**14 September 2017**

**Complementary Submission to the UN Human Rights Committee subsequent to the adoption of the List of Issues**

**Fourth periodic report pursuant to article 40 of the Covenant**

**Democratic Republic of Congo**

**(*121st Session of the Human Rights Committee,* *16 October 2017 – 10 November 2017*)**

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| Summary of the Complementary Submission  This complementary submission to the Human Rights Committee (CCPR) on the Democratic Republic of Congo highlights concerns regarding the provisions of the International Covenant on Civil and Political Rights (“ICCPR”) following the adoption of the *List of Issues* in connection with the consideration of the fourth periodic report of the Democratic Republic of Congo (CCPR/C/COD/4).  As described below, serious issues of concern exist. Jehovah’s Witnesses in the Democratic Republic of Congo, and as a worldwide organization, respectfully request the government of Congo to:   1. react firmly on the religiously motivated violence when it is reported to them; the local authorities in Congo at times appear to neglect their duty to follow-up on serious violations and fail to adequately prosecute all the perpetrators; 2. take the necessary measures to ensure the physical protection of Jehovah’s Witnesses against the aggressions of Kimbilikiti followers; 3. provide circumstances allowing for the successful prosecution of the criminals responsible for the physical abuse against Jehovah’s Witnesses; 4. prevent further discrimination and expulsions of Jehovah’s Witness children from schools. |

1. **Introduction**
   1. The European Association of Jehovah’s Christian Witnesses (EAJCW) is a charity registered in the United Kingdom. It assists the adherents of the faith of Jehovah’s Witnesses in various areas of the world.
   2. The Christian community of Jehovah’s Witnesses has been present in the Democratic Republic of Congo since the early 1930s. Jehovah’s Witnesses were first registered on 26 October 1961. They renewed their registration on 30 April 1980. Their activities were banned from 1986 until the Supreme Court annulled the ban in 1993, giving them opportunity to carry out their worship without serious interference from State officials. They are thankful for being allowed to peacefully attend religious meetings and conventions, and engage in their religious community service without major obstacles.
   3. This submission focuses on situations related to the rights protected under articles 7, 18, 19, 24, 26 and 27 of the ICCPR.

**II. Alleged Violations of the International Covenant on Civil and Political Rights (ICCPR – Articles 7, 18, 19, 24, 26 and 27)**

* 1. GENERAL COMMENT: While the central authorities endeavour to react on the religiously motivated violence when it is reported to them, the local authorities in Congo at times neglect their duty to follow-up on serious violations and fail to adequately prosecute the perpetrators. The lack of a strong signal on the part of the authorities generates a feeling of impunity and Jehovah’s Witnesses in Congo report an alarming increase in religiously motivated violence against their fellow-believers which includes destruction of places of worship as well as private properties but also rapes, kidnapping and murders as exemplified hereafter. The European Association of Jehovah’s Witnesses currently regrets that the observations submitted in its 12 December 2016 report have not been more fully taken on board of the list of issues. In view of the repetitive situation illustrated by the number of new cases reported, it is hoped that this will be the object of further attention.

**II.1 Physical aggressions**

**UPDATE ON ALREADY REPORTED CASES**

1. **Murder of Mrs. Kibuya Matangi in the village of Kandale secteur, Gungu, Kwilu [See section II.1.A of our 12 December 2016 Submission]**
   1. A hearing took place on 28 June 2017. We are currently waiting for the Court decision.
2. **Aggression and rapes by Kimbilikiti followers against Jehovah’s Witnesses in Alunguli, Kindu**, **Province of Maniema [See section II.1.B of our 12 December 2016 Submission]**
   1. In this case, Mr. Adolphe Songolo Munkina is charged on the grounds of spiteful destruction, rape and arson. This case was pleaded on 10 June 2017. We have been informed that the court has rendered a favourable judgment in behalf of the victims. The case of another alleged perpetrator, Mr. Brunon Benga Mitima, is filed at the Juvenile Court of Kindu. It was not pleaded on 1 July 2017 as scheduled. However, the Court proceeded with the investigation of the case on site, where Mrs. Awezai was raped. The hearing took place on 22 July 2017. The Court condemned Brunon Benga Mitima on the ground of rape, and sentenced Mrs. Scolastique Byeka Mitima, his mother, to pay the amount of 2,575 euros (EUR) as damages to the victim, Mrs. Awezai Kwamba Tusobuga. The charges against Mr. Bulahimu Wenda Swedi, the minor who attacked the Musumba family, have been filed at the Juvenile Court of Kindu. The hearing scheduled for 1 July 2017 did not take place because Mr. Bulahimu Wenda Swedi fled to the territory of Shabunda about 450 km away from the city of Kindu. On 7 July 2017 Mr. Kikanda Kisubi Mukunda was sentenced to 15 years detention and a fine of EUR 4,397 but was not recognized guilty of rape. Minor Songolo Munkina was convicted for rape but merely condemned to rebuke, increased parental surveillance and a fine of 1,000,000 Congolese francs (CDF).[[1]](#footnote-1)
3. **Kidnapping of a child in Kigumo (Makangala), in the Mwenga territory, Province of Sud-Kivu [See section II.1.C of our 12 December 2016 Submission]**
   1. One of the seven perpetrators had been sentenced to 24 months of prison for the young Victor's kidnapping and 2 months for having injured his father, and finally for the sum of CDF 1,000,000 as damages for this family.
4. **Aggression of Mr. Jean Kishibisha Nyambo in the village of Mwenga Centre [See section II.1.D of our 12 December 2016 Submission]**
   1. No further progress has been reported in this case.
5. **Aggression of Mr. Dem Muzega Munzudi in the village of Mukoso [See section II.1.E of our 12 December 2016 Submission]**
   1. No further progress has been reported in this case.
6. **Aggression of Mr. Komi Mavula and Mr. Madayila Kamanda in the village of Kingodji [See section II.1.F of our 12 December 2016 Submission]**
   1. No further progress has been reported in this case.

