



**Réseau pour la Réforme du Secteur de Sécurité et de Justice  
« RRSSJ » /Network for the Security and Justice Sector Reform**

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## ***Elections-related Security Risks in DRC: Getting more involved!***



### ***“Observations by Civil Society Organizations”***

This report was prepared and drafted by the Working Group tasked to Monitor DRC's Peace Process, comprised of the following organizations and structures: **RRSSJ, RENADHOC, NSCC, CEGO, ACIDH, ACAJ, VSV, SOFEPADI, CREEDA, LE**

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## ACRONYMS

<b>ACAJ</b>	<i>Association Congolaise pour l'Accès à la Justice /Congolese Association for Access to Justice)</i>
<b>ACIDH</b>	<i>Action Contre l'Impunité pour les Droits Humains (Action Against Impunity for Human Rights)</i>
<b>CCFR</b>	<i>Centre Commun de Fusion et des Renseignements (Merging and Intelligence Center)</i>
<b>CEGO</b>	<i>Centre pour la Gouvernance (Governance Center)</i>
<b>CENI</b>	<i>Commission Electorale Nationale Indépendante (Independent National Electoral Commission)</i>
<b>ICGLR</b>	<i>International Conference on the Great Lakes Regions.</i>
<b>CNS-RCN</b>	<i>Comité National de Suivi des Recommandations des Concertations Nationales / National Committee to Monitor the Recommendations of the National Consultations</i>
<b>CPI</b>	<i>International Criminal Court</i>
<b>CREEDA</b>	<i>Centre de Recherche et d'Etudes sur l'Etat de Droit en Afrique/Center for Research and Studies on the Rule of Law in Africa</i>
<b>CSAC</b>	<i>Conseil Supérieur de l'Audiovisuel et de la Communication/Audio-visual and Communication Authority</i>
<b>ETD</b>	<i>Entités territoriales décentralisées (Decentralized territorial Entities)</i>
<b>FARDC</b>	<i>Forces Armées de la République Démocratique du Congo / Armed Forces of the Democratic Republic of Congo</i>
<b>L.E</b>	<i>Ligue des Electeurs /Voters' League</i>
<b>UN</b>	<i>United Nations Organisation</i>
<b>CSO</b>	<i>Civil Society Organisations</i>
<b>PNC</b>	<i>Police Nationale Congolaise /Congolese National Police Force</i>
<b>M23</b>	<i>Mouvement du 23 mars /23rd March Movement)</i>
<b>MCVE</b>	<i>Mécanisme Conjoint de Vérification et de Suivi / Joint Verification and Monitoring Mechanism</i>
<b>MNS</b>	<i>Mécanisme National de Suivi de l'Accord-cadre / National Mechanism to Monitor Framework Agreement</i>
<b>MONUSCO</b>	<i>United Nations Stabilization Mission in the Democratic Republic of Congo</i>
<b>NSCC</b>	<i>Nouvelle Société Civile Congolaise /New Congolese Civil Society</i>
<b>DRC</b>	<i>Democratic Republic of Congo</i>
<b>RENADHOC</b>	<i>Réseau National des ONG des Droits de l'Homme de la République Démocratique du Congo/ (National Human Rights Network of the DRC)</i>
<b>RRSSJ</b>	<i>Réseau pour la Réforme du Secteur de Sécurité et de Justice /(Network for the Security and Justice Sector Reform)</i>
<b>SSR</b>	<i>Security Sector Reform</i>
<b>SADC</b>	<i>Southern African Development Community</i>
<b>SOFEPADI</b>	<i>Solidarité Féminine pour la Paix et le Développement Intégral (Women's Solidarity Mvt for Peace and Full Development)</i>
<b>VSV</b>	<i>Voix des Sans Voix pour les Droits de l'Homme / Voice of the Voiceless for Human Rights)</i>

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# I. SUMMARY

This fourth report was drafted by the Working Group that includes ten major platforms and Civil Society Organizations; it analyses and formulates observations on the elections-related security risks in the Democratic Republic of Congo

The organization of the presidential and legislative elections in 2006 led to the announcement of the tentative results amidst fire shooting in the city of Kinshasa, which, at the time, looked like a city in war. In 2011, the organized elections were described in different terms: “electoral failure”, “electoral chaos”, “electoral disaster”,<sup>1</sup>, “electoral tsunami”<sup>2</sup>.

*What should be done for the elections in the Democratic Republic of Congo to be an instrument for development rather than violence; or else an instrument for democratic expression? How could the security risks be effectively managed in a context marked by several constraints? What could be done for the elections-related violence no longer be a fatality? What could be the best way to prevent this type of violence?*

Those issues should be the causes for serious concerns for all the stakeholders to the electoral process: the ruling political party and its allies (Presidential Majority), the political parties of the Opposition (Political Opposition) as well as the Civil Society Organizations insofar as they call for a heightened sense of responsibility from everyone. When violence erupts, it affects everyone irrespective of color or political and social affiliations.

Hence, the necessity for each stakeholder to further invest in the prevention so that elections would not lead to violence anymore and call into question the whole democratic process for prevention is better than cure.

It is in this context that the Working Group of the civil society organiza-

tions tasked to monitor the peace process addressed the issue, the conclusions of which are included into this report and stand as an appeal for awareness-raising from all the actors in the face of the danger weighing on the Democratic Republic of Congo. It also calls on all the actors to factor in the security issues in the management of the elections-related risks

The political and security context in which this report was drafted is characterized by several developments: repeated killings in the Territory of Beni (North-Kivu), security deterioration, polarization of the political sector, setback in democratic debates, disproportionate crack down on public protests, delays in the conduct of the electoral process and endless negotiations to convene the national inclusive Talks expected by everyone.

In this respect, the Working Group has formulated the following key recommendations:

## 1° To the Head of State

- To strictly abide by his constitutional oath and the contents of the constitution and to guarantee the organization of the elections in full compliance with the laws of the country

## 2° To the Government

- To take actions likely to ease the political tensions: to release political prisoners and/or detainees as well as prisoners of conscience, to refrain from cracking down on public protest marches;

<sup>1</sup> Marcel Wetsh'okonda and Balingene Kahombo, “*Le pari du respect de la vérité des urnes/the challenge of respecting the verdict of the ballot box*”, editions 11.11.11., Brussels, 2014, p.2.

<sup>2</sup> Jérôme M.BONSO, Comparative Analysis, from the technical perspective, of the problematic of the voters ‘ list and the audit of the voters ‘ list by OIF, in *Le Phare*, Quotidien n°5207 of Friday 20/11/2015, p.8

- Allocate substantial means to the CENI to help organize the elections and purchase appropriate Police equipment to make them able to secure the electoral process ;
- To enhance the role of the Inspection General of the Congolese National Police by equipping it with adequate resources to enable them to monitor and oversee the conducts of the police members as well as the services rendered before, during and after the elections.

#### **4° To the Congolese National Police**

- To promote the ‘Unpolitical’ nature of the Police mission in compliance with DRC’s Constitution ;
- To build Police capacity on securing the electoral process.

#### **5° To the Civil Society Organizations**

- To invest in advocacy for the respect of the Constitution and safeguard of the gains of democracy ;
- To maintain and reinforce advocacy actions the mainstreaming of the Law on the program planning on the reform of the National police into the State budget

#### **3° To the CENI**

- To publish the electoral calendar and organize the elections based on the constitutional constraints.

#### **6° To Political Parties**

- To refrain from inflammatory discourses and hatred inciting rhetoric, to help the population acquire the culture of tolerance and non-violence.

#### **7° To the international Community :**

- To support all actions for the prevention and management of the elections-related security risks.

## II.INTRODUCTION

The Democratic Republic of Congo stands at the crossroads of its political history. After more than a quarter century of dictatorship under the second Republic and a consolidated democratization process triggered since the end of the inter Congolese talks in Sun City, South Africa in 2002; a process that was marked by the organization of two presidential and legislative elections respectively in 2006 and 2011, DR Congo has now to address new challenges: its search for the Rule of Law and a state respectful of the human rights. Moreover, it has an unprecedented opportunity to experience for the first time in its history, a peaceful transfer of power between an outgoing and an incoming democratically elected President, at the end of the second and last term in office of the incumbent President, due to end on 19 December 2016..

