



“Democracy and Human Rights in the Democratic Republic of the Congo”

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Co-Chairman McGovern, Co-Chairman Pitts, members of the Commission, thank you for the invitation to testify. This hearing comes at a critical moment in the Democratic Republic of Congo. Less than three weeks before the December 19 deadline marking the end of President Joseph Kabila’s constitutionally mandated two-term limit, he still has not made any clear commitment when or even if he will step down. All the while government repression against pro-democracy [activists](#), the political [opposition](#), protesters, and the [media](#) has intensified at an alarming rate. The so-called “[national dialogue](#)” – which postponed elections to at least April 2018 – was rejected by most of the main opposition and civil society leaders and has not succeeded in easing tensions. The [Catholic Church](#) is pursuing mediation efforts to reach a more inclusive political deal – but time is running out and President Kabila appears increasingly defiant.

Opposition leaders and pro-democracy activists have called for Congolese to take to the streets if Kabila stays in office beyond his mandate. Past protests suggest that they will be met by security forces quick to use excessive and lethal force. There are risks that political leaders could mobilize the dozens of armed groups active in eastern Congo for political ends, or that the country’s brittle security forces could fracture if Kabila relies on force to stay in power. The country could descend into further repression or widespread violence and chaos, with potentially volatile repercussions across the region – which is why I am here today. I want to set out for Congress the severity of the situation and the important role the US government more widely can play to help walk Congo back from the brink.

Since January 2015, Congolese authorities have arbitrarily arrested scores of activists and opposition leaders, some of whom were held incommunicado by the intelligence services for weeks or months where they were mistreated or tortured, while others were put on trial on trumped-up charges. Pro-democracy youth activists – like Fred Bauma who is here with us today – were accused of plotting terrorist acts and held in secret detention for nearly a year and a half, despite widespread public indignation. 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 continuously since November 5.

Throughout the country, government officials and security forces have repeatedly banned opposition demonstrations and fired teargas and live bullets on peaceful protesters. In

September, during one of the deadliest [crackdowns](#), security forces killed at least 66 protesters and possibly many more in the capital, Kinshasa. Some of these victims burned to death when the Republican Guard presidential security detail attacked opposition party headquarters. The bodies of many victims were taken away by security forces; some were dumped into the Congo River and later found washed up on its shores.

The US government, including Congress, has played a leading role in urging President Kabila to respect the constitution and in supporting Congolese activists and others targeted by government repression. The work of Special Envoy Thomas Perriello and others in the Obama administration and the attention paid to the crisis by both the House and the Senate – including multiple resolutions, hearings, and letters – have been critical. While time is short there is still much that can be done over the next three weeks to prevent the situation from spiraling out of control.

The bipartisan [resolution](#) that Congress passed on November 15 called on the Obama administration to immediately announce another round of targeted [sanctions](#), including against more senior government and intelligence officials [implicated](#) in abuses. The administration should heed this call and sanction the intelligence agency director, Kalev Mutond; Vice Prime Minister Evariste Boshab; and the Republican Guard commander, Gen. Ilunga Kampete.

I was in Kinshasa when the United States imposed the first round of [targeted sanctions on Congo](#), and I can assure you it had a notable deterrent effect and rattled those implicated in abuses. It seemed that everyone among the political class and senior security force officers was talking about “the list” – who was on it, who would be sanctioned next, and what they could do to get off the list. When an estimated half million people took to the streets in Kinshasa a few weeks later to welcome a senior opposition figure and call for President Kabila to step down at the end of his mandate, for once security forces acted appropriately: not a single security incident was reported. Government officials later told me that they had made deliberate efforts to restrain the security forces to avoid being added to the sanctions list. But the deterrent effect hasn’t lasted forever, and the impact would be greater if the US government now shows it’s willing to go further up the chain of command.

We understand there may be an interest to wait for the European Union before announcing the next round of sanctions. Of course joint action is ideal but delaying because the Europeans are not yet ready to go forward is an inadequate reason for not moving forward, especially since the incoming US administration has not indicated how it will proceed.

