe they are guilty of a credible offense;
- To prosecute those responsible for these unlawful arrests;
- To stop any threats or attempts by the security services to conduct unlawful arrests of other activists and participants in the Filimbi workshop or other peaceful political activities;
- To ensure that the freedoms of association, expression and assembly are respected, especially during the electoral period.

Signed by the following Congolese human rights organizations: Association Africaine des Droits de l'Homme (ASADHO), Association Congolaise pour l'Accès à la Justice (ACAJ), Ligue des Electeurs (LE), Voix de Sans Vois (VSV)

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