Unfortunately, several obstacles stand in the way of organizing the presidential polls within the constitutional timeframe, which give rise to uncertainties and serious concerns about the future of the country. The obstacles faced by the organization of the historical presidential election does not reassure since they are perceived as negative signals sent out by the elections organizing power: the Independent National Election Commission (CENI) which made it clear to everyone that technically speaking, it would not be possible to organize the elections within the constitutional timeframe and the political parties that form the ruling majority that supports CENI's approach.

CENI's arguments for failing to organize the elections within the time frame are construed by the opposition as delaying tactics aimed to perpetuate Joseph KABILA's rule. This is the cause of current tensions in the country, which pose a huge security risk to the country's stability. History is apparently repeating itself!

The organization of the presidential and legislative elections in 2006 did lead to the announcement of the tentative results amid fire shooting in the city of Kinshasa, which, at the time, was like in a state of war. In 2011, the organized elections were described in different terms: "electoral chaos", "electoral disasters", "electoral tsunami". This implies that those elections were nothing but democratic, fair, credible and peaceful in light of the incidents having rigged the electoral process.

*What should be done now for the elections in the Democratic Republic of Congo to be an instrument of development rather than violence; or an instrument for democratic expression? How should the security risks be managed in a context marked by several challenges? What should be done for the elections-related violence to cease to be a fatality? What could be the best way to prevent such violence?*

All the actors should be deeply concerned by problems generated by the electoral process: the ruling political party and the allied political parties (ruling Majority), the Opposition political parties (Political Opposition) as well as the Civil Society Organizations and everyone should show a heightened sense of responsibility. When violence is triggered, they affect everyone, irrespective of the color of the skin or the political and social affiliations. Hence, the need for each actor to invest further in prevention so that the elections would no more lead to violence and call into question the whole democratic process.

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<sup>3</sup> Marcel Wetsh'okonda and Balingene Kahombo, The challenge for the respect of the truth of the verdict of the polls, editions 11.11.11., Brussels, 2014, p.2.

<sup>4</sup> Jérôme M.BONSO, Comparative Analysis of the technical point of view on the problematic of the voters' list and of the audit of the voters' list by the OIF, in the daily Le Phare No 5207 published on Friday 20/11/2015, p.8.

However, the countless appeals by the political parties for public protests and mass mobilization to demand that the constitutional timeframe be respected in order to organize the presidential election and the reaction by the security forces having led to deadly confrontations and heavy damages on 19 and 20 September 2016, which heralds a disaster looming on the horizon as 19 December 2016, a date marking the end of the second and last term in office of President Joseph KABILA was drawing nearer.

Hence the need for investing further in the prevention in order to avert the worst for prevention is better than cure. It is in this context that the Working Group of the Civil Society organizations tasked to monitor the peace process addressed the issue whose conclusions are included in this report.

This is an appeal for awareness raising to all in the face of the danger weighing on the Democratic Republic of Congo. It is also an appeal to take into account the security issues in the management of the elections-related risks. Besides the *summary* (I) and this introduction (II), the report includes four more points: *election-related political and security context* (IV), *stakeholders' responsibility* (V) and key recommendations (VI).



### III. ELECTIONS-RELATED POLITICAL AND SECURITY CONTEXT

The political and security context in which this report was drafted is characterized by several developments: repeated killings in the Territory of Beni (North-Kivu), security deterioration, polarization of the political life, setback of the democratic debate, disproportionate crackdown on public protests, delay in the conduct of the electoral process, updating or complete review of voters' list – through voters' registration operation – as well as endless negotiations on convening and holding national “inclusive Talks; those the subjects that dominated the last quarter of the year 2015 and the first half of the year 2016..

#### 3.1.Deterioration of political climate

Linked to uncertainty over the holding of the presidential election within the constitutional timeframe, the political situation quickly deteriorated following the shrinking of the space to exercise the fundamental freedoms, crackdown on public protests, harassment of political actors and civic movements activists through hasty judgments and above all controversies over total or partial review of the voters' list as well as a the convening and holding of the political talks..

The delay in the evolution of the electoral process which is at the heart of debates was diversely construed by the stakeholders, namely the political actors, the civil society organizations and to some extent the development partners of the Democratic Republic of Congo..

The key political players expressed clear-cut and antagonistic positions on the problematic of the delay in the evolution of the electoral process. 1.

For the ruling majority, the delay is consecutive to the lack of budget resources due to the drop in the prices

of raw materials: metals and oil, the key sources of the funding for the State budget and instability of the security environment consecutive to protracted wars in the eastern part of the country which had an impact on the management of public finances. The electoral process and other sectors were badly affected by this situation which the presidential majority describes as fortuitous, or case of God. The elections issue was put in the background !

This point of view is not shared by the political parties and the political groups in the opposition. For the latter, setback in the electoral process is the result of a strategy gradually crafted and implemented by the presidential majority with a view to giving an additional term of office to President Kabila, after his second and last term in office in obvious violation of the intangible constitutional provisions not open to any amendment, contained in the articles 73 and 220 of the Constitution, dealing with the date within which the electorate should be convened in anticipation for the presidential election and the restriction to two presidential terms of office.

This option is also shared by an important section of the civil society organizations including the Episcopal National Conference of Congo (CENCO), a catholic Bishops' organization. The issue of the shortage of the budget resources subsequent to most of the pre-electoral operations

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<sup>5</sup> The article 73 of the DRC's Constitution reads: *“The Presidential election is convened by CENI, ninety days before the end of the incumbent President's term in office”*

<sup>6</sup> The article 220 of the Constitution reads: *« The Republican form of the State, the principle of one man one vote, the representative form of the Government, the number and duration of the president's terms in office, the independence of the judiciary power, political pluralism and staff union, are not open to constitutional review. Also strictly banned any constitution review with a view to shrinking the rights and liberties of the individual, or reducing the prerogatives of the provinces and decentralized territorial entities »*

alone could not justify the delay accumulated in the evolution of the electoral process. Since the reorganization of the elections management body with the inclusion of the civil society actors, the electoral process got on a good track with the redefinition of the updating of the voters' list to make it reliable, the publication on 26 June 2014 of a partial electoral calendar for local elections followed on 12<sup>th</sup> February 2015 by a comprehensive calendar. Both calendars were faced with major obstacles attributed, from the observers point of view, to the ruling majority coalition.

In spite of the criticisms formulated by the parties and political groups of the opposition regarding the electorate and lack of indication on the presidential election in 2016, the electoral calendar of 26 June 2014 was not implemented due to the difference of opinions between the electoral Commission and the Government on the number of territorial decentralized entities and groups or territorial agglomerations to serve as electoral constituencies for the locally elected, before the launch of the operations on the reception and processing of the candidacies for the provincial legislative elections, tied with the payment of security funds by the candidates'.

The 12 February 2015 electoral calendar was not implemented due to the actions taken by the ruling presidential majority: hasty reform of the territorial administration with the adoption of the program planning law setting out the modalities for the installation of the new provinces, destabilization of the electoral administration immediately after the resignation of Reverend Father Apollinaire Malu Malu for reasons of health and the Constitutional Court's decision instructing the Government to take exceptional actions in the split provinces, to organize there the elections as well as the idea of convening a political dialogue. Those acts, far from contributing to easing the political tension, crystallized the political situation and paved the road for the polarization of the political life.

### 3.2.Polarization of the political life

The most striking fact remains arguably the difference of opinion on the convening and holding of the political talks as well as its agenda. Though called for by all the actors, the dialogue stuck on the name of the person or the institution to convene the talks. For the ruling political majority, President Kabila was vested with the power to convene such a forum, as the initiator. In this respect, an executive order was issued on 28 November 2015 appealing to the political and social forces to participate in an inclusive political talk with a view to paving the way for peaceful, free, transparent and democratic elections. President Kabila's approach was to engage the country in an authentically Congolese electoral process at the end of an inclusive political dialogue focused on the electoral calendar, the constitution of a new voters' list to include the young people having reached the voting age, the elections budget and the mechanism to secure the electoral process.

The political opposition with "Union pour la Démocratie et le Progrès Social (UDPS)" led by Mr. Etienne Tshisekedi had a different view. He held on to his road map published in 2015 which required a political dialogue under the sponsorship of the international community for he considered President Kabila as party to the problem rather than a solution to the crisis affecting the country..

UDPS position was backed by the coalition named G7 comprising seven political parties which was joined by ex-Governor of the former Katanga province.

