



## **“Resolving the Political Crisis in the Democratic Republic of the Congo”**

House Foreign Affairs Subcommittee on  
Africa, Global Health, Global Human Rights, and International Organizations

Testimony of Ida Sawyer  
Central Africa Director, Human Rights Watch

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Chairman Smith, Ranking Member Bass, members of the subcommittee, thank you for the invitation to testify. I appreciate your ongoing and bipartisan interest in the Democratic Republic of Congo, which is at a critical juncture. The absence of senior-level attention from the executive branch has also been concerning, making this hearing particularly timely.

President Joseph Kabila’s constitutionally mandated two-term limit came to an end in December 2016. Yet he has used one contrivance after another to delay elections for his successor, while plunging the country into a web of security, humanitarian, political, and economic crises that have

had devastating consequences for the Congolese people and risk destabilizing the volatile sub-region.

As you may know, US Ambassador to the United Nations Nikki Haley recently traveled to Africa – the first senior-level visit since President Donald Trump took office. She visited Congo and pressed President Kabila to hold elections before the end of 2018 – a year later than what the ruling coalition and main opposition parties in the country had committed to, in an agreement mediated by the Catholic Church and supported by key international donors, including the United States.

Notably – and clearly in response to Ambassador Haley’s statement – Congo’s national electoral commission (CENI) published a new electoral calendar on November 5, setting December 23, 2018 as the date for presidential, legislative, and provincial elections – more than two years after the end of Kabila’s constitutional mandate. The silver lining here is that the CENI’s response shows the considerable influence the US government continues to have in Kinshasa.

Haley’s visit to Congo and strong messaging on the need for a democratic transition and an end to government repression and horrific violence in the country signaled renewed high-level US engagement on Congo. It showed Congolese government officials that it is not only Congress that continues to be seized by the political crisis in Congo, but that the Trump administration is also watching the situation very closely. Yet at the same time, the message that elections only need to be held before the end of 2018 was seen by many Congolese as giving a “free pass” for Kabila to continue his delaying tactics and stay in power another full year, despite his lack of constitutional legitimacy.

As things now stand, the US – including Congress – cannot afford to take its eyes off Congo; there is too much at stake. Congolese government and CENI officials have blatantly [disregarded](#) previous election calendars, while Kabila and his ruling coalition have largely ignored the main terms of the Catholic Church-mediated power sharing arrangement signed on December 31, 2016, which called for elections by the end of 2017 and a number of measures to de-escalate tensions and open political space. Kabila has instead sought to entrench his hold on power through corruption, large-scale violence, and brutal repression against the political opposition, activists, journalists, and peaceful protesters.

President Kabila should be stepping down at the end of this year, and by unilaterally extending the timeframe, the US runs the risk of losing credibility among many key actors in Congo – including the political opposition, human rights and pro-democracy activists, the influential conference of Catholic bishops, and other independent voices who have made clear their desire to see the constitutional term-limit adhered to. However, at the same time, if the US is willing and able to use its influence to ensure the organization of credible, timely, and fair elections that reflect the will of the Congolese people, it can easily rebuild any lost legitimacy. The question now is how far will the US go?

Over the last few years, senior US officials have delivered [messages](#) similar to those of Ambassador Haley as the end of Kabila’s two-term limit – December 19, 2016 – approached. When that deadline passed with no progress toward elections, US officials, together with the UN Security Council and others, [pressed](#) Kabila to organize elections by the end of 2017, in accordance with the Catholic Church-mediated power sharing arrangement.

Since that agreement was signed, Congolese government and security force officers went so far as to implement a deliberate “[strategy of chaos](#)” through orchestrated violence, especially in the

southern Kasai region, where up to [5,000 people](#) have been killed since August 2016, when large-scale violence by government forces and local militia groups broke out in a region that had previously been largely peaceful. Nearly 90 mass graves are scattered across the region, and most are believed to contain bodies of civilians and militia fighters killed by government forces. [Six hundred schools](#) have been attacked or destroyed, and 1.4 million people [displaced](#) from their homes, including 33,000 who [fled](#) to neighboring Angola. In March, two UN investigators – Michael J. Sharp, an American from Kansas, and Zaida Catalán, a Swedish and Chilean citizen – were killed while investigating serious human rights violations in the region. Human Rights Watch investigations and a Radio France Internationale [report](#) suggest government responsibility for the double murder.

