

Communiqué - September 2020

Democratic Republic of Congo: harassment of Jean Claude Katende, a leader in the fight for human rights and transparency

Publish What You Pay's (PWYP) Africa Steering Committee (ASC) calls on the Democratic Republic of Congo's (DRC) authorities to do everything possible to end the harassment of Jean-Claude Katende. The accession of the current President and his government gave rise to new hope of democratic progress and freedom of expression, but the country seems to have since fallen back into its old practices.

According to information received, on 24 July 2020, Alexis Thambwe Mwamba, a lawyer and the President of the Senate of the DRC, seized the President of the Bar of Kinshasa / Gombe in order to obtain authorisation to take legal action against Jean Claude Katende. To support his complaint, Thambwe Mwamba referred to messages posted on social media networks by Katende as "attacks against [his] person, presenting [him] to the public as a criminal who benefits from impunity and who must appear before justice". Thambwe Mwamba, with the view that, as a lawyer, Katende should "have shown courtesy, tact and deference" towards his colleagues, formally requested that the president assesses Katende's behaviour against the rules that govern the legal profession, and that he gives Thambwe Mwamba permission to initiate legal proceedings against Katende.

As a Congolese citizen, and given the fundamental rights guaranteed by the Constitution of the Democratic Republic of Congo, in particular the right to freedom of expression, Jean Claude Katende did in fact, through social media posts between 13 and 22 July 2020, call for Alexis Thambwe Mwamba, a Congolese citizen, to be brought to justice for various acts that he is accused of¹. PWYP underscores that Jean Claude Katende's call is an act of citizenry that is part of a democratic debate, social accountability and the defense of fundamental rights in the Democratic Republic of Congo.

PWYP's Africa Steering Committee strongly denounces the harassment that Jean Claude Katende has faced for his civic actions. We call:

I. The Congolese government to:

- Guarantee in all circumstances Jean Claude Katende's physical safety and psychological well-being, and the right to freedom of expression, as well as those of all human rights defenders in the DRC;
- Put an end to any act of harassment or pressure against Jean Claude Katende and all human rights defenders in the DRC;
- Comply with the provisions of the Declaration on Human Rights Defenders, adopted by the United Nations General Assembly on 9 December 1998, and more particularly its Articles 1, 6 and 12.2;
- More generally, comply with the provisions of the Universal Declaration of Human Rights and regional and international human rights instruments ratified by the DRC.

II. The EITI and extractive companies operating in the country, including Total and Chevron, serving on the EITI Board of Directors, to:

¹ Alexis Thambwe Mwamba is being prosecuted by Senator Bijoux Goya Kitenge for defamation and damaging charges against him in connection with comments he made during the plenary session of the Senate on 30 April, 2020. Thambwe Mwamba and his wife are also being sued by Sylvie Sifa for acts of violence committed following allegations of an adulterous relationship. These two actions are supported by ASADHO.



**PUBLISH WHAT
YOU PAY**

- Denounce the harassment of Mr. Jean Claude Katende and all human rights defenders in the DRC;
- Engage in dialogue with the Congolese authorities to ensure that it guarantees the freedom of expression of human rights defenders in the Democratic Republic of Congo.

III. Congolese civil society to:

- Defend and protect civic and expression spaces
- Assert the fundamental rights of Congolese citizens prescribed by the country's constitution

To your highest attention with Cc to:

- S.E M. Félix Tshisekedi, Président de la République, Email : cabinet@presidentrdc.cd, Fax +243 88 02 120 ;
- M. Sylvestre Ilunga, Premier ministre, E-mail : cabinet@primature.cd, Fax : +243 81 555 55 81 ;
- M. Célestin TundayaKasende, vice-Premier Ministre, Ministre de la Justice, Fax : + 243 88 05 521, E-mail : minjustdh@gmail.com ;
- M. André Lite Asebea, Ministre des droits humains, Email : min-droitshumains@yahoo.fr ;
- M. Flory Kabange Numbi, Procureur Général de la République ; E-mail : florykan@yahoo.fr, pgr_rdc@yahoo.fr, pgr_rdcongo15@yahoo.com ;
- S.E. M. Paul Crispin Kakhozi Bin Bulongo, Ambassadeur, Ambassade de la République démocratique du Congo à Bruxelles, Belgique, E-mail : secretariat@ambardc.eu. Fax : + 32 22 13 49 95
- M. Jean Jacques Kayembe, Coordonnateur National, ITIE RDC, E-mail : secretariat@itierdc.org