On 30 March 2016, through the Resolution 2277 (2016), the UN Security Council expressed its view on the presidential and legislative elections held in November 2016 and highlighted the need for holding a political dialogue among Congolese politicians to address the crisis looming on the horizon. It is in the aftermath of the

implementation of this Resolution that the Chairwoman of the African Union

<sup>7</sup> This disease finally killed him on 30 June 2016

Commission instructed the former Prime minister of Togo to lead the negotiations for inclusive national political talks while the Opposition political parties were expecting an International Facilitator to be appointed by the UN Secretary General.

Finally, the political opposition accepted the African Union Union-designated Facilitator but set some preconditions to participate in the political talks. The preconditions consist in the easing of the political situation releasing political prisoners as well as prisoners of conscience, human rights and civic movements activists, stop shrinking the space for the exercise of the fundamental liberties, stopping acts of harassments and prosecutions against political opponents, putting an end to dual political parties and threats against anyone expressing different views with the presidential majority who should stop using judiciary and security services for their own ends.

It is amidst this context with a crystalized crisis and polarized political life in the country, symbolized by two almost enigmatic terms “Wumela”<sup>8</sup> and “Yebela”<sup>9</sup> that the Opposition’s historic leader made his comeback to the country after successfully forming the “Rassemblement,” a platform that brings together the pro-change political and social forces at the end of a conclave held in Genval, in a suburb of the Belgian capital city Brussels, from 08 through 10 June 2016.

It is in this very eventful political context that on 23<sup>rd</sup> August 2016, the preliminary work of the political talks were launched, boycotted by an important portion of the political parties and groupings of the opposition. It was predictable. This situation aggravated the polarization of the political leadership.

### 3.3. Democracy : concept of debate per se

Furthermore, if it is accepted, as said by Léon Saur, espousing the thought of the American Neokantian philosopher John Rawls (1921-2002) that

*“the fundamental concept of democracy is the concept of debate per se”* and when people discuss, they share their opinions and share their ideas around the basic issues of public and political nature<sup>10</sup>; so democracy will be considered as “the exercise of public reason”<sup>11</sup>, the most critical being the guarantee for free discussion, the existence of pluralism and the protection of individual liberties where the debate of ideas prevail over emotions.. For democracy starts, says Foucault<sup>12</sup> in a startling formula, when people can use their right to *“to oppose a truth without power against a power without truth”*<sup>13</sup>

The current political uncertainty in the Democratic Republic of Congo, characterized by a lack of tolerance and a setback in the exercise of the public liberties, is a risk likely to provoke *“a serious crisis whose effect would not only aggravate the plight of the Congolese people but also destabilize the sub-region”*<sup>14</sup>. Without credible and effective political talks dialogue among the Congolese stakeholders, tensions would run higher and the situation may degenerate into a serious crisis, with the risk of relapsing to violence and instability, which would impact negatively the hardly secured gains..<sup>15</sup>

### 3.4. Organized Public protests

Several protest marches were organized by political parties of the Presidential Majority and the Opposition; for the first, to support the idea of holding national talks and for the other one to demand strict respect for the constitutional timeframe, regarding the end of the term in office of the incumbent Head of State

<sup>8</sup> Which is a word drawn from Lingala, one of the languages spoken in DRC, more particularly in Kinshasa, and which means « stay longer than possible « »

<sup>9</sup> MWord drawn from Lingala, which means, “be careful”

<sup>10</sup> Léon Saur, *Democracy in Sub-Saharan Africa, Stepping beyond the western certainties, Justice & Peace Commission*, 2015 Study, Brussels p.10.

<sup>11</sup> Léon Saur, op.cit., p.10.

<sup>12</sup> Foucault, speaking of democracy, he was making reference to “Greek democracy”

<sup>13</sup> Foucault cited by Antoine GARAPON in the foreword of the book published by Emeline Seignobos, *The judiciary word*, De Boeck et edition INA, Brussels, 2011, p.7

<sup>14</sup> United Nations Security Council , Report if the Secretary General of the United Nations for stabilization in the Democratic Republic of Congo, S/2016/579, p.19, § 72.

<sup>15</sup> Idem, p.19, § 72.

and the organization of the elections,, at different levels.

If the members <sup>16</sup> of the Congolese National Police had shown restraint and self-control when the Leader of “Union pour la Démocratie et le Progrès Social”, Mr. Etienne TSHISEKEDI returned to DRC and during the meeting organized by “Rassemblement”, the Opposition platform, unfortunately other protests movement organized by Opposition were violently dispersed with tear gas, water cannons and point blank fire shooting.

On 26 May 2016 was held a peace rally organized by the Opposition – in many provinces – to protest against the Constitutional Court’s decree on the end of the term in office of Presi-

ber. Initially described as “peaceful”, the Opposition march on their way to drop a memorandum to CENI quickly degenerated into violent clashes between the Police members backed by members of Republican Guard and protesters both in Kinshasa and other cities of the country.

The Opposition was determined to show the necessity for convening the electorate and reminding the President that his second and last term in office was drawing to an end, under the DRC’s Constitution.

The number of victims recorded during the two-day protests was very high, basically in Kinshasa where a dozen people were reported dead<sup>18</sup> with heavy damages<sup>19</sup>. As a result, a heavy presence of members of the



*Place de l'Indépendance à Bukavu : la police fait usage de gaz lacrymogène pour disperser une marche pacifique de l'Opposition*

dent Joseph Kabila, to demand the organization of the presidential election within the constitutional timeframe, show their discontent at the repeated massacres. Many protesters were killed in Goma, many people sustained injuries as a result of gun shots in Kinshasa, Kisangani, Kananga, Bandundu-ville and a dozen people were interrogated and released in Beni, Bunia, Kalemie, Moba, Kinshasa, Kisangani, Mbuji-Mayi, Kananga, Mbandaka, Lubumbashi.

The electoral process once again took the center stage on 19 and 20 Septem-

ber. Armed Forces of DRC was seen in the major road sections and squares in the capital.

Also cases of weapons collection were reported at some police stations by unauthorized persons in the mob. A police vehicle was even found in the hands of the people who took to the street in “Camp Luka” District, in Kintambo.

<sup>16</sup> The Police conduct was generally deemed satisfactory by the observers. On 29 and 31 July not a single shooting or police blunder was reported. According to the Police Chief Charles BISENGIMANA – General Commissioner of the Congolese National police, the police members “*did not want to respond to the provocations*” on those days.

<sup>17</sup> The Secretary General of the “Mouvement pour la Libération du Congo”, National Parliamentarian Eve BAZAIBA was among those who sustained injury in the provincial city of Kinshasa.

<sup>18</sup> The preliminary report presented by the Minister of Home Affairs and Security suggested three police members killed.

<sup>19</sup> Acts of vandalism and lootings were documented including the looting of the headquarters of the political parties of the Presidential Majority and the Opposition.





Moreover, the United Nations Human Rights High Commissioner for Human Rights, Zeid RA'AD Al Hussein, in a communiqué issued on 22 September 2016, was deeply saddened by “ ... The recent outburst of violence in the capital city Kinshasa. The large number of civilian victims, the torching of the many political parties' headquarters and the continued tense situation are a clear signal heralding a wide scale crisis that may occur in very near future”.

*“Citizens were killed as a result of gun shots on the head or the chest, and I strongly condemn the excessive use of force by the defense and security forces against the protesters in the capital. I am particularly shocked by the reports suggesting that uniformed*

*attacks against the headquarters of six political parties of the Opposition. This is clearly an attack against democracy and the most fundamental human rights. What DRC needs today is a conducive climate for an inclusive dialogue as well as free and fair elections.”<sup>20</sup>*, highlights the communiqué issued by the United Nations Human Rights Commissioner.

### 3.5. Delayed electoral process

Since the 2011 elections, people raised their voices to call for a reorientation of the electoral process through a reconfiguration and reorganization of the elections management body, the allocation of adequate budget for the process, the updating, or the complete review of the voters' list and the electoral mapping, the ne-

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<http://www.ohchr.org/fr/NewsEvents/Pages/DisplayNews.aspx>



*Eléments of the Republican Guard tracking down the alleged troublemakers in the 19 and 20 September protest march in a district of Matete, municipality in Kinshasa [Photo CEGO]*

troops participated directly in some

cessity for easing the social and polit-

ical environ-

ment through effective liberation of the space for the exercise of the fundamental liberties and the necessity for securing the electoral process and the candidates..

