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**Subcommittee on Africa, Global Health, Global Human Rights, and International
Organizations**

Christopher H. Smith (R-NJ), Chairman

SUBJECT: Resolving the Political Crisis in the Democratic Republic of the Congo

November 9th, 2017

Mr. Chairman, Ranking Member Bass, and Members of the Committee, thank you for inviting me to speak about my country, the Democratic Republic of Congo. I hope to share some insights that you will find valuable.

On Monday October 30th, Jotham Kasigwa, Justave Kambale, Jean Louis Kikandi, Remy Mulwana and Obedi Mumbere; five young men of under 20 years old of age were shot by the Congolese National Police and the Military Police while demonstrating peacefully. Those demonstrations and general strikes in different cities were called by CASC, the Civil Society Coalition of different movements including LUCHA. The aim of these demonstrations was to call President Kabila to resign as a consequence of his failure to organize the elections, and to respect the timelines in our constitution including the limitation of two terms in office for the Presidents. It should concern the United States that this violent crackdown on peaceful protesters took place so blatantly within a week after Ambassador Nicky Haley's visit to the Congo

Violent repressions of demonstrators calling for timely free and fair elections have escalated as President Kabila's willing to show contempt of the constitutionally mandated term limit became increasingly obvious. I have personally experienced this repression, when I spent over 17 months in jail in Kinshasa for exercising my basic constitutional rights. But my story, unfortunately, is not unique. Since September 2016, almost 150 peaceful demonstrators have been killed while hundreds more were arrested or kidnaped by security forces and many of them remain in jail on trumped-up charges. Government officials, including mayors and heads of police in some cities have been recruiting gangs of thugs ironically called "Antigang" or other names such as "Bana Mura." These groups are then routinely deployed to harass and sometime arbitrarily arrest Civil Society activists or members of the opposition. These groups have been responsible for severe human rights violations in many places in DRC, and work tightly with the national police and the Congolese intelligence service. At the same time, journalists are harassed, media outlets are shut down. According to a new report by "Journalistes en Danger", an independent watchdog, the Congolese government and the security forces are responsible for over 83% of attacks against the media over the last years. These includes international correspondents like the ones from RFI and Reuters expelled after they reported on mass graves in the Kasai.

Even while facing repression, Congolese people are repeatedly demonstrating with the same message: The need for a peaceful transition by the end of 2017 as stipulated in the Agreement of 31 December 2016 brokered by the National Conference of Catholic Bishops (CENCO).

The political repression is only a small part of the overall human rights crisis which adds to the increase in violence by armed groups (many protected by the authorities) and the humanitarian crisis affecting millions of Congolese. Over 4.5 million IDPs, including 1.5 million in Kasai regions alone wherein international agencies have documented more than 30,000 refugees to Angola, over 80 mass graves, and over 5000 civilians killed, and hundreds of schools destroyed. In the East of the Congo, the regions of Beni, Bukavu, Uvira, Tanganyika and Ituri have been the theatre of a surge in massacres and intercommunal violence.

This grim situation is tightly linked to the political crisis originated by Kabila and his kleptocratic gang's unwillingness to organize elections and his attempt to overstay his power in violation of both the Constitution and the CENCO-sponsored agreement. This agreement granted the

government one additional year to organize elections and create conditions for a peaceful transition of power. The political uncertainty is causing major economic, security, and humanitarian crisis which has ensued as a consequence has the potential to undermine peace and security not only all the DR Congo but also further encourage instability to our neighbors such as in the already unstable Burundi, Uganda, Central Africa Republic or South Soudan and pouring refugees into Angola.

While the poverty and misery are increasing significantly, and the economy is collapsing with the Congolese Franc having lost 50% of its value in the last 12 months, President Kabila, his family and his inner circle are known to build a rich empire through illicit means. According to reports of different organizations including The Congo Research Group, Enough Project, Global Witness and, the Carter Center, and more recently the International Consortium of Investigative Journalists via the Paradise Papers; Joseph Kabila, his family, and both his civilian and military entourage are involved in massive looting of natural resources, corruption and money laundering potentially implicating terrorist groups. These activities include some individuals and companies linked to US citizen or US financial System that the US Treasury could target.

By refusing to respect the constitution, by choosing to oppress and dismantle opposition's political parties instead of implementing in good faith the CENCO agreement, Joseph Kabila has undermined the trust and the credibility necessary for any dialogue. Fool play on the part of President Kabila is so blatant that it would be a total waste of time to push for yet another round of negotiation between Kabila and the opposition. The routine of endless and now useless dialogues can no longer be considered as the only path to sustainable solution of the Congo crisis. The ritual has been used to maximum effect by Kabila to divide the opposition through corrupt and cooptation, thus ensuring that elections are further delayed indefinitely. Further, his government has demonstrated again and again that their electoral calendars are a delay tactic—an empty promise used to divert attention from the fact that this government has no intention of organizing elections that would remove Kabila from power. This delay tactic is the best way to ensure that no elections will be held, and that if and when they are, they will be rushed in a manner guaranteeing they are neither free nor fair.

This is a dangerous path for Congo. One that I hope the United States also wants to avoid. The only sustainable solution lies in the immediate resignation of President Kabila from office and he must be replaced by a respected civilian person or team that will organize the elections.

We the people of DRC, are not seeking pity or charity from the US. We are seeking your support in our efforts to prevent the DRC from falling once again under a dictatorship. We are prepared to oppose, by all peaceful means, a president who has violated the rule of law, as defined in our constitution.

There are steps the US government can take to push for election and democratic transition with peaceful transfer of power:

1. The US authorities should impose direct targeted sanctions against Joseph Kabila himself and his entourage responsible for Human Rights violations, money laundering, corruption and sabotage of the political and electoral process. US Congress should also impose all necessary legislative boundaries to ensure that US system is not used to fund criminal activities in DRC.
2. The US authorities should require the UN and MONUSCO to stop any kind of support to the Congolese security service including the Congolese army and the police who are the main perpetrators of human rights violation. Any unconditional support by MONUSCO to the FARDC and/or the police, is akin to supporting institutions responsible for massive atrocities and human rights violation. Instead, the US government should work through the UN Security council to make MONUSCO's mandate more effective and precise allowing it to protect civilian from any form of danger, including by governmental officials.
3. The US authorities should state without ambiguity that they will not back any electoral process that will not end in a free and fair elections, organized by a truly independent electoral commission, with a credible voter register, and in an environment where all participants are free to organize and conduct campaigns and rallies, and have access to media, including public media; where civil society has a voice and where media and judiciary are free and independence. None of these criteria are met by the Congolese government neither the current election commission body, the CENI.
4. The US and its international partners, particularly African leaders, should push Kabila to resign and allow the return to the constitution and for him to honor the CENCO deal and vacate office by end of 2017. Any contact with Kabila should aim at effecting his resignation so as to allow the return to the constitution order. The millions of Congolese youth do not support the prospect of a new dialogue which can only result in a power sharing formula and maintaining the people in the same misery for yet more years.

For their faith in our constitution, hundreds lost their lives, and I worry how many more we may lose if Congo's political trajectory does not quickly deliver on the promise of democracy and elections.

M. Chair, Members of the Committee, I hope that this Committee and the US citizens understand our hunger for peace, democracy, liberty, dignity, and happiness. I do hope that you will understand, as did the US founders that "whenever any form of government becomes destructive of it ends" (of ensuring peace, liberty, dignity and happiness) as it is the case in DRC, "it is not only the most sacred right of the people to alter or to abolish it, it is its most indispensable duty".

I thank you