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Democratic Republic of Congo: Preventing an Escalation of Violence and Abuse

The political impasse in the Democratic Republic of Congo is at serious risk of spiraling into widespread violence over the coming months, with serious consequences for the people in Congo and broader ramifications across the region.

Since January 2015, the Congolese government has imposed a brutal crackdown against those who have spoken out against or opposed attempts to extend President Joseph Kabila's stay in power beyond his constitutionally mandated two-term limit, which ends on December 19, 2016. Government security forces have arbitrarily arrested scores of opposition leaders and activists, fired on peaceful protesters, banned opposition demonstrations, shut down media outlets, accused peaceful pro-democracy youth activists of plotting terrorist acts, and prevented opposition leaders from moving freely around the country.

Meanwhile, preparations for presidential elections have stalled, and there is currently no date for when elections will be held. Senior government officials have however said that elections will not be held before the end of the year, as originally scheduled and as called for in the constitution, officially citing technical, logistical, and financial constraints. The electoral commission has chosen the lengthiest plan to register voters, which has just begun and which they say will take at least 16 months.

A National Dialogue to discuss the way forward, called for President Kabila, officially began on September 1, but nearly all of the main opposition political parties have so far refused to participate, citing fears that the dialogue is merely a ploy for President Kabila to stay in power by creating a "transition period" during which he could seek to change the constitution to remove term limits.

With frustrations growing among many factions of the Congolese population – including opposition party supporters, civil society and human rights activists, and marginalized youth populations in cities across the country – many say they are ready to mobilize and go to the streets in protest starting on September 19, three months before the end of President Kabila's mandate and when, according to the constitution, the electoral commission is due to convoke presidential elections.

The risk of increased violence, instability, brutal repression, and a further shrinking of political space in the coming months is very real. While the window of opportunity is closing, we believe there is still time to influence the course of events and help prevent a dangerous escalation of violence.

Below we offer recommendations on concrete steps that the European Union and its member states can take now to help prevent an escalation of violence and abuse in Congo. We encourage COAFR members to proactively work with your colleagues in capitals and at the External Action Service to leverage all tools at your disposal. We urge you to:

1. Evaluate the risks of an escalation of violence and abuse in Congo, including through mapping the regions where violence occurred during the 2006 and 2011 electoral processes, and, on this basis, work with the UN

peacekeeping mission in Congo (MONUSCO) to establish a strategy to prevent and respond to an escalation of violence and abuse in these specific regions.

2. Prepare to implement targeted sanctions – including visa bans and assets freezes – against senior Congolese officials and security force officers most responsible for the violent repression and abuse. We believe such sanctions would have the greatest impact if implemented sooner rather than later, to help deter further violence and abuse and to show there are consequences for such actions. This preparation should include identifying the scenarios and red lines beyond which targeted sanctions would be applied, clearly communicating these benchmarks and redlines to senior Congolese officials, and publicly announcing that the EU is ready to implement targeted sanctions if certain steps are not taken or if government repression escalates. Preparations should also include the preparation of lists of individuals to face sanctions, dossiers with the evidence against them, and the identification of their assets should sanctions be enacted.
3. Clearly communicate that the EU has a zero tolerance policy for excessive use of force and incitement to violence by security force troops and officers who are receiving training or other support from the EU or member states, and be prepared to cut such support if these troops or officers are found to be responsible for excessive use of force or incitement to violence in the context of the electoral process.
4. Clearly communicate the nature of the EU’s engagement and determination to defend the rights and freedoms of Congolese citizens, including the freedoms of expression, association and peaceful assembly. The EU should publicly condemn the government’s practice of arbitrarily arresting and detaining political opponents, human rights defenders, and civil society activists, and political interference in the justice sector; call for the immediate and unconditional release of all persons held for the peaceful exercise of their basic rights; urge that international human rights monitors be allowed to work in Congo; call for arbitrarily closed media outlets to be reopened; and ensure that the right to peaceful assembly is respected and that those responsible for the unlawful use of force against peaceful demonstrators are held to account.
5. Support the adoption of a strong resolution that would mandate enhanced interactive dialogues on the DRC during the 33rd, 34th, and 35th sessions of the UN Human Rights Council; and that would increase the UN’s capacity to address human rights violations in the country and help prevent an escalation of violence, abuse, and repression in the coming months, including through the establishment of a dedicated mechanism for monitoring and reporting on the situation in the DRC.
6. Strengthen Congolese civil society’s ability to monitor and prevent violence through increasing direct support to Congolese organizations working on conflict and violence prevention; civilian protection; documenting human rights abuses; and the establishment of mechanisms for the peaceful resolution of conflict.
7. Withhold support or endorsement, as an influential member of the “support group” to the African Union facilitator of the National Dialogue, to any dialogue that is not inclusive of all major political parties in Congo and that does not respect UN Security Council Resolution 2277 and the Congolese constitution, or any outcome that does not have broad acceptance from the Congolese public.
8. Communicate clearly and forcefully to the Congolese government the EU’s grave concern that the articles of the Congolese Constitution on presidential mandates, elections and the transfer of power be fully adhered to in a timely manner, and that failure to do so will have significant consequences for EU-Congo relations.
9. Work with international partners to ensure there is a clear and complete plan in place for providing funding for Congolese elections, and communicate this widely, once there is a credible timetable and demonstrated political will to move forward with elections, so that lack of resources is not an obstacle to constitutionally mandated elections.
10. Ensure that the EU uses all means available to establish a regular political dialogue with the highest Congolese authorities, as provided for by Article 8 of the Cotonou Agreement, in which the importance of respecting the constitution, holding free and fair elections, and respect for human rights, can be discussed.

11. Consider suspending support from the EU and member states to the Congolese justice sector until there are concrete improvements in the independence of the judiciary, especially regarding the prosecution of civil society activists and opposition party members on trumped-up charges.
12. Encourage the EU's High Representative for Foreign Affairs, Federica Mogherini, to visit Congo as soon as possible to meet with President Kabila and other senior officials, and deliver a strong message about human rights and the need for a peaceful transition of power through a credible electoral process, in accordance with the Congolese constitution.

Signed:

Association Africaine des Droits de l'Homme (ASADHO)

Christian Aid

Enough Project

Global Witness

Groupe Lotus

Human Rights Watch

International Federation for Human Rights (FIDH)

International Refugee Rights Initiative

Ligue des Électeurs

PAX

Réseau Européen pour l'Afrique Centrale (EurAc)

Tearfund