In spite of CENI's reform as well as the designation of the new members of the Bureau and the plenary, the electoral process continued to accumulate delays due to lack of financial resources, which made it impossible for the first calendar published early 2015 to be implemented; the provincial and local elections planned for late 2015 were postponed indefinitely.

For the ruling majority, the delay in the organization of the elections is an act of God that cannot be attributed to the Government which does not have enough financial resources as a result of the endogenous effects of the global economic crisis.

The political opposition, for its part, believes it is one of the deliberate strategies used by the ruling majority to help President Joseph KABILA Kabange to remain in power beyond the constitutional timeframe on the presidential terms in office. As evidence, they mention the aborted attempt of January 2016 by the ruling majority to precondition the holding of the elections of the entire population census; which gave rise to the huge street protests on 19 and 21 January 2015 violently suppressed by the security forces leading to the arrest and jailing of opposition members, human rights activists and journalists in many parts of the country.

The opposition places in the same vein the highly controversial decree issued by the Constitutional Court interpreting the chapter 2 of the article 71 of the Constitution on 11 May 2016 to make the extension of the presidential term of office beyond the constitutional timeframe and the arrest, harassment of anyone attempting to question the court's decision or to openly criticize the rule in place legal..

Less than three months away from the end of the second and last term in of-

fice of President Joseph Kabila as well as the end of the national parliamentarians' mandate, CENI has launched the voters' registration operation in one of the 26 provinces in the country while the opposition continue to demand that the electorate should be convened and the polls be held within the constitutional timeframe.

It is in this context that came up the idea of national dialogue called for by the Opposition, more particularly by UDPS since 2012 to address the political crisis stemming from the 28 November 2011 crisis which was not convened on time. On 28 November 2015, President Kabila convened the national political talks to address all issues relating to the electoral process. The convening of the dialogue made waves among the opposition, which immediately contested the authority of president Kabila to unilaterally convene the forum and work out an agenda alone; they demanded that the dialogue be held in compliance with the UN resolution 2277 (2015) and under the mediation of the international community. At that time, the former Togolese prime minister, Mr. Edem KODJO was appointed facilitator of the inclusive national Talks by the African Union on 06 April 2016.

### **3.6. National Talks predictably doomed to failure!**

Placed under Mr. Edem KODJO's facilitation, the national political talks officially launched at cité de l'OUA in Kinshasa, on Thursday 1st September 2016, started effectively in what some people described as a "scramble and confusion". Though contested by one of the parties to the dialogue, Mr. Kodjo opened the talks in defiance of his detractors with a famous formula "I am here and I am here to stay". This undermined the chances of success for this important national Forum destined to address the highly political issues faced by the country so as to avoid the chaos looming on the horizon.

It is worth noting that the opposition represented by the Platform of the pro-change political and social forces

<sup>21</sup> This typically Congolese word means « go beyond one's mandate or term of office » planned by the laws of the country »

having rejected the Facilitator, on the grounds

that he was close to President Kabila, set several preconditions to participate in the talks: replacement of the Facilitator, release of political prisoners and prisoners of conscience, end of legal prosecutions against some senior members of the opposition.

In spite of the absence of an important portion of the political parties of the opposition, the political dialogue proceeded whether some like it or not, after the preparatory committee drafted the agenda, the timeline and the internal rules and regulations.

The agenda included elections-related issues like the voters' list, the sequencing of the elections, measures to restore confidence, electoral calendar, measures to restore equity and for transparent electoral process, safe electoral process, elections budget and funding, Code of good conduct to observe during the elections, political agreement and mechanisms for its implementation and follow-up.<sup>22</sup>

As may be highlighted, the inclusive national Talks and its conclusions are a major political and security stake, insofar as participants to this Forum had to decide on the fate of the electoral process in general and the presidential election in particular, in the face of the constitutional constraint relating to the end of the term of office for the incumbent president, on 19 December 2018.

The non-inclusive nature of the Talks could lead to the bipolarization of the political and social life between the pro and the anti-dialogue in its current form, with possible clashes between the supporters of one or the other side, as shown by the political parties' mobilization during the last meetings organized by the presidential majority (on 29 July 2016) and the political opposition (on 31 July 2016).

Moreover, if the national dialogue leads to the most feared "glissement" of the electoral calendar (going beyond the end of the term in office by the President) against the Constitution which would indirectly prolong de facto the President's term of office without any consent from the

Rassemblement and the entire population, then there is every reason to fear the worst.

Such a situation with incalculable consequences on the country's stability may constitute an unprecedented security risk with high risk of violent clashes between the supporters of the opposition which did not participate in the dialogue and the police force whose "nonpolitical" nature is being questioned.

Another worst scenario, should the talks lead to the change of the current constitution without people's consent, for the purposes of having the incumbent President remain in power and run for the upcoming presidential elections, such a scenario would discredit the opposition's thesis on a plot against the Republic and would give rise to violent reactions with incalculable consequences on the country's security and stability.

### **3.7. Deterioration of the security situation**

Security wise, in Katanga, more precisely the city of Lubumbashi, insecurity is increasing,

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<sup>22</sup> Roadmap of the National Political Talks, p.4.

Which have resulted in the murder of peaceful citizens. Human rights situation is a serious concern, many human rights violations are committed by the Police and ANR (National Intelligence Agency) members as well as the political and administrative authorities.

Unjustified bans on public protests and arrests of members of the political parties of the Opposition especially those of the G7<sup>23</sup> are common place. During those arrests, several innocent people are reportedly subjected to heavy sentences because they are members of the Opposition's political parties.

Security wise, we also noted significant deterioration of situation in the Eastern DRC, more particularly in the Territory of Beni where cases of killings are countless. Insecurity also affected the Western part of the country, with intercommunity conflicts, armed robberies, new waves of urban criminality, etc.

In the North-Kivu, the security situation has remained generally volatile and unpredictable. The activities of several armed groups:: Maï-Maï Nduma Defense du Congo (NDC), Rahiya Mutomboki (Ibanga, Elenge), Kifuafua, Nyatura, etc., in terms of attacks, lootings, ambushes, murders, sexual violence, illegal tax collection, kidnappings perpetrated against Defense Force members and civilians were documented in many territories.

In the territory of Beni, the Congolese army, backed by MONUSCO Force, proceed as part of the operation "Usalama" (Security), proceeds with its military activities against the defaulters of the Alliance of the Democratic Forces (ADF), which unfortunately have not been successful because the population continue to be killed..

In the Territory of Lubero, MONUSCO Force continues to assist the Congolese armed force in combating the activism of the elements of the Maï-Maï. Group. However, the activism of the Rwandan rebels under the

FDLR continues to be a security issue for people and their properties.

In the Territory of Walikale, FARDC is tracking down the armed groups with a view to stopping their activities in the territory of Buleusa, where resorting to tribalism may lead to inter communal conflicts. In the Territory of Rutshuru, Bwito administrative entity continues to be used as the space for killings and kidnappings by armed groups, backed by some local communities..

In the Territory of Masisi, FARDC troops, supported by MONUSCO Brigade, are conducting offensive operations against armed groups unfortunately they are not successful.

In Kasai Central, dozens people were killed in the unfortunate clashes between members of the Security forces and the militia members lead by Chief KAMWENA Nsapu, on 22 September, in the vicinity of Kananga airport.

Those militia elements took control of Kananga airport until the afternoon of 23rd September, before being flushed out by the Police and the Armed Forces.

The murder of Chief KAMWENA Nsapu on 12 August 2016 was the root cause of the violent clashes in Tshimbulu (Territory of Dibaya) between the militia members loyal to him and the National police members, backed by the Armed Force. the torching of the CENI offices in Tshimbulu including all the elections-related records, the equipment, vehicle, motor bikes, computers and official stationery, etc. was documented.

For quite a while now, the population of the traditional Chief KAMWENA Nsapu's grouping in Dibataie sector, are opposed to the presence of

<sup>23</sup> It is a Group made up of 7 breakaway Political Parties from the Presidential Majority



Police, intelligence and FARDC members on its land; they accuse them of harassing the population. This movement was spread to some parts of Kamuandu and Kasangidi sectors, in the Territory of

Dibaya.

