



## Political Prisoners in Detention in DR Congo

September 27, 2017

*This document presents cases of people who were arrested in the Democratic Republic of Congo since January 2015 as part of the government's campaign of political repression against those who have opposed President Joseph Kabila's efforts to stay in power beyond his constitutionally mandated two-term limit, which ended on December 19, 2016. They are still detained. This list is not exhaustive and only includes cases in which Human Rights Watch was able to confirm the full circumstances of arrest.*

### Detained in Kinshasa

	Name	Profile	Description
1.	Jean-Claude Muyambo	President of the political party Congolese Solidarity for Democracy and Development (Solidarité congolaise pour la démocratie et le développement, SCODE) and former president of the bar association of ex-Katanga province	Arrested by security forces in Kinshasa on January 20, 2015 after having mobilized participation in demonstrations against proposed changes to the election laws. First held in Kinshasa's central prison, he was subsequently transferred to a medical center for health reasons and was put on trial for allegedly selling a building that did not belong to him. During his detention, he has been transferred to a hospital several times to receive treatment for the ill-treatment he endured when he was arrested. On April 12, 2017, Muyambo was sentenced in appeal to five years in prison for breach of trust and ordered to pay US\$10,000 in damages to the civil party.
2.	Norbert Luyeye	Union of Republicans (UR), president	Five individuals were arrested on August 7, 2016 in Kinshasa at the home of Norbert Luyeye, president of the UR political party. On August 4, Luyeye had declared at his party headquarters that a legal vacuum would ensue if the National Independent Electoral Commission (CENI) failed to convoke election in September 2016. He also announced a popular meeting in Kinshasa's Ndjili neighborhood on September 4 to raise awareness among the population and prepare for the demonstrations scheduled to begin on September 19. All five
3.	Nsiala Bukaka	UR member	
4.	Nathan Luitela	UR member	
5.	Liongo Ibolembe	UR member	

6.	Jean-Paul Ekulu Yoka	Retired soldier, visitor at Luyeye's home the day of the arrest	were first held by the military intelligence services. According to Luyeye, two Republican Guard soldiers, Mafumba Boba and Mutabesha Bishimwa, were placed in detention with the group, with the apparent goal of accusing him of plotting attacks against state security, while he never had had any contact with them in the past. The detainees were transferred in December 2016 to Ndolo military prison in Kinshasa and were accused of endangering state security and plotting against the Republic. Their first hearing by a magistrate took place in January 2017. The two soldiers were released on June 10 without any charges brought against them. Four detainees were transferred to Kinshasa's central prison on July 10, 2017. Ekulu stayed in Ndolo prison, before being transferred to Kinshasa's central prison.
<i>The following 11 individuals were arrested just before or immediately after the Congolese Justice Minister announced on May 4, 2016, the start of an investigation into Moïse Katumbi, the former Katanga governor and an opposition leader and declared presidential candidate, for having allegedly "recruited mercenaries [including] several American ex-servicemen." These allegations appear to have been politically motivated. No credible proof to sustain the charges has been presented to date. These individuals were accused of maintaining links with Katumbi or being involved in the alleged recruitment of mercenaries, and have been charged with endangering state security, among other charges.</i>			
7.	Yannick Kibinga	Associate of Katumbi	Arrested on April 24, 2016 in Lubumbashi and transferred on April 25 to the National Intelligence Agency (ANR) in Kinshasa, where they were held by the intelligence agency before being transferred to Kinshasa's central prison on June 4, 2016.
8.	Franck Mwashila	Associate of Katumbi	
9.	Sefu Idi	Associate of Katumbi	
10.	Gédeon Butandu	Pastor	Arrested on May 1, 2016 in Kolwezi, Lualaba province. Transferred to the ANR in Kinshasa on May 3, where he was held incommunicado by the intelligence services until being transferred to Kinshasa's central prison on June 4, 2016.
11.	Fiston Malanga	Student	Arrested on May 2, 2016 in Lubumbashi. Transferred to Kinshasa on May 3, where he was held incommunicado by the intelligence services until being transferred to Kinshasa's central prison on June 4, 2016.
12.	Aaron Ngwashi	Officer of the Congolese National Police (PNC) seconded to Katumbi's security service when he was governor of Katanga province	Arrested in Lubumbashi on May 4, 2016 and detained by the ANR in Lubumbashi before being transferred to the military prosecutor's office and then the Lubumbashi central prison. He was sent to the ANR in Kinshasa on May 29, 2016, where he was held incommunicado before being transferred to Kinshasa's central prison on June 13, 2016.

13.	Augustin Kabamba	Officer of the Congolese National Police (PNC) seconded to Katumbi's security service when he was governor of Katanga province	Arrested in Lubumbashi on May 4, 2016. He was detained by the ANR in Lubumbashi before being transferred to the military prosecutor's office and then the Lubumbashi central prison where he was prosecuted for endangering state security and forgery. He was sent to the ANR in Kinshasa on May 29, 2016 where he was held incommunicado before being transferred to Kinshasa's central prison on June 13, 2016.
14.	Bruno Vumbi	Officer of the Congolese National Police (PNC)	Arrested in Lubumbashi on May 4, 2016. He was detained by the ANR in Lubumbashi before being transferred to the military prosecutor's office and then the Lubumbashi central prison where he was prosecuted for endangering state security and forgery. On May 29, 2016, he was sent to the ANR in Kinshasa where he was held incommunicado before being transferred to Kinshasa's central prison on June 13, 2016.
15.	Ndol Tshamundj	Army officer, on duty in Kashobwe, Katumbi's home village in Haut-Katanga province	Arrested in Lubumbashi on May 8, 2016 and transferred to Kinshasa on May 29, where he was held incommunicado by the ANR before being transferred to Kinshasa's central prison on June 13, 2016.
16.	Gabriel Tambwe	Director of Œuvre Spéciale pour les Amis Chrétiens (OSAC), a small Christian nongovernmental organization (NGO) that works for the protection of vulnerable groups, including children, and fights against neglected tropical diseases	Arrested on May 13, 2016 in Kinshasa. Held incommunicado by the ANR before being transferred to Kinshasa's central prison on June 4, 2016.
17.	Philippe Namputu	Teacher and member of Si Dieu Est Pour Nous Qui Sera Contre Nous (SIDINOC), a Congolese NGO that works with orphaned children	Arrested on May 14, 2016 in Kinshasa. Held incommunicado by the ANR before being transferred to Kinshasa's central prison on June 4, 2016.

