

ACHPR/Res. 393 (LXII) 2018: Resolution on the Human Rights Situation in the Democratic Republic of the Congo

The African Commission on Human and Peoples' Rights (Commission), meeting at its 23rd Extraordinary Session held from 13 to 22 February 2018 in Banjul, The Gambia;

Recalling its mandate to promote and protect human and peoples' rights in Africa under the African Charter on Human and Peoples' Rights (African Charter);

Further recalling the obligations of the Democratic Republic of the Congo (DRC) as a Member State of the African Union, State party to the African Charter, the African Charter on Democracy, Elections and Governance, and other relevant regional and international human rights instruments;

Recalling the provisions of Articles 3(2), 4 and 23 of the African Charter on the obligations of States parties to protect the lives of populations and to guarantee peace and security in their territories;

Further recalling the importance of promoting and protecting human rights, democracy, rule of law and peacebuilding on the continent;

Bearing in mind its Resolutions ACHPR/Res.90 (XXXVIII) 05, ACHPR/Res.103 (XXXX) 06, ACHPR/Res.139 (XXXXIV) 08, ACHPR/Res.173 (XLVIII) 10, ACHPR/Res.241 (EXT.OS/XIV) 13, ACHPR/Res.284 (LV) 14 and ACHPR/Res.358 (LIX) 16 on the human rights situation in the Democratic Republic of the Congo, as well as its Press Release of 8 January 2018 on the human rights situation in the DRC;

Recalling that the primary role of the security and defence forces, including the Congolese military (FARDC), national police (PNC) and other security groups is to ensure the protection of the population and their property;

Concerned about the continued deterioration of the political, security, humanitarian and human rights situation in the Democratic Republic of the Congo;

Concerned about allegations of serious and massive human rights violations against civilian populations, following violent clashes between the Kamwina Nsapu militia and the Congolese defence and security forces in the Kasai provinces;

Deeply concerned in particular about the loss of lives, summary executions, acts of torture, mutilation, sexual violence, arbitrary arrest and detention, massive and forced displacement of populations, looting and

destruction of property in the Kamonia territories following the death of the traditional ruler Jean-Prince Mpandi, alias “*Kamwina Nsapu*”, killed during a military assault on 12 August 2016;

Deeply concerned also about allegations of serious and massive human rights violations, in particular the loss of lives, serious casualties, arbitrary arrest and detention, as well as repression against human rights defenders, activists, journalists and opponents of the current regime following peaceful demonstrations organized since 31 December 2017 by groups of citizens to protest against the refusal to accept political change and the constant rescheduling of the presidential election;

Noting the lack of investigation into allegations of human rights violations, as well as the impunity that may be enjoyed by the perpetrators;

The Commission:

Strongly condemns the serious and massive human rights violations in the various provinces of the Democratic Republic of the Congo and the ongoing impunity;

Further condemns the excessive and disproportionate use of force and all other forms of human rights violations against peaceful protesters;

Urges the authorities of the Democratic Republic of the Congo to:

- Take the necessary measures to put an end to all ongoing situations of human rights violations in the various provinces and towns of the country, particularly in Kasai;
- Put an end to arbitrary arrest and detention, and ensure the immediate release of arbitrarily detained protesters, political opponents, journalists and human rights defenders;
- Conduct effective, independent and impartial investigations into the various human rights violations committed in the country in order to bring the alleged perpetrators to justice and guarantee the right to a fair trial;
- Cooperate with the African Commission on Human and Peoples’ Rights, including by authorising a fact-finding mission in order to investigate, among others, allegations of human rights violations committed in the country;

- Fully cooperate with international experts appointed by the UN Human Rights Council to determine the facts and circumstances of the violations committed in the Kasai since August 2016, in particular by granting them access to areas and villages affected by the violence, as well as allowing them to speak to victims in a safe and confidential environment;

Urges the Congolese political class to respect and effectively implement the Political Agreement of 31 December 2016, and encourages the various stakeholders to take the necessary measures to preserve social peace through dialogue and consensus.

Done in Banjul, The Gambia, on 22 February 2018