Kinshasa is faced with kidnappings and armed robberies and holdups on peaceful citizens. Toyota cars, commonly known as *"ketches"* in the popular jargon in Kinshasa, are used by criminals to commit such acts, sometimes during the day. Many cases of kidnapping and holdup have been reported by the police. The armed gangs are generally armed and threaten to kill their victims, if they fail to apply what they are told to do; they often introduce themselves as members of the security force.

Security situation in the provincial city Kinshasa has deteriorated further, following the renewed gang movement known as *"Kuluna"*. Due to inefficient Police services, the population in some parts of the capital are obliged to use self-defense and mob justice, with all the ensuing risks and consequences..

In Kongo Central, the security situation is characterized by intolerance from the provincial executive authority in response to the actions undertaken by the political opposition. The suspension of the Mayor of the city of Matadi without any clear motive known to the public, made waves.

The arrest of 8 opposition members held at the central prison of Matadi for attempting to organize a peaceful rally against the regime whom they accuse of blocking the electoral process that should lead to the organization of the elections within the constitutional timeframe.

## IV. ELECTIONS RELATED SECURITY RISKS

On this issue, the analysis will primarily focus on the elections-security risks before addressing the safety for the electoral process.

### 4.1. Security-related risks

The elections-related security risks are quite obvious not only for the Central African Republic, but also for the DRC.

On 6 March 2015, the NGO Oxfam, through its country office, made public its report entitled “*Secured insecurity*”<sup>24</sup>. This report, with a very significant and catchy title, raises a serious dilemma that calls our attention to the social, economic and security realities of the DRC where the population continue to face insecurity though the State considers the area to be secured<sup>25</sup>. This reminds the thought conveyed by a presentation on the security sector reform and in terms of the challenges, it was mentioned the challenge linked to the “stability of instability”<sup>26</sup>.

While the government is struggling to defend the stability and security on across the national territory, the population in the major part of the East of the country are facing unspeakable insecurity consecutive to the persistence of the armed groups’ activism and a new form of violence with extreme cruelty which demonstrates the weakness<sup>27</sup> of the Congolese security forces and the limitations<sup>28</sup> of the use of force as the unique approach to use in neutralizing the armed groups..

Over a decade after the hostilities officially ended, the issue relating to the restoration and reinforcement of the State authority throughout the national territory has featured on top of the agenda of the respective governments and programs with the different development partners and it would not be an overstatement to state that the peace initiatives undertaken thus far

are not adapted to the situation or the Congolese government does not have the required imagination in formulating policies or adapting programs and on top of that should be singled out the armed groups’ activism in the eastern part of the country..

The brutal deterioration of the security situation environment in the Territory and city of Beni<sup>29</sup>, the flare up of interethnic violence in the the territory of Nyamilima [Rutshuru] and in the triangle Manono, Pweto and Mitwaba, in the new I ;province of Tanganyika, between Bantous and Pygmies and the limitations of the operations “*Sokola I & II*”<sup>30</sup> “ in the North and South-Kivu provinces and the blunders committed during the surrender of the militia Mai-Mai Simba, with the murder of its commander in chief, Mr. Paul SHADALA nicknamed Morgan<sup>31</sup> impacts on the implementation of the commitments made by the Congolese government as part of the Framework agreement, more particularly regarding the neutralization of the foreign armed groups and the local militias<sup>32</sup>.

The absence of clearly structured and coordinated approach for a successful neutralization and/or surrender of the armed groups members promotes the proliferation of armed groups and resumption of criminal relations enabling them to nurture business relations that include the illegal exploitation of the natural and mineral resources as well as traffic of weapons and ammunitions in the region. Therefore, the electoral process which everybody want to see peaceful and credible comes under threat with the risk of renewed violence looming on the horizon.

Furthermore, the most important challenge for all electoral processes is the one relating to the security aspects of the elections.

24 “Secured insecurity”; human rights abuses committed against civilians in the Eastern DRC are persisting while the Government is intensifying its control [https://www.oxfam.org/sites/www.oxfam.org/files\\_attachments/bp202-secure-insecurity-drc-protection-060315-summary-fr.pdf](https://www.oxfam.org/sites/www.oxfam.org/files_attachments/bp202-secure-insecurity-drc-protection-060315-summary-fr.pdf).

25 Per Zone here, we are making reference to the eastern part of the DRC.

26 Emmanuel KABENGELE KALONJI, <http://www.rssirdc.org/wp-content/uploads/2014/12/La-RSS-et-les-d%C3%A9fis-de-la-stabilisation-en-rdc.pdf>

27 Governance Center, Beni slaughter confirms the extreme weakness of the Congolese security forces, Communiqué No004/CEGO/D/14 of 21 October 2014.

28 Governance Center, Investigation Report

29 on the persistence of illegal armed groups in the eastern DRC, Limitation of the militarist approach, Kinshasa, June-July 2015

30 Communiqué of the Provincial Coordination of Civil Society in North Kivu published on 22 November 2014

31 Various declarations from Rwandan political parties in exile as well as from FDLR leaders calling for political talks and recognition of FDLR as a political party in Rapport Enough: How to dismantle a deadly militia, Seven Non Military Strategies to put an end to the threat of FDLR in

The weakness in handling the security aspects of the electoral process would lead to one and only one consequence: chaotic elections. That is what we noticed during the 2011 elections in DRC and would no more like to see again in the upcoming elections

for the Congolese people to have the right to good elections.

In 2011, if the early hours of the electoral campaign were relatively calm, towards the end, several cases of violence were reported in many places in the country and due to lack of professionalism from some members of the Congolese National Police and the Armed Forces of the DRC. Physical violence with machetes, knives and cudgels were signaled in Kinshasa where attacks against members of PALU<sup>33</sup> were reported in which three people died, clashes with members of UDPs<sup>34</sup> in which real bullets were used. Acts of violence were also reported in Mbuji-Mayi, all the information are documented in the annual report 2011 published by CEFOP/DH<sup>35</sup>, other acts of violence were reported in Lubumbashi and Kalemie<sup>36</sup>.

Several cases of the elections-related violence were reported at different levels in many provinces in the country which is an indication that further efforts are needed within the framework of the security sector reform in DRC.

#### 4.2. Securing the electoral process

Securing the electoral process is key to guaranteeing the credibility of the electoral process. This is not only about securing the electoral process generally speaking but also securing the electoral kits and the entire electoral operations. So, all the structures with a role in the securing the electoral process must play their part.

For the DRC's case, the plans for the future elections provide for the mobilization of the necessary strengths to ensure the security of the 23.000 vot-

ing centers with two police officers per center and 88,550 polling stations. There is pressing need to have appropriate equipment for the maintenance of the public order and to put in place a security mechanism for both the deployment and movement of the electoral kits and staff as well as to secure the operations in the field.

In principle, securing of the elections is the primary responsibility of the Congolese National Police Force (PNC) and, to some extent, of the Armed Forces of the Democratic Republic of Congo (FARDC).

During the 2011 elections in DRC, RRSSJ<sup>37</sup> conducted a specific monitoring of the security aspects of the 2011 elections based on a number of indicators regrouped in four (4) categories, namely:

- *The level of integrity, professionalism and impartiality of the national police Force;*
- *The level of freedom, pacifism and tolerance of the different actors (Populations, politicians, Security Services,...) ;*
- *The occurrence of incidents likely to disrupt the efforts to secure the elections ;*
- *The level of pacifism and tolerance of the population.*

The report of the monitoring work made public suggests some major areas that need improvement for the police forces and the Congolese Government:

- *non-compliance with the principle of the “non-political stance” by the Congolese National Police Force in some provinces of the DRC ;*
- *Inadequate strengths of the National Police Force at the polling stations with consequences such as*

<sup>33</sup> Parti Lumumbiste Unifié

<sup>34</sup> Union pour la Démocratie et le Progrès Social, led by Etienne Tshisekedi

<sup>35</sup> For further details, download this report by clicking the link <http://cefopdh.org/?p=35>

<sup>36</sup> For further details, read Marcel Wetsh'okonda, Balingene Kahombo, *The challenge of respecting the verdict of the ballot box*, editions 11.11.11., Brussels, 2014, pp.171-180

<sup>37</sup> For further details on RRSSJ, consult the website <http://www.rrssjrdc.org/>

*Abuse in the management of the waiting queues;*

- *Denial of access to witnesses and observers in some polling stations, by some members of the Congolese National police;*
- *Threats and other physical aggressions inflicted on voters and, sometimes, to the CENI staff by some members of the National Police Force;*
- *Distribution – by some Senior Officers of the National Police – of campaign kits for one of the candidates for the presidential elections;*
- *Of abusive use of fire arms and use of real bullets, grenades and other stuff ;*
- *Threats proffered by some Senior Commissioners of the PNC, waving weapons on television, whilst they were presenting a message on the securing of the population and the electoral process.*

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Congo, November 2014

31 RRSSJ midway evaluation report on the implementation of the Framework Agreement and the Resolution 2098 (2013), Observations by Civil Society Organizations, Kinshasa, 15 September 2014

32 Mini-Summits ICGLR – SADC held in Luanda between April and July 2014

## V. STAKEHOLDERS' RESPONSIBILITIES

DRC Government and CENI should be blamed for this deep electoral and political crisis; CENI as the organizing authority for the elections whose independence is yet to be sought after failing to organize the elections within the constitutional timeframe.

