Kinshasa, 9 April 2019

Public letter to Mr Félix TSHISEKEDI,
President of the Democratic Republic of Congo
Kinshasa/Gombe

Subject: Request to revoke the Presidential Order appointing Mr Roger KIBELISA as Principal Assistant to the Special Advisor to the President of the Republic on Security Matters

Mr. President of the Republic,

We, victims of the political repression that has characterized the last three years in power of your predecessor, address this letter to you in order to request that you revoke the Presidential Order appointing Mr Roger KIBELISA, formerly Head of the Department of Internal Security at the National Intelligence Agency (Agence nationale de renseignements, ANR), as Principal Assistant to your Special Advisor on Security.

Indeed, our dark and common reference remains, among other things, the fact that we were detained in inhuman conditions by the National Intelligence Agency in the jail called 3 ZOULO (3Z): one of the lawless zones that is or was beyond the control of the judiciary.

Mr President of the Republic, we think it is appropriate to remind you that under the old regime, Mr. KIBELISA was intellectually and operationally active, the backbone of repression aimed at silencing all voices opposing an extension of President Joseph Kabila’s term of office beyond the limit granted to him by the Constitution through arbitrary arrests, incommunicado detention and inhuman and degrading treatment of dozens of human rights activists, activists of citizen movements and opponents.

In addition, we also learned through the press of the departure of Mr Kalev Mutondo, General Administrator of the ANR under the previous regime and his replacement by his deputy, Mr Inzun Kakiat. The departure of the now former General Administrator, who made of this institution a machine of political repression in recent years, is excellent news. However, his replacement by an official who was part of the core of the repressive system offers no guarantee of change in this sector.

We believe that the National Intelligence Agency has several other qualified staff, who have sacrificed their lives for the benefit of the nation and are not involved in human rights violations. These people, Mr. President, can do a loyal service to the nation. For this purpose, we encourage you to consult your services to find people whose profiles are not associated with serious human rights abuses.

Mr President of the Republic, allow us to briefly recall the factual context of these arrests and detentions.
Most of us were illegally arrested, abducted and detained following peaceful meetings, marches or other demonstrations between 2015 and 2018, and were denied access to our families – parents, wives, children, brothers and sisters – at first without being informed of the motive behind this. Once transferred or taken to 3Z, the sentence that was repeated to us on arrival was: “Here you have no right to a lawyer or access to a family member.”

We were held in dark cells where the rays of light could only pass through a small window next to the metal door, or through the semi-open upper part of the door, or even permanently without any possibility of light for one of the 6 cells that abounded in the infamous 3Z jail. We slept on the floor among bedbugs and cockroaches, or on pieces of cardboard boxes of jack mackerels, that the guards threw at us in the cells after their use in the kitchen, which we used as mattresses.

Some cells painted red from the ceiling to the wall, measuring approximately 3 by 5 meters in length, sometimes housed up to 25 prisoners, while 5 square meters housed 32 prisoners. We were underfed and did not receive any adequate medical care.

The 3Z episode generally ended with a transfer either to the National Intelligence Agency headquarters where some of us were tortured, including with electric batons, and beatings followed by simulated drownings and ice baths. Either we were transferred to the Prosecutor General of the Republic’s Office, to the central prison of Kinshasa or to the military prison of Ndolo where the reasons for our arbitrary arrest were communicated to us during trials in which a denial of justice occurred. One of our own died because of the long illnesses he has suffered as a result of poor conditions of detention within the ANR since his arrest. Our thoughts are with our brother, Jean-Louis Ernest KYAVIRO, former federal president of the opposition RCD/KML political party and former National Deputy.

These are the works of which Mr Roger KIBELISA, your close collaborator in the field of security, was one of the intellectual authors.

**Mr President of the Republic**, during your stay in the United States, you made a clear promise to dismantle Kabila’s dictatorial system.

This is a strong promise that we appreciate.

However, a few elements question our civic conscience with regard to your real desire to break with the system and practices of the previous regime.

How can you involve people in your new administration who are clearly facing international allegations and sanctions for serious human rights violations?

In this regard, we would like to remind your Authority that Mr. KIBELISA was sanctioned on 12 December 2016 by the European Union, one of the Democratic Republic of Congo’s partners, for “trying to obstruct a consensual and peaceful solution to the crisis as regards the holding of elections in the DRC, in particular through acts of violence, repression or incitement to violence, or actions that undermine the rule of law.”
How can we establish a rule of law and dismantle a system while having, as close collaborators, the brains and the creators of this same oppressive and predatory system against fundamental rights and freedoms?

In such a context, could we hope for a break that will truly lead us to a state that respects democratic values?

Mr President of the Republic, we remember that during various peaceful marches and other demonstrations in recent years, you were with the people to demand a peaceful change at the top of the State. You yourself were the victim of the barbaric repression of the security forces during the last peaceful marches organized by the Lay Coordination Committee, where dozens of Congolese lost their lives. Today, promoting those who ordered or participated in such repression is to defile the memory of our compatriots.