Predictably, government and CENI officials have cited the violence in the Kasais as one of the main excuses for why elections could not be held in 2017.

To make matters worse, there has been no independent oversight or audit of the ongoing voter registration process, as civil society organizations and political [opposition](#) leaders have raised [concerns](#) about possible large-scale fraud. Some fear a deeply [flawed](#) electoral list could be used to push through a constitutional referendum process that could remove term limits and allow Kabila to run for a third term. Kabila himself has repeatedly refused to say publicly and explicitly that he will not be a candidate in future elections. The extra year the new calendar gives Kabila allows him more time to attempt constitutional or extra-constitutional means to stay in power. The US, working with others, will have to work vigilantly to ensure this does not occur.

Kabila's refusal to relinquish the presidency can partly be explained by the [considerable fortune](#) that he and his family have amassed during his tenure. Recent reports by [Bloomberg](#) and the [Congo Research Group](#) tell of Kabila family members owning in whole or in part more than 80 companies and businesses that have made hundreds of millions of dollars in revenues since 2003. Hundreds of millions of dollars in mining revenue have gone missing in recent years, according to recent reports by [The Carter Center](#) and [Global Witness](#).

Such corruption has helped leave the government [bereft of funds](#) to meet the basic needs of an impoverished population. The disincentive for [business investment](#) caused by the political instability of Kabila's unconstitutionally extended presidency has compounded the problem. Hundreds of government workers have gone on [strike](#) in recent months – including [hospital workers](#) who hadn't been paid since 2016. This comes amid a national [cholera epidemic](#) and impending [famine](#) threatening millions of Congolese.

Meanwhile, the repression against opposition leaders and supporters, human rights and pro-democracy activists, peaceful protesters, and journalists has continued unabated. Security forces shot dead more than 170 people and wounded many others during peaceful protests in [2015](#) and [2016](#). This year, security forces killed at least 90 people as part of a crackdown against members of the Bundu dia Kongo (BDK) political religious sect protesting Kabila's extended presidency in the capital, Kinshasa, and Kongo Central province. Some of the BDK members also used violence, killing several police officers. During a protest called by pro-democracy activists and opposition leaders in Goma on October 30, security forces shot dead five civilians, including an 11-year-old boy, and wounded 15 others.

At least 350 opposition party leaders and supporters as well as human rights and pro-democracy activists have been jailed since the start of the year. Many have since been released, often after being held in secret detention without charge or access to family or lawyers.

Others have been tried on trumped-up charges. Many were badly mistreated or tortured in detention. In July, unidentified armed men shot and nearly killed a [judge](#) who refused to hand down a ruling against an opposition leader and declared presidential candidate.

Space for independent media and civil society organizations in Congo is shrinking at an alarming rate. The government has shut down Congolese media outlets, detained nearly 40 journalists since the start of the year, [kicked out](#) hard-hitting international journalists and researchers, and periodically curtailed access to social media. In early November, Congo's justice minister presented a law to parliament that would put in place strict new controls and severely restrict the ability of Congolese and international nongovernmental organizations to operate in the country.

These actions are not occurring on a parallel track from the political crisis but are very much at the heart of how Kabila and his coterie intend to overcome the political crisis – by using all available institutional authorities to squash, silence and flat out eliminate any opposition to his efforts to hold onto power. This is precisely why the US and other key outside actors cannot take their eye off the ball.

More protests are planned in the coming days and weeks, in part as a response to the newly published electoral calendar. The Struggle for Change (LUCHA) citizens' movement strongly [denounced](#) the calendar as “fantasy” and called on the Congolese people to mobilize to defend themselves peacefully against the “shameful maneuver by Kabila and his regime to gain more time to accomplish their goal of staying in power indefinitely.” LUCHA stated that the movement no longer recognizes Kabila and his government as the legitimate representatives of the Congolese people and urged Congo's international partners to do the same.

