

**United Nations Human Rights Council
23rd Regular Session, 27 May to 14 June 2013
Agenda Item 3**

**ICJ Oral Statement in the Interactive Dialogue with the Special Rapporteur on the
rights to freedom of assembly and of association, Mr. Maina Kiai**

**RECENT ATTACKS ON PEACEFUL DEMONSTRATIONS AND AGAINST POLITICAL
ACTIVISTS IN ANGOLA AND THE DEMOCRATIC REPUBLIC OF CONGO**

30 May 2013

Not delivered

Mr. Special Rapporteur on the rights to freedom of assembly and of association,

The International Commission of Jurists (ICJ) brings to your attention recent attacks against the rights to freedom of peaceful assembly and of association in Angola and the Democratic Republic of Congo (DRC).

Despite constitutional guarantees and laws allowing for public demonstrations without the need for government authorization, the Governments of Angola and the DRC have continued to use police and intelligence services to ban or obstruct anti-government demonstrations. In most cases, these incidents have resulted in indiscriminate assaults, arbitrary arrests and detention, and in some instances extrajudicial killings, with perpetrators enjoying impunity.

In Angola, there have been no investigations into the excessive use of force against, and arbitrary arrest of, peaceful anti-Government demonstrators in Cabinda in 2011 and 2012. Very recently, a public demonstration planned for 30 March 2013 in Luanda ended with at least 18 persons detained. The protest was held in remembrance of victims of Government violations, amongst those Alves Cassule and Isaias Kamulungue who have 'disappeared' since May 2012.

In the DRC, convictions of action in contempt of the public authorities were upheld by the Bandundu Court of Appeal against 12 members of the Association pour la défense des intérêts de la Ville de Bandundu, who had organised a public demonstration to denounce the alleged mismanagement of public resources by the Governor of the Bandundu Province. Appeal proceedings failed to adhere to fair trial standards, including the right to adequately prepare a defense and to be given reasons for the decision.

Also in the DRC, Mr Eugène Diomi Ndongala is facing charges for having aligned with a coalition of opposition parties that denounced irregularities in the re-election of President Kabila Kabange. He was allegedly subjected to enforced disappearance on 27 June 2012 and was released some four months later. From April 2013 he was re-arrested on spurious charges and is now thought to be detained incommunicado by the intelligence services in Kinshasa.

The ICJ therefore requests the Special Rapporteur, and this Council, to call on the Governments of Angola and the DRC to:

- Put an end to unlawful attacks and persecution of peaceful demonstrators and opposition or non-aligned political activists;
- Uphold their commitment to promote and protect freedom of assembly and of association;
- Ensure adherence to freedom from arbitrary detention and international fair trial standards in cases where demonstrators are charged with offences;

- Conduct prompt, thorough, independent and impartial investigations, and hold accountable persons responsible for human rights violations against those exercising their rights to freedom of assembly and of association, and provide for access to remedy and reparation for the victims.

I thank you.

Statement delivered by:
Ms Elizabeth Harper, ICJ UN Programme

Further contacts:
Mr Martin Okumu-Masiga (martin.okumu-masiga@icj.org) and Mr Clement Mavungu
(clement.mavungu@icj.org), ICJ Africa Regional Programme