Congress should continue its public statements – by individual members or by committee – while also encouraging the administration to deliver strong public messages denouncing political repression and other serious human rights violations. It’s important to urge the Congolese

government to immediately release all [political prisoners](#), end politically motivated prosecutions, open arbitrarily closed media outlets, and ensure that the right to peaceful assembly is respected.

Congress and the administration should also press the United Nations peacekeeping mission in Congo, MONUSCO, to more proactively implement its mandate to protect civilians during political violence as well as individuals who are particularly vulnerable, including activists, opposition leaders, and journalists. Congress has a particularly important role to play down the line by ensuring there are no changes to the longstanding support of the US for MONUSCO. It may be too late during this fiscal year given that the budget bill is likely to be passed in the next few weeks, but as the FY18 budget moves forward, it will be critical to maintain the current backing and ensure the mission is not hobbled by a lack of financial support.

Congress should also work with the administration to ensure adequate funds are in place for human rights defenders under threat and a quick visa response is ready for those who need to leave the country if government repression and targeted attacks intensify.

At the same time, senior White House and State Department officials should work with leaders from the region and senior church officials to show President Kabila that he has a way out and that, by stepping down at the end of his mandate, his security and that of his family would be protected.

The White House and State Department should consider endorsing the [“roadmap”](#) proposed by a coalition of 173 citizens’ movements and Congolese human rights and civil society organizations on how to overcome the country’s political crisis. They call for President Kabila to step down on December 19 and for the president of the senate to act as interim president, in accordance with articles 75 and 76 of the Congolese Constitution, as presidential elections are organized.

Should President Kabila not step down, it is essential that both Congress and the administration work collectively to make sure they are sending the same message that he should, at a minimum, publicly commit to stepping down by a specific date before the end of 2017. There should then be clear, specific measures to help ensure these commitments are respected, and a truly inclusive dialogue should be held to seek a broad consensus on organizing future elections, to determine the transition leadership, and to put measures in place so that a new calendar is adhered to, and that free expression and assembly will be respected during the electoral period. If an agreement is reached, strong diplomatic leadership from the US as well as technical support to the electoral process will be critical to ensuring commitments are respected and the process actually leads to credible elections. Congress should help ensure that adequate and specific funds are made available for these efforts.

Members of Congress from both parties will also have an interest in making sure the incoming Trump administration begins to think strategically about how to engage with President Kabila if he retains power by force, without a clear public commitment on when he will step down and a broad consensus on organizing a [transition period](#) to elections. Reverting to the status quo would be a real setback and the incoming Congress needs to take every step it can to ensure the Trump administration does not resume a “normal” partnership.

Congress should support the following long-term steps, if Kabila clings on by force:

- Add new targeted sanctions, moving further up the chain of command against those implicated in abuses and blocking the democratic process.
- Suspend direct US support to the Congolese government, including the justice sector and security forces.
- Consider bans on US visas for Congolese government officials and security force officers.
- Block bilateral support to the electoral process and support to the Congolese government from multilateral institutions including the World Bank and International Monetary Fund, unless there is a clear electoral calendar in place, demonstrated political will to implement it, and an opening of political space.
- Support efforts to investigate and appropriately prosecute senior Congolese government and security force officials responsible for serious human rights violations or large-scale corruption.

Members of Congress should work closely with the incoming administration to promote clear and consistent messages that – despite what those close to President Kabila have hoped – US policy towards Congo will not change dramatically after President Barack Obama leaves office, and that US leadership will continue, including through the appointment of a new Great Lakes special envoy.

The US government has the opportunity to play a key role in cementing democracy, the rule of law, and the peaceful transition of power in this country whose stability is crucial for all of Africa. But to get there, President Kabila needs to be given a strong message that violating the rights of the Congolese people comes at a high price – before there is more bloodshed and it is too late to change course.

Thank you.