18.	Lwembe Munika	Member of the opposition party National Union of Congolese Federalists (Union Nationale des Fédéralistes du Congo, UNAFEC)	Arrested in Lubumbashi on July 16, 2016. Initially held by the intelligence services in Lubumbashi, they were transferred on August 9 to the intelligence services in Kinshasa where they are still held incommunicado, without charge, and without access to their families or to a lawyer. According to a UNAFEC official, Kapenda is in a critical health condition. <i>(Many other UNAFEC members were arrested in Lubumbashi during the same period and several of them are still detained. Human Rights Watch has not confirmed the full circumstances of their arrests; these cases are therefore not included in this list.)</i>
19.	Mukonde Kapenda	UNAFEC member	
20.	Franck Diongo	Member of parliament and president of the opposition party Movement of Progressive Lumumbists (MLP)	Arrested on December 19, 2016, the last day of President Kabila's second and final term in office, according to the constitution, after Diongo and his colleagues allegedly apprehended, held, and beat three Republican Guard soldiers wearing civilian clothes. Diongo was detained in several locations and says he was severely beaten in the following days, including at the Tshatshi military camp and the military intelligence headquarters in Kinshasa. According to the United Nations, Diongo was "subjected to cruel, inhumane or degrading treatments" while he was held by military intelligence officers. On December 28, following a hasty trial that he attended in a wheelchair and on an intravenous drip, Congo's Supreme Court of Justice sentenced Diongo to five years in prison for "aggravated arbitrary arrest" and "illegal detention," with no possibility to appeal the judgement. In June, his lawyers submitted a request in his name to the UN Working Group on Arbitrary Detention. On June 21, when other prisoners were registering to vote, the director of the voter registration center at Kinshasa's central prison did not allow Diongo to register to vote, which would be a pre-condition for him to run again for parliament or another office. As Diongo's health deteriorated, he was transferred on August 18, 2017 to a specialized medical center. But as his treatment was ongoing, Diongo was forcibly dragged out of his hospital bed on August 31, 2017 and taken back to Kinshasa's central prison. In September, his lawyers raised the alarm about his heavily deteriorating medical condition.

## Detained in Lubumbashi

	Name	Profile	Description
21.	Huit Mulongo	Former chief of staff of Moïse Katumbi, and one of the leaders of the Front Citoyen 2016, a coalition of parties and groups calling on President Kabila to step down at the end of his constitutionally mandated two-term limit	Arrested the night of April 22, 2016 at his home by policemen who had searched his home and found a revolver in his jeep, which Mulongo said he had registered, and leaflets in his house about the Front Citoyen and the G7 (a platform of seven political parties dismissed from the majority coalition of President Kabila in September 2015 after having publicly urged him to hold the presidential election as scheduled and support a successor). He was taken to the ANR and transferred the next day to the military prosecutor's office. He was then held at Kasapa prison in Lubumbashi, where his state of health deteriorated. On August 30, 2016, the military court sentenced him to three years in prison for illegally carrying a firearm and a fine of 250,000 Congolese francs (US\$250) for court fees.
22.	Patrick Mbuya	Human rights activist, member of the NGO Amicale des Jeunes Congolais Bomoko (AJC Bomoko)	Arrested on July 31, 2017 in Lubumbashi during nationwide demonstrations to protest the announcement that elections will not be held in 2017, as called for in the Catholic Church-mediated power sharing deal signed on New Year's Eve 2016. Four of them were convicted to eight months' imprisonment for provocation and inciting disrespect for the public authority.
23.	Erick Omari	Bystander	
24.	Jean Mulenda	Activist of the citizens' movement Struggle for Change (LUCHA)	
25.	Jean Pierre Tshibitshabu	Journalist at Radio Télé Kabekas (RTKA)	
26.	Timothée Mbuya	Lawyer, president of Justicia asbl, one of the main human rights organizations in Lubumbashi. Mbuya is the facilitator of the Working group on the protection of human rights defenders in Katanga.	As a lawyer, Timothée Mbuya was first heard by two courts with higher jurisdiction; he is now being prosecuted by the same court that convicted the four others. His trial is ongoing.

## Detained in Mbuji-Mayi

	Name	Profile	Description
27.	Nicolas Mbiya	Activist of the citizens' movement Struggle for Change (LUCHA)	Arrested on July 14 and 15, 2017, in Mbuji-Mayi, they were first detained by the intelligence services before being transferred on July 20 to Mbuji-Mayi's prosecutor's office, and later to Mbuji-Mayi's central prison. They had been investigating transparency in the voter registration process in Kasai Oriental province. They are accused of disclosing personal information people provided to the national electoral commission during voter registration.
28.	Josué Cibuabua	LUCHA activist	
29.	Mamie Ndaya	LUCHA activist	
30.	Kabongo Kadima, alias «KBG»	LUCHA activist	