



To Permanent Representatives of Member and Observer States of the United Nations Human Rights Council

Geneva, 16 August 2016,

Re: Call on the Human Rights Council to dedicate its utmost attention to the Democratic Republic of the Congo (DRC) at its 33rd session

Your Excellencies,

Following our call for the holding of a special session of the Human Rights Council,¹ we, the undersigned non-governmental organizations, are writing to urge your delegation to respond to the ongoing deterioration of the human rights situation in the Democratic Republic of the Congo (DRC) and to prevent the perpetration of massive and serious violations. As the country could reach a tipping point ahead of the upcoming elections, it is essential that the Council pay its utmost attention to it by acting collectively and making sure that the gravity of the situation in the RDC is adequately reflected in its program of work.

The 33rd regular session (13-30 September 2016) must be an opportunity for the Human Rights Council to build on the collective efforts that have been made since the adoption of resolution 30/26² at its 30th session, including the joint oral statements delivered during the Council's 31st and 32nd sessions, on behalf of 39 and 44 States under the Council's agenda items 10 and 2, respectively.

The last analyses of the United Nations High Commissioner for Human Rights, who visited the DRC in July 2016, have confirmed the fears expressed by States, numerous Congolese and international NGOs, and various UN bodies and mechanisms, including the United Nations Joint Human Rights Office in the DRC (UNJHRO), which emphasized its concerns over the repression that has targeted the political opposition, the media and civil society ahead of the elections,³ and the Office of the UN High Commissioner for Human Rights (OHCHR), which denounced the harassment of civil society and the shrinking of democratic space in the DRC.⁴

On 21 July 2016, at the end of his visit to the country, the High Commissioner raised the alarm, highlighting that “[tension was] rising” at this “pivotal moment”. He mentioned a rise in the number of violations of civil and political rights, a public space that is “under pressure,” and a risk for the country to stumble into increasing repression, as political uncertainty could “lead to serious crisis.”⁵ He also highlighted the increasing harassment of civil society representatives and journalists, as

1 Letter dated 7 July 2016, available at www.fidh.org/en/international-advocacy/united-nations/democratic-republic-of-the-congo-call-for-a-special-session-of-the See also the annex to the present letter.

2 “Technical assistance and capacity-building for human rights in the Democratic Republic of the Congo”: ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/RES/30/26

3 www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16853&LangID=E

4 See for instance its press briefing notes of 26 February (www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=17096&LangID=E) and 24 May 2016 (www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20006&LangID=E).

5 His full statement is available here: www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20293&LangID=E (English); www.ohchr.org/FR/NewsEvents/Pages/DisplayNews.aspx?NewsID=20293&LangID=F (French).

well as the repression of voices which oppose the Government – a repression that is characterized by the use of double standards with respect to public gatherings, excessive use of force (and sometimes, lethal force) by law enforcement officials, the disproportionate severity of penalties in many cases, and arbitrary detentions.

Our organizations reiterate their analysis⁶ that all signals are red in the Democratic Republic of the Congo. If elections are not held under free, transparent, inclusive and peaceful conditions before the end of President Kabila's constitutionally-mandated term, on 19 December 2016 – which is more and more compromised –, the country could face a tremendous political and human rights crisis.

Therefore, beyond adopting a resolution that invites the High Commissioner to continue to update it on the situation in the DRC and the activities of his Office, the Human Rights Council should consider adequate follow-up measures, which may include setting up a mechanism (a special procedure or a similar mechanism to monitor and publicly report to the Council) dedicated to the country; holding enhanced interactive dialogues on the DRC at the Council's 34th and 35th sessions; or requesting thematic reports on how to combat the most prevalent human rights violations committed in the country.

According to the evolution of the situation, the Council should stand ready to take additional measures, including holding a special session on the situation in the DRC.

In addition to the Council's collective action, Member and Observer States should seize the opportunities available at the upcoming session to raise their concern over the DRC and urge the Government to take urgent corrective measures, namely under the Council's agenda item 2 (oral update of the High Commissioner), item 3 (interactive dialogue with the Working Group on arbitrary detention), item 4 (general debate) and item 10 (interactive dialogue on the High Commissioner's report on the DRC).

We thank you for paying attention to these pressing issues and are available to provide your delegation with further information as required.

Sincerely,

**FIDH (International Federation for Human Rights)
Association africaine des droits de l'Homme (ASADHO)
Groupe Lotus
Ligue des Électeurs**

6 Cf. our letter of 7 July 2016.

ANNEX:

Principal asks articulated by the undersigned organizations in their 7 July 2016 letter

In the context of an increasingly severe government crackdown on human rights defenders, journalists, political opponents and other independent or critical voices who have urged that the presidential election be held in accordance with the constitutional timetable that threatens to plunge the country into a cycle of violence and instability that would have grave regional consequences, the Human Rights Council should [...] adopt a resolution:

- ***Strongly condemning*** violence and human rights violations committed in the DRC and ***urging*** the Congolese authorities to conduct thorough, impartial and independent investigations into all allegations of human rights violations in order to bring their perpetrators to account so that they face conviction if they are found guilty in fair trials, including members of the defense and security forces, as well as of the state apparatus;
- ***Urging*** the Congolese Government to respect and protect the rights to freedom of expression, peaceful assembly and association and to put an end to all forms of intimidation, harassment (including by the judiciary), attacks and reprisals against human rights defenders, journalists, political opponents and other independent or critical voices;
- ***Calling on*** the country's authorities to ensure that in all circumstances members of the defense and security forces use force that is strictly necessary and proportionate to guarantee law and order and to prohibit the use of lethal weapons against peaceful protesters in accordance with the United Nations Basic Principles on the use of force and firearms by law enforcement officials;
- ***Urging*** the Congolese Government to immediately and unconditionally release all arbitrarily detained persons, including those who are detained for peacefully exercising their fundamental rights and freedoms;
- ***Requesting*** the United Nations High Commissioner for Human Rights to regularly report to the Human Rights Council on the human rights situation in the Democratic Republic of the Congo in order to keep the Council informed about developments; and
- ***Deciding*** the holding of an enhanced interactive dialogue during the Council's 33rd regular session (September 2016) in order to consider follow-up measures the Human Rights Council could take, including the creation of a mechanism dedicated to the DRC.

Reference: Letter by FIDH, ASADHO, Groupe Lotus and the Ligue des Électeurs, “*Democratic Republic of the Congo: Call for a special session of the Human Rights Council*” (7 July 2016), available in English (www.fidh.org/en/international-advocacy/united-nations/democratic-republic-of-the-congo-call-for-a-special-session-of-the) and in French (www.fidh.org/fr/plaidoyer-international/nations-unies/republique-democratique-du-congo-appel-a-une-session-extraordinaire).