

ACHPR/Res. 411 (LXIII) 2018: Resolution on the Electoral Process in the Democratic Republic of Congo (DRC)

The African Commission on Human and Peoples' Rights (Commission), meeting at its 63rd Ordinary Session held from 24 October to 13 November 2018 in Banjul, Republic of 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);

Bearing in mind its previous resolutions on the human rights situation in the DRC, in particular Resolutions ACHPR/Res.139 (XXXIV) 08, ACHPR/Res.173 (XLVIII) 10, ACHPR/Res.241 (EXT.OS/XIV) 13, ACHPR/Res.284 (LV) 14, ACHPR/Res.358 (LIX) 16 and ACHPR/Res.393 (LXII) 18;

Recalling its previous resolutions on elections in Africa, in particular Resolutions ACHPR/Res.133 (XXXIV) 08, ACHPR/Res.164 (XLVII) 10, ACHPR/Res.174 (XLVIII) 10, ACHPR/Res.232 (EXT.OS/XIII) 13, ACHPR/Res.239 (EXT.OS/XIV) 13, ACHPR/Res. 272 (LV) 14, ACHPR/Res. 293 (EXT.OS/XVII) 15 and ACHPR/Res.331 (EXT.OS/XIX) 16;

Deeply concerned about the worsening security situation and the increase in human rights violations which could infringe on the freedom to exercise voting rights and hinder the smooth conduct of the elections;

Concerned about the potential negative impact of the political instability in the country on the national elections scheduled for 23 December 2018;

Concerned about the discontent expressed by opposition parties and civil society over the lack of inclusiveness of the voter roll and the reliability of the voting machines to be used for the elections;

Concerned about the restrictions on freedom of expression and assembly, mainly reflected in the ban on demonstrations and the almost systematic repression of opposition party and civil society rallies through arbitrary arrests and detention, including the disproportionate use of force by law enforcement officers;

Concerned about the delays in implementing the Agreement of 31 December 2016, including the measures on "easing political tension" which would have facilitated the release of several prisoners still held in detention;

Further concerned about the lack of clarity on the part of the Congolese authorities about inviting a regional and/or international independent election observation mission, a situation likely to undermine the

transparency and credibility of the elections, as well as the acceptance of the election results;

The Commission:

Strongly condemns the cycle of violence and massive human rights violations committed by the various protagonists and armed factions in the DRC against civilian populations;

Further condemns the numerous violations of human rights, including reprisals against human rights defenders, activists and political opponents, the excessive repression of peaceful protests, as well as restriction of access of opposition candidates to public media;

Urges the Congolese authorities to:

1. Ensure the protection and security of populations and their property, while preserving the ideals of peace, justice and good governance;
2. Conduct investigations into the violence and serious human rights violations committed in the DRC, identify the alleged perpetrators and prosecute them before the competent courts in order to provide justice to the victims;
3. Implement all the provisions of the political agreement signed on 31 December 2016, including the measures aimed at easing political tension;
4. Take the necessary measures to improve credibility, inclusiveness and trust in the electoral process;
5. Put an end to the ban as well as the repression of peaceful demonstrations and release all human rights defenders, activists and political opponents who have been arbitrarily detained and stop the judicial harassment against them;
6. Consent to the support of the international community and the deployment of an election observation mission, and allow the latter to work freely throughout the country before, during and after the elections;
7. Ensure that all candidates have access to State media, including the national radio and television (RTNC);

Urges all the protagonists to put an immediate end to hostilities and give priority to the search for a common solution towards a peaceful resolution of the conflict in the interest of national peace, security and stability;

Calls on the African Union and the international community to take all relevant measures to create, as a matter of urgency, the necessary conditions for inclusive, peaceful, transparent, free and fair elections in the DRC, and to make every effort to send election observation missions before, during and after the elections.

Done in Banjul, Republic of The Gambia, on 13 November 2018