

PUBLIC STATEMENT

The Beni military court annuls sentence for the 13 LUCHA human rights defenders

24 June 2022

Protection International (PI) and Protection International Africa (PIA) welcome the decision of the military court of North Kivu, DR Congo, to annul the sentence of 13 human rights defenders (HRDs) of the citizen movement Lutte pour le changement "LUCHA" in an appeal trial on June 23.

The military court decided to annul the criminal sanctions imposed on the 13 LUCHA HRDs for lack of jurisdiction, and consequently referred them to the competent civil courts.

Although this verdict is a glimmer of hope and a step towards the release of 13 HRDs, we deplore the time they will spend in prison awaiting the outcome of their case. The defenders should never have been arrested and detained for expressing through non-violence their fundamental freedoms.

It is also worth noting that these defenders have been criminalised in a province that has a novel provincial law for the protection of human rights defenders. Article 5 of this law states: "**In the event of the prosecution, search, arrest or detention of a human rights defender solely on the basis of the opinions expressed, actions taken or publications issued by him or her in the course of his or her activities, the provincial and local authorities shall be obliged to assist him or her and to demand his or her release without any preconditions**"¹.

As a reminder, the 13 human rights defenders were arrested and detained on Thursday 11 November 2021 while organising a peaceful demonstration to denounce the repeated killings and massacres of civilians that continue despite the proclamation of a state of siege in the provinces of North Kivu and Ituri. They were subsequently sentenced to 12 months' imprisonment and a fine of 250,000 Congolese francs each by the Beni military court on 1 April 2022.

Since the declaration of the state of siege in the two provinces of North Kivu and Ituri, PI has recorded more than 20 LUCHA defenders being arrested. The right to defend human rights is being limited and penalised in North Kivu and Ituri, and these cases are proof of this. Other organisations have described the state of siege

¹ Edit provincial portant protection des défenseurs des droits humains au Nord-Kivu, 30 November 2019, article 5, page 4

as a tool to “crush dissent”² and “suffocate people’s rights to peaceful assembly, free speech, and access to fair justice”³. It is deplorable that DR Congo is a country where human rights defenders are criminalised for their work. A commitment to peace should not be followed by prison.

On 24 January 2022, LUCHA accused Congolese security forces of killing LUCHA member Mumbere Ushindi during a peaceful demonstration in Beni against the state of siege and the imprisonment of 13 LUCHA defenders⁴. Despite repeated calls by civil society actors for the Congolese justice system to investigate the case, no proceedings have been initiated to identify and bring to justice the alleged perpetrator of Ushindi's murder.

We strongly condemn the restriction of civic space in the provinces under siege and encourage the Congolese authorities, at all levels, to listen carefully to the distress calls of civil society activists and citizens.

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

We call on the Congolese authorities to:

- Deal with this case swiftly and release unconditionally the 13 LUCHA HRDs;
- Protect human rights defenders and civic space in the country, particularly in all provinces under state of siege, and prevent future acts of criminalisation against peaceful activism;
- Respect and strengthen the North Kivu provincial law for the protection of human rights defenders, and accelerate the civil society initiative for a national law for the protection of human rights defenders;
- Urge the Congolese Minister of Justice, the National Human Rights Commission (CNDH) and the Minister of Human Rights to set up a joint commission to investigate the murder of LUCHA defender Mumbere USHINDI.

We call on the international community to:

- Advocate for the release of the 13 LUCHA human rights defenders;

² <https://www.amnesty.org/en/latest/news/2022/05/drc-one-year-on-state-of-siege/>

³ <https://www.hrw.org/news/2022/03/22/dr-congo-martial-law-brings-crackdown-east>

⁴ <http://www.luchacongo.org/beni-nord-kivu-un-autre-militant-de-la-lucha-abattu-par-les-forces-de-lordre/>

- Support Congolese civil society initiatives to establish a national law for the protection of human rights defenders.