

A one month delay in the verdict of the 13 LUCHA defenders – release them now

09/03/2022

We, the undersigned organisations, express our dismay that **the Beni Garrison Military Tribunal has not yet announced a verdict in the case of the 13 LUCHA human rights defenders (HRDs) from Beni, North Kivu**. According to legal statutes, this verdict was due within 30 days of the final court hearing, by 8 February 2022. This undue delay is a violation of the 13 defenders' right to a fair trial and due process, as proclaimed by the African Commission on Human and Peoples' Rights according to the African Charter on Human and Peoples' Rights. **We urge the Congolese authorities to drop the charges without conditions and release the 13 LUCHA HRDs, who have been deprived of their liberty for 4 months.**

As a reminder, the **13 HRDs were arrested** and detained on Thursday, November 11, 2021, while **organizing a peaceful demonstration** to denounce the repeated killings and massacres of civilians that persist despite the proclamation of a state of siege in the Province of North Kivu and in the Province of Ituri. The 13 HRDs are being tried under military penal code, a process that raises alarm bells due to the potential severity of the verdict from the military court. They are being charged for insurrection, incitement to revolt and disobedience to the law under article 137 of the military penal code.

Due to the poor detention conditions, the health of three of the LUCHA defenders has seriously deteriorated. They have been admitted to a local medical facility, but their conditions remain alarming and require adequate medical care.

Since November 2021, national, regional and international civil society have been calling for the release of the 13 defenders¹. This case is part of a **worrying increase in threats, intimidation, arbitrary arrests and killings of human rights defenders and artists in the provinces of North Kivu and Ituri**, under a state of siege since May 2021. In January 2022, LUCHA accused the Congolese security forces of killing one of its defenders Mumbere Ushindi, during a demonstration².

Since the state of siege was declared, more than 21 LUCHA activists have been arrested. It is deplorable that the DR Congo is a country where human rights defenders are criminalized for their work. In September 2021, five UN special mandate holders wrote a letter to the Congolese government on the detention of the LUCHA HRDs, to which they received no official response³.

These 13 defenders should never have been arrested. Peaceful protest is a right enshrined and guaranteed in article 26 of the constitution of the DR Congo, and the right to defend human rights is

¹ <https://www.protectioninternational.org/en/news/joint-public-statement-peaceful-protest-not-crime-release-13-lucha-human-rights-defenders>

² <http://www.luchacongo.org/beni-nord-kivu-un-autre-militant-de-la-lucha-abattu-par-les-forces-de-lordre/>

³ <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=26641>

universal. Additionally, the 13 defenders must be recognised and protected as per the North Kivu edict on the protection of human rights defenders. The signatory organisations condemn the continued violations and suffering experienced by the 13 LUCHA HRDs from Beni and call for their immediate release.

Signatory organisations:

1. Action 54 Sudan
2. Actions et initiatives de développement pour la protection de la femme et de l'enfant (AIDPROFEN)
3. Agir ensemble pour les droits humains (AEDH)
4. Association africaine de défense des droits de l'homme (ASADHO)
5. Association d'actions de Paix et de développement communautaire (APADEC)
6. Association pour le développement et initiatives paysannes (ASSODIP)
7. Broederlijk Delen
8. Bunge Mashinani Initiative
9. Coalition des Volontaires pour la Paix et le Développement (CVPD)
10. Defenders Coalition Kenya
11. Ethiopia Human Rights Defenders Center
12. Haki Africa
13. IDAY-International
14. Justice et Paix
15. Kalkal Human Rights Development Organization (KAHRDO)
16. La Coalition des Femmes Défenseuses des Droits Humains (CFDDH)
17. Lliga dels Drets dels Pobles
18. National Coalition of Human Rights Defenders Uganda
19. Ökumenische Netz Zentralafrika (ÖNZ)
20. PAX
21. Pax Christi International
22. Protection et solidarité
23. Protection International
24. Protection International Africa
25. South Sudan Human Rights Defenders Network
26. Synergie des Femmes pour la Paix et la Réconciliation des peuples des Grands-Lacs d'Afrique (SPR)
27. Synergie Ukingo Wetu (SUWE)



PROTECTION
international

28. Tournons La Page DRC

29. Women Human Rights Defenders Hub in Kenya