DRC Government is to be blamed for the delays suffered by the electoral process. It failed to back the organization of the elections by not providing CENI with the financial resources needed at the appropriate time. Such ill-intention acting made impossible the organization of the presidential elections within the constitutional timeframe.

To avert further deterioration with the security risks involved, the Government of the Democratic Republic of Congo and the political actors of the presidential majority should, during the dialogue show their good faith in calming the population on the allegations on the project to amend the Constitution.

The political Opposition supposed to serve as the counterweight to the ruling majority to effectively deal with the abuses is apparently divided; some of its members give the impression of seeking a compromise that would serve their own interests'.

The international Community also has its share of responsibility insofar as it has to support the ongoing political dialogue for more inclusiveness and easing of the political tension. It would be contradictory to pretend organize a political dialogue using brutal repression<sup>38</sup>.

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<sup>38</sup> Such is the deep sense given as Joint Press Release issued by the Civil Society Organizations participating to the national political talks on 22 September 2016.

## VI. RECOMMENDATIONS

### 1° To the Head of State

- To break his silence and give clear indications on his intents regarding the end of his last term in office and respect for his constitutional oath.

### 2° To the Gouvernement

- To take actions likely to ease the political tension through releasing political prisoners, prisoners of conscience and stop cracking down on public protests ;
- To allocate substantial resources to CENI for the purposes of organizing the elections ;
- To allocate adequate resources for the Police to purchase most appropriate equipment to secure the electoral process ;
- To accelerate review of and finalize the bill on the collaboration between the Police and the Local Civil Authority ;
- To reinforce the role of the Inspection General of the Congolese National Police by equipping it with adequate resources to help it to monitor and oversee the police conducts and services before, during and after the elections;
- To update the Decree No °05/026 of 06 May 2015 on the operational plan to secure the electoral process taking into account the current context of the country;
- To provide for a specific budget for prevention and management of the elections-related security risks.

### 3° To CENI

- To publish the electoral calendar based on the constitutional timeframe ;
- To provide for a specific budget for civics and electoral education.

### 4° To the Congolese National Police

- To internalize and promote the “Apolitical” nature of the Police, in compliance with DRC’s Constitution ;
- To disseminate Decree No n°05/026 of 06 May 2005 on the operation plan to secure the electoral process to Police units, stations and sub-stations ;
- To revisit the 2011 plan to secure the elections with a view to adapting it to the current context ;
- To reinforce the Police capacity in securing the electoral process..

### 5° To Civil Society Organisations

- To take an active part in advocacy for full respect of the Constitution and safeguard of the gains of democracy ;
- To prepare and organize civic and electoral education sessions for the population, media professionals, political actors ;
- To maintain and reinforce advocacy actions for the incorporation of the Program planning Law on the reform of the National police into the State budget

### 6° To Political Parties

- To refrain from inflammatory and hatred inciting rhetoric ;  
To educate their members on the culture of tolerance and non-violence

## **7° To the International Community**

- To support activities on the prevention and management of the elections-related security risks.

## V. ANNEXES

### Annexe 1

#### INDICATIVE SYNOPTIC TABLE OF LOCAL ARMED GROUPS

N°	NAME OF THE ORGANIZATION	ACRONY M	GROUP LEADER	LOCATION	PROVINCE
01	Front Révolutionnaire et Patriotique de l'Ituri	FRPI	Mbadu	Bukiringi-Aveba	Ituri
02	Force de Libération du Peuple Congolais	FLPC	Shadalah Morgan	Mambasa	Ituri
03	Union des Patriotes Congolais pour la Paix (PARECO-FAP)	UPCP/FAP	Kakule Sikuli La Fontaine	Bunyatenge	Nord-Kivu
04	Forces Populaires pour la Démocratie	FPD	Kasereka Muhima Shetani	Nyamilima	Nord-Kivu
05	Mai-Mai Vurondo		Lufungula Dakis	Vurondo	Nord-Kivu
06	Mouvement Populaire pour l'Autodéfense/Nyatura	MPA	Ndagijimana Basabose	Rutshuru	Nord-Kivu
07	Maï-Maï		Muhambalyaki	Manguredjipa	Nord-Kivu
08	Forces de Défense des Intérêts du Peuple Congolais ex-Local Defence	FDIPC	Eugène Serufuli	-	Nord-Kivu
09	Forces Œcuméniques pour la Libération du Congo	FOLC	el iwa Kava	Vallée Semliki	Nord-Kivu
10	Parti des Résistants Mai-Mai	PRM	-	Nyakakoma	Nord-Kivu
11	Alliance des Patriotes pour un Congo Libre de Souverain	APCLS	Janvier Karairi	Lukweti	Nord-Kivu
12	Force pour la Défense des Droits Humains/Nyatura	FDDH	Kasongo Kalamo	Nyamitaba	Nord-Kivu
13	Mouvement Uni des Résistants Congolais	MUREC	Raoul Buzilina	Mutendero	Nord-Kivu
14	Nduma Defence Forces	NDF	Ntabo Ntaberi Cheka	Walikale	Nord-Kivu
15	Mouvement d'Actions pour le Changement	MAC	Bwira	Kibirizi	Nord-Kivu
16	Union pour la Restauration de la Démocratie du Congo	URDC	Hilaire Kombi	Kikingi	Nord-Kivu
17	Force de Défense Locale	FDL	Erasto Ntibaturama	-	Nord-Kivu
18	Résistance pour l'Unité du Congo	RUC	Bapfakururimi Boniface	-	Sud-Kivu
19	Mouvement Populaire pour l'Instauration de la Démocratie Sociale	MPIDS	Akilimali Luendo	-	Sud-Kivu
20	Parti des Résistants Congolais	PARC	William Amuli Yakotumba	Fizi-Baraka	Sud-Kivu
21	Résistance Nationale Congolaise	RNC	Kabuye Irengabaronyi	Kabare	Sud-Kivu
22	Alliance pour la Libération de l'Est du Congo	ALEC	-	Uvira	Sud-Kivu
23	Force Ouvrière pour la Démocratie Populaire Maï-Maï Vutuka	FODP	-	-	Sud-Kivu
24	Force de Défense du Congo	FDC	Butu Luanda	Nyamaboko	Sud-Kivu
25	Congo Uni pour la Paix et l'Intégrité	CUPI	Meshe	-	Sud-Kivu
26	Eveil Patriotique pour le Recouvrement de la Souveraineté du Congo	EPRSC	Kikengere Bushu Joseph	-	Sud-Kivu
27	Union des Forces Révolutionnaires du Congo	UFRC	Albert Kahasha	Ngweshe	Sud-Kivu
28	Dynamique Populaire pour le Changement	DPC	Gustave Bagayamukwe	-	Sud-Kivu

Source : CEGO



## Annexe 2

### ACTIVITIES CONDUCTED BY THE WORKING GROUP

The Working Group tasked to monitor the implementation of the framework agreement was established and operationalized in February 2014. It includes the leaders of the ten key Civil Society Organizations and platforms: RRSSJ [Réseau pour la Réforme du Secteur de Sécurité et de Justice]<sup>39</sup>, RENADHOC [Réseau National des ONG des Droits de l'Homme au Congo]<sup>40</sup>, NSCC [Nouvelle Société Civile du Congo]<sup>41</sup>, CEGO [Centre pour la Gouvernance]<sup>42</sup>, L.E. [Ligue des Electeurs]<sup>43</sup>, ACIDH [Association Contre l'Impunité pour des Droits Humains]<sup>44</sup>, l'ACAJ [Association Congolaise pour l'Accès à la Justice]<sup>45</sup>, VSV [Voix des Sans Voix pour les droits de l'homme]<sup>46</sup>, SOFEPADI [Solidarité Féminine pour la Paix et le Développement]<sup>47</sup> and the Civil Society Coordination of the North-Kivu province.