Other [citizens' movements](#), [human rights activists](#), and [opposition leaders](#) made similar calls, denouncing the new calendar, urging the Congolese people to mobilize, and calling for a “[citizens' transition](#)” without Kabila – and led by individuals who could not be candidates in the upcoming elections – to allow for the organization of credible elections and a new system of governance.

There is a real risk of increased violence and repression in the coming weeks and months, as Kabila continues to dig in, despite growing resistance to his extended presidency. In this context, the US administration and Congress can and should do much more to help end the horrific levels of violence and abuse across Congo and to support the Congolese people's quest for a credible, democratic transition, as called for by the country's constitution.

First, Congress should hold the executive branch to account and make sure the administration is not being fooled by empty promises. Kabila has given no clear signals that he intends to leave power, while the repression, abuse, violence, and corruption have become so pervasive across institutions and security forces that it is nearly impossible to imagine credible, peaceful elections being organized while Kabila is still president.

While there is no easy path forward at this stage, a short “citizens' transition” without Kabila, as endorsed by a broad spectrum of civil society and other Congolese leaders, is probably the best way to ensure that good elections are organized and that the Congolese people will have the opportunity for a new system of governance built on the rule of law, transparent and fair management of the country's immense natural resources, and strong democratic institutions.

To get there, the US should work closely with regional and international partners to press Kabila to respect the constitution and step down, ensure that concerns about Kabila's physical security after

he leaves office are addressed, and actively monitor and support consultations to determine the management and leadership of a short post-Kabila transition to organize credible elections.

We also urge Congress and the US administration to support the following measures to increase the pressure on Kabila and his coterie and to help create the conditions necessary for a climate conducive to credible, peaceful elections:

- Expand targeted sanctions on President Kabila's family members and financial associates benefitting from unlawful activity in Congo, including those involved in serious corruption, misuse of government funds, money laundering, or fraud in order to quash peaceful dissent, improperly delay elections, or otherwise maintain Kabila's rule beyond the constitution's two-term limit. Since June 2016, the US has sanctioned six senior security force and government officials and one entity belonging to a military commander. These sanctions have had an impact and appear to have helped change behavior and affect the calculus of some top officials. Yet additional sanctions are needed to show Kabila himself that there are real consequences for the ongoing violence and repression and continued election delays.
- Suspend all support to Congolese security forces and direct financial support to the Congolese government until there is demonstrated willingness to organize credible elections and a peaceful, democratic transition, and until concrete steps are taken to end widespread rights abuses across the country and hold those responsible, regardless of rank, to account.
- Continue to publicly denounce ongoing repression against activists, the political opposition, journalists, and peaceful protesters; call for the immediate release of all political prisoners and activists in detention and for all politically motivated charges against political party leaders and activists to be dropped; call for opposition leaders, journalists, and activists to be able to move around the country freely and conduct their work independently; support the Congolese people's right to peacefully protest; call on Congolese security forces to not use unnecessary or excessive force to quash protests; and open banned media outlets.
- Ensure there is adequate funding in the final FY18 appropriations bill to support Congolese civil society.
- Continue support in this challenging environment for the UN peacekeeping mission in Congo, MONUSCO. If and when a transitional authority is established to organize elections, support the deployment of a special force within MONUSCO to help stabilize and secure the transition period and the organization of elections, with the deployment as necessary of well-trained peacekeepers who are prepared to deter and respond robustly to violence or other threats to the general population and transitional institutions.

We also hope you will continue to press for an independent investigation into the murders of the UN experts Sharp and Catalán, and to help ensure that those most responsible – no matter their rank or position – are held to account. A failure to do so would send the message that those responsible for such a heinous crime can escape justice, risking future lives not only in Congo, but in countries across the world where the US and UN have deployed experts and investigators.

While we are disappointed that the Great Lakes Special Envoy office was disbanded and believe there is every reason to maintain such a position, we hope the Africa bureau at the State Department will maintain senior-level focus on this crisis and ensure dedicated resources to ensure ongoing and consistent engagement at senior levels.

The US has important influence in Congo and can help prevent more bloodshed and a further descent towards authoritarian rule. But time is running out. Strong, courageous positions and

actions are needed to demonstrate that the US is on the side of the Congolese people and their aspiration for a democratic, rights-respecting and accountable government.