Mr. President of the Republic, the slogan related to your mandate is “people first,” which implies that any decision you take as guarantor of the nation should go towards making the interest of the Congolese population your priority.

Thus, relieving Mr. KIBELISA of his new duties at the level of your cabinet, and ensuring that no other human rights violators are assigned to positions of responsibility, would mean for us a beginning of justice. To ignore this request would send us a message that we cannot hope during your term of office for a fair break with the old system that oppressed the people.

Justice is a long and laborious process. We urge you to take the first step in this process. In this way, you will send a strong signal to the Congolese people!

As victims, we reserve the right to bring the matter before the competent judicial authorities and to use all constitutional, conventional and legal means to make our case heard.

Please accept, Mr President of the Republic, the expression of our highest consideration.

Copy for information to:

- Mr. Vital KAMERHE, Director of the Cabinet of the President of the Republic;
- Mr François BEYA, Special Advisor to the Head of State on Security.

For further information, please contact:

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List of signatories all detained in the 3Z jail in the context of political repression between 2015 and 2018:

1. Bienvenu Matumo, activist of the Lucha citizen movement, 4 days (8 - 12 August 2015)
2. Marc Héritier Kapitene, activist of the Lucha citizen movement, 3 days (16-19 February 2016)
3. Yves Makwambala, webmaster and activist of the Lucha citizen movement, 40 days (15 March - 24 April 2015)
4. Patrick Musasa, activist of the Lucha citizen movement, 44 days (26 December 2016 - 8 February 2017)
5. Carbone Beni, activist of the Filimbi citizen movement, 15 days (27 December 2016 - 11 January 2017); 5 months and 1 week (30 December 2017 - 7 June 2018)
6. Grâce Tshunza, activist of the Filimbi citizen movement, 5 months and 1 week (30 December 2017 - 7 June 2018)
7. Cédric Kalonji, activist of the Filimbi citizen movement, 5 months and 1 week (30 December 2017 - 7 June 2018)
8. Mino Bompomi, activist of the Filimbi citizen movement, 5 months and 1 week (30 December 2017 - 7 June 2018)
9. Jean de Dieu Kilima, student, member of the Coordination of the Front Citoyen 2016 and Filimbi activist, 6 days (12 -18 July 2016)
10. Chris Shematsi, activist of the citizen movement Compte à Rebours, 44 days (December 26, 2016 - February 8, 2017)
11. John Ngandu, activist of the citizen movement Compte à Rebours, 44 days (December 26, 2016 - February 8, 2017)
12. Samuel Bosasele, activist of the citizen movement Compte à Rebours, 44 days (December 26, 2016 - February 8, 2017)
13. Robert Syla, former student president of the Institut supérieur des techniques appliquées (ISTA), 44 days (26 December 2016 -8 February 2017)
14. José Mbala, member of the alumni organization of the National Pedagogical University (Université pédagogique nationale, UPN), 44 days (26 December 2016 -8 February 2017)
15. Gloria Sengha, activist of the citizen movement Vigilance citoyenne (VICI), 1 day (26 December 2016 - 27 December 2016)
16. Arsène Katolo, activist of the citizen movement Les Congolais Débout (LCD), 86 days (12 September-7 December 2018)
17. Miko Gboto, activist of the citizen movement Les Congolais Débout (LCD), 86 days (12 September-7 December 2018)
18. Oto Shaminga, activist of the citizen movement Les Congolais Débout (LCD), 86 days (12 September-7 December 2018)
19. Alain Muwaka, activist of the citizen movement Les Congolais Débout (LCD), 86 days (12 September - 07 December 2018)
20. Widow Aline Engbe Kyaviro on behalf of her late husband, Jean-Louis Ernest Kyaviro, leader of an opposition political party, 86 days (23 January - 16 April 2015), who died on 18 January 2019
21. Gires Bangomisa, student, more than 9 months (28 March - 7 December 2015)
22. Joel Bukuru, student, more than 9 months (28 March - 7 December 2015)

List of signatories all detained at the ANR headquarters in the context of political repression between 2015 and 2018:

1. Carbone Beni, activist of the Filimbi citizen movement, 1 day (26 December 2016)
2. Bienvenu Matumo, activist of the Lucha citizen movement, 3 days (16-19 February 2016)
3. Fred Bauma, Lucha activist, 50 days (15 March - 4 May 2015)
4. Palmer Kabeya, activist of the Filimbi citizen movement, 43 days (3 April-6 June 2018)
5. Patrick Amani Mundeke, Auditor and National Vice-President of the Youth League of the Social Movement for Renewal (Mouvement Social pour le Renouveau, MSR) political party in Goma, 98 days (23 January-30 April 2015)
6. Paulin Lody, member of the opposition political party FONUS, 1 month (4 November - 3 December 2015)
7. Remy Manguamba, Vice-President of UJCC, 32 days (15 September - 17 October 2016)
8. Totoro Mukenge, President of the reflection platform Union des Jeunes Congolais pour le Changement (UJCC), 77 days (15 September - 1 December 2016)