Though basically entrusted with the mission to monitor the Framework agreement, the Working Group had, for the fiscal year 2015, decided to extend its analytical scope to the peace process and to issues essentially linked to stabilization.

Within the framework of the implementation of its activities, the Working Group tasked to monitor the implementation of the 24 February Framework agreement and the Resolution 2098 receives and/or received financial support from : Open Society Initiative for Southern Africa [OSISA-RDC], Eastern Congo Initiative [ECI] et National Endowment for Democracy [NED].

On 24 February 2014, on the occasion of the celebration of the year 1 of the Peace, Security and Cooperation Framework Agreement for DRC and the region<sup>48</sup>, the Working Group made public its preliminary report on the status of the implementation of the Framework Agreement and the Resolution 2098 (2013). On that occasion, besides the advocacy meetings held at

the national level, an international advocacy mission was conducted in Washington from 18 to 23 March 2014, on the sideline of a round Table on the democratic agenda held in NED conference room on 20 March 2014. Besides the Round Table on the democratic agenda, other working sessions were organized, at the State Department, with the US Special Envoy for the DRC and the Great Lakes Region, at the House of Representatives and with NGOs in Washington. On 15 September 2014, the Working Group published its second report on the status of the implementation of the Framework Agreement<sup>49</sup> and circulated it to the different local institutions interested (Prime minister's office, National Mechanism to monitor the Framework Agreement, High Representative of the Head of State to the regional mechanism, Ministry of Defense...) and to diplomatic representations.

On 27 to 31 October 2014, a second advocacy mission was held in Bujumbura and was conducted by two delegates members of the Working Group : a delegate from Kinshasa (Member of the Working Group)<sup>50</sup> and one from North-Kivu (Member of the Working Group)<sup>51</sup>. They held productive discussions with the Special Envoy of the African Union to the Great Lakes Region.

The feed-back received from this mission encouraged the member Organizations of the Working Group to organize a third Advocacy mission to the African Union's Institutions: African Commission and Peace and Security Council established in Addis-Ababa in Ethiopia.

On 9 to 13 December 2014, was organized, in Addis-Ababa (Ethiopia) a third international advocacy mission at the initiative of

<sup>39</sup> For further details on RRSSJ, please visit the website <http://www.rssjrdc.org/>

<sup>40</sup> For further details on RENADHOC, please visit the website <http://www.renadhoc.org/>

<sup>41</sup> For further details on NSCC, please visit the website [www.nouvellesocietecivile.org](http://www.nouvellesocietecivile.org)

<sup>42</sup> For further details on CEGO, please visit the website [www.cegonetwork.org](http://www.cegonetwork.org)

<sup>43</sup> For further details on L.E., please visit the website <http://blog.liguedeselecteurs.net/>

<sup>44</sup> For further details on ACIDH, please visit the website [www.acidhcd.org](http://www.acidhcd.org)

<sup>45</sup> For further details on ACAJ, please visit the website [www.acaj-rdc.org](http://www.acaj-rdc.org)

<sup>46</sup> For further details about VSV, please visit the website <http://www.vsv-rdc.org/>

<sup>47</sup> For further details about SOFEPADI, please visit the website <http://www.sofepadi.org/>

<sup>48</sup> The region includes the 11 countries signatories to the Peace, Security and Cooperation Framework Agreement : : South-Africa, Angola, Burundi, Congo, Uganda, Central African Republic, Democratic Republic of Congo, United Republic of Tanzania, Rwanda, South-Sudan and Zambia. On the other hand, the four inter-government organizations below are the guarantors of the Framework Agreement : Southern African Development Community [SADC], International Conference on the Great Lakes Region [CIRGL], United Nations Organizations [UN] and the African Union [AU].

<sup>49</sup> The full report could be read by clicking the following link <http://www.rssjrdc.org/wp-content/uploads/2014/09/Mise-en-oeuvre-de-l-Accord-cadre.pdf>

<sup>50</sup> This delegate is the one that represents the Governance Center (CEGO) within the Working Group

<sup>51</sup> This delegate is the one who represents the Provincial Coordination for Civil Society Organizations in North-Kivu within the Working Group

the member Organizations of the Working Group. The advocacy mission was conducted to the African Union's Institutions, namely the African Commission and the Peace and Security Council headquartered in Addis Ababa in Ethiopia. Two member delegates of the Working Group [one ACIDH delegate and one RRSSJ del-

On 24 February 2015, on the occasion of the celebration of the year 2 of the signing of the Peace, Security and Cooperation Framework Agreement for DRC and the Region, the Working Group organized a Conference on the future of the peace process in the Democratic Republic of Congo. With in the framework of



egate] were on this mission.

the organization of this Conference, the member Organizations of the Working Group expressed their strong concerns over the future of the peace process in the Democratic Republic of Congo. The Organizations that drafted the report this Framework Agreement yet necessary, would only come in prolong the list of the “peace agreements” signed in DRC which have never been implemented<sup>52</sup>. For after (2) years of its implementation, the stakeholders and their partners are still struggling to get away from the “liturgy of word”. We may revert to this in the next chapter.

In terms of the lessons learnt, the Working Group-organized missions at the international level were very informative and had a high added value. They are a unique experience for the Civil Society Organizations in the DRC that monitor the implementation of the Framework Agreement.

As the Angolan President Edouardo Do Santos<sup>53</sup> said “*it would be better not to simply adopt the decisions, but most importantly to implement them,*” for, “***decisions can be justified only if they are implemented and produce good results***”. And to effectively be implemented, there must be a strict control mechanism to guarantee the effectiveness and efficiency. Such is the objective of (added value) of the working group.

The interpersonal meetings organized at the head office of the target Institutions helped to make voices of the Civil Society Organizations in the DRC heard and to make it a standard-bearer of the proposals of national and international public policies in the areas of peace and security. The testimony received from Mr. Biro Diallo, Responsible for the DRC

Desk at the Department of Peace and Security of the African Union Commission, stating that the content of the report proved “food for inspiration” as part of the future evaluation at the level of the regional mechanism is further more illustrative.

<sup>52</sup> Rigobert MINANI, The Framework Agreement, bound for predictable failure ?, in Congo-Afrique, n°490, December 2014, p.837.

<sup>53</sup> Opening speech for the second Mini Summit ICGLR-SADC, on 14 August 2014, in Luanda.



## PRESENTATION OF MEMBERS OF THE WORKING GROUP

### **RRSSJ**

“Le Réseau pour la Réforme du Secteur de Sécurité et de Justice (Network for Security and Justice Reform) is a framework of consultations for the Civil Society actors who take a special interest in the thematic relating to the Security Sector Reform (Police, FARDC, Intelligence Services) and Justice. It was initiated by some delegates of the Civil Society Organizations in the DRC who, since December 2006, took a close look at the Police Reform sector and saw their capacities reinforced with support from international and national partners. Its goals are as follows:

- To contribute to the implementation of the security and justice reform process in the Democratic Republic of Congo ;
- To mobilize the grassroots communities to take ownership of the security and justice sector reform process, at every level ;
- To increase collective awareness with a view to increasing civic responsibility in the area of security and justice ;
- To form a collective conscience in the security and justice sector in the Democratic Republic of Congo ;
- To conduct advocacy, monitoring and sensitization actions in favor of the security and justice sector reform.

The Network came into existence on 15 August 2008, in the Democratic Republic of Congo and is officially based in Kinshasa, it has 11 provincial coordinations.

For further details on RRSSJ please contacts:

E-mails: [contact@rrssj-rdc.org](mailto:contact@rrssj-rdc.org)/ [bcr.rrssj@gmail.com](mailto:bcr.rrssj@gmail.com)

Site web : <http://www.rrssjrdc.org/>

### **RENADHOC**

RENADHOC is the key national platform comprising all the Provincial Networks of Non-Government Human Rights Organizations in the Democratic Republic of Congo (REPRODHOC). RENADHOC has more than 750 Congolese Human Rights Organizations active in the remotest areas of the Democratic Republic of Congo. It is a national framework for consultations, information and experience sharing, ensures capacity-building interventions and assist the provincial and local human rights structures in boosting their activities.

RENADHOC has a legal status, an Observer Status with the African Human and People's Rights Commission (ACHPR/CADHP) and a Special Consultative Status with the UN Economic and Social Council (ECOSOC/ONU).

In this respect, RENADHOC's mandate is: To fight impunity in the Democratic Republic of Congo ; to promote Good Governance ; to monitor the Human Rights Situation in the DR. Congo ; to conduct advocacy to DRC's Public Institutions; to conduct regional Advocacy to African Institutions and regional conventional mechanisms ; to conduct international Advocacy to multilateral Institutions and UN Conventional mechanisms; to build the capacities of Provincial Human Rights NGOs Networks in the DRC ; to identify and map Congolese Human Rights NGOs ; to coordinate and protect Human Rights Activists in DR Congo ; to ensure institutional assistance to Congolese Human Rights NGOs; Speaker of Congolese Human Rights NGOs.

*For further details, below are RENADHOC contacts :*

E-mail : [renadhoc@yahoo.fr](mailto:renadhoc@yahoo.fr) / [renadhoc@societecivile.cd](mailto:renadhoc@societecivile.cd)

Telephone : + 243 81 0017 400 / + 243 9999 052 52

Site Internet : <http://www.renadhoc.org/>

### **NSCC**

Established on 13 February 2009, it has a legal status N°196/CAB/MIN/J&DH/2011 issued on 26 April 2011; the New Civil Society in DRC is a large national network comprised of 300 associations active in various sectors of the national life represented in the 11 provinces and outside the DRC. Its areas of interventions are follows:

- Participative Democracy and good governance
- Decentralization and local governance
- Civic education, Elections, and social mobilization
- Gender, youth, peaceful resolution of conflicts
- Parliamentary Lobbying, advocacy and participative democracy
- Human Rights, Migration and development

- Environment Protection and natural resource management
- Fight against impunity for sexual violence and injustice
- Participative Budget, accountability and institutional reforms
- Medias, Elections and democracy etc.

For further details, consult the website [www.nouvellesocietecivile.org](http://www.nouvellesocietecivile.org)

### **CEGO**

The Center for Governance is a Congolese registered NGO headquartered in Kinshasa, the Democratic Republic of Congo. It is credited with conducting studies on the armed groups in the Democratic Republic of Congo. E-mail : [kasolanick@gmail.com](mailto:kasolanick@gmail.com) ou [cgouverna@gmail.com](mailto:cgouverna@gmail.com) et [kambnick@aol.com](mailto:kambnick@aol.com)

### **Ligue des Electeurs - L.E**

Created on 30 April 1990, the objective pursued by the “Ligue des Électeurs” is to support democratic development, namely human rights defense and the promotion of the electoral culture.

L.E is respectively member of the « Fédération internationale des Ligues des droits de l’Homme » (FIDH/Paris), « Maison des droits de l’Homme du Centre Carter », and « Réseau mondial des observateurs citoyens et partenaire du RRSSJ ».

In this respect, it carries out training/sensitization activities on human rights, the elections, and conducts election observation missions. It also conducts monitoring of gross human rights violations and supports efforts for access to justice and reparation for the victims before, during or outside the electoral process.

#### **Contacts :**

Executive Secretariat : Concession Izeidi, Bureaux 5, 13<sup>ème</sup> rue, n°5432, Quartier Industriel, Commune de Limete, Kinshasa/RDC

Téléphone : +243 815079823, e-mail : [le\\_rdc@yahoo.fr](mailto:le_rdc@yahoo.fr), [sylvalumu@yahoo.fr](mailto:sylvalumu@yahoo.fr), site internet : <http://blog.liguedeselecteurs.net/>

### **ACIDH**

“Action Contre l’Impunité pour les droits Humains”, in acronym ACIDH, is a non-government organization that fights impunity for human rights in the Democratic Republic of Congo (DRC).

ACIDH intervenes in the area of **justice**. It set itself, since its inception, the following objectives :

- In the long run, *to put an end to human rights violations in DRC* ;
- In mid-term, to exercise a leverage on the judiciary institutions reform in DRC for a better protection of the human rights;
- In short term, to exercise leverage on the public opinion with a view to obtaining from political and judiciary officials the elimination of all forms of human rights violations.

It develops two types of activities :

- Promotion (publication of leaflets, pamphlets, flyers, organizing conferences, seminars, colloquia, symposia, sensitization campaigns and trainings, etc.) ;
- Protection (press release, investigation report, legal and judicial support, vetting, etc.).

For further details, consult the website <http://acidhcd.org/>

### **ACAJ**

“Association Congolaise pour l’Accès à la Justice” is to date comprised of 55 active members the majority of whom are lawyers. It is headquartered at N° 12 A, Avenue Kasongo, Socimat square, Kinshasa/Gombe, in DRC. It disseminated national and international legal instruments on human rights, independence of the judiciary power, emergence of the Rule of Law, ban on the practice of torture and gender-based violence. It fights impunity for international crimes and promotes ICC’s activities. It fights corruption within the judiciary system and promotes ICC the rights to appeal for the local communities and their exercise as part of the exploitation of the natural resources. It organizes trainings for justice actors (magistrates, lawyers, court registrars, judiciary police officers and members of the civil society NGOs) on the principles of independence of justice, the Rule of Law, fair trial , on the organization and functioning of the Commission and the African Human and People’s Rights Court , and on the organs of the treaties of the United Nations system. For further details : [acajasbl@yahoo.fr](mailto:acajasbl@yahoo.fr), website : [www.acaj-rdc.org](http://www.acaj-rdc.org), telephone : +243 81 404 36 41.

### **VSV**

The “Voix des Sans-Voix pour les droits de l’homme (VSV) “, non-profit organization is a non-government human rights organization based in Kinshasa-Ngaliema, Democratic Republic of Congo

(DRC). Created in 1983, to the risks and perils of its leadership, under a totalitarian political regime with a unique political party resting on an oppressive and repressive machinery supported by an extremely systematized cult of personality opposed to any human rights activities considered to be subversive whilst their initiators are seen as stray sons and daughters at the pay of foreign powers, VSV has been active for roughly seven years but in hiding and operating in most difficult conditions faced with marginalization and lack of total support. VSV's mission is to promote and defend human rights as well as consolidate democracy in the Democratic Republic of Congo. Its activities revolve around human rights monitoring; sensitization and training on human rights and democracy; training and sensitization on women's rights; publications, lobbying and advocacy with the public institutions, judiciary assistance, etc. For further detail, consult the website <http://www.vsv-rdc.org/>

### ***SOFEPADI***

Created by virtue of the law number 004/2001 which regulates the activities of non-profit organizations in DRC, having a legal status Number 201/CAB/MINJ/2006 issued on 23 June 2006, SOFEPADI (Solidarité Féminine pour la Paix et le Développement Intégral) was created on 2 April 2000 by leaders of the radio community known as CANDIP/ISP Bunia (Centre d'Animation et de Diffusion Pédagogique) to address the issues relating to the promotion and defense of women's and children's rights and to involve women in the search for peace in Ituri.

Following the different wars in the Eastern Province, the women victims of exactions were abandoned to their sad fate; that is what motivated the organization to engage in the assistance to women and girls having survived sexual violence and other forms of violence including gender-based violence.

SOFEPADI is a Congolese national Organization that works for defense and promotion of women's rights. It has three key areas of intervention :

- Human rights
- Peace and conflicts transformation between communities
- Good Governance.

SOFEPADI organizes, at regular intervals, advocacies at the provincial, national, regional and international levels in favor of the victims of sexual violence and Gender-based violence. For further details, consult the site <http://www.sofepadi.org/>

### ***CREEDA***

« Centre de Recherches et d'Etudes sur l'Etat de Droit en Afrique (CREEDA) » is an independant and science-oriented non-profit organization. Its main objective is to promote and defend the Rule of Law through research (publication of studies and evaluation reports on public policies), to provide youth training, to sensitize the population to conduct advocacy with political decision-makers.

For further details, please contact : 66, avenue Ndala, Quartier Luvulu, Commune de Lemba, Ville de Kinshasa. Email : [info.creeda@gmail.com](mailto:info.creeda@gmail.com); [www.creeda-rdc.org](http://www.creeda-rdc.org). Tél. +243 810399060 ; 816092616