**NEW CASES**

1. **Murder of Mr. Thambwe Nzovu in the city of Gungu, in Kwilu Province**
   1. Mr. Thambwe Nzovu was a Jehovah’s Witness and a family head of four children. He was living in the village of Katopa, sector of Kandale, territory of Gungu, province of Kwilu.
   2. On 6 November 2016, at 5 a.m. four of his nephews namely, Mr. Kapaya Tangwa, Mr. Sha Meza, Mr. Nguvulu and Giyanze Nzoloshi, took him by force, beat him and went with him to an unknown medium residing in the village of Kinyama about 9 km away from Katopa in order to have him be exorcised.
   3. During the night of 10 to 11 December 2016, Mr. Thambwe Nzovu died in the house of that medium and in the morning the medium sent for the four nephews to take the corpse for burial. His four nephews secretly took the corpse of the victim and buried it without informing his wife and children.
   4. Six out of nine alleged perpetrators are in custody: Mr. Bosco Kabobi, Mr. Giyanze Zolosi, Mr. Moise Kawiama, Alias Kabose, secretary of the medium, Mr. Paul Kitangwa, Mr. Makenga Nzolosi and Mr. Nkamanda Kenda Natable.
   5. The case is filed at the Prosecutor’s office of the city of Bulungu. The Public Prosecutor's Office charged the six alleged perpetrators of the following infringements: murder, infringement on freedom of worship, superstitious trial, defamation, arbitrary arrest and unlawful confinement.
   6. While the prosecution is a positive step, it is to be noted that the amount of EUR 2,946 had to be spent by the party of the victim to care for the payment of procedure costs at the Prosecutor’s Offices of Gungu and Bulungu, the requisition of the police force (15 policemen), the arrest and transfer of the alleged perpetrators. This included the rent of 10 motorbikes for the 15 policemen, from the city of Gungu to the village of Katopa (100 km) and then back to Gungu and the rent of a car for the transfer of prisoners from Gungu to the city of Bulungu (350 km).
2. **Death threat for sorcery in the village of Mukundu Mission in the Province of Kwango.**
   1. During the month of February 2017, seven of Jehovah’s Witnesses, from the same area of the murder of Thambwe Nzovu, underwent very violent threats because they refused to consult a medium. Their names are: Mr. Godé Kamizelo, Mr. Kadiata Kingambo, Mr. Ndondji Kumanda, Mr. Mikumbu Luweja, Mr. Mishio Mbuta, Mr. Makinisihi Niange and Mr. Gilbert Manango. All of them were forced to seek refuge in the city of Gungu, 10 km away from their home villages.
   2. Jehovah’s Witnesses were able to identify the group of people that were threatening them. These are: Mr. Elykia Mbutshi Mashata (medium in the village of Shamandamba, territory of Gungu, Province of Kwilu), Mr. Venant (medium in Ngudinganga, territory of Gungu, Province of Kwilu), Mr. Mushiku (village of Kadiendela) Mr. Kilabi (village of Kadiendela), Mr. Fudi (village of Shamandamba, in the same area), Mr. Lutondo (village of Shamandamba), Mr. Lulendo (village of Mukundu).
3. **Physical Assault against Jean-Marie Gibatshi Kitshiva, village of Mirwa, territory of Gungu, the province of Kwilu.**
   1. Mr. Jean-Marie Gibatshi Kitshiba, a 60-year old Jehovah’s Witness and father of 8 children, living in the village of Mirwa, territory of Gungu, in the province of Kwilu, was physically assaulted and threatened with death.
   2. All started when Mr. Yobo, one of the cousins of Mr Gibatshi, went to consult a medium called Mr. Serge Satana, living in the nearby village of Kinyama, in order to know the reason why the family was not thriving. The medium said that Mr. Gibatshi is one of the sorcerers who prevent the family from thriving, and invited the brother to be exorcized. As Mr. Gibatshi refused due to his religious beliefs, his cousin threatened him; that is why he fled to the nearby village of Tako.
   3. On Tuesday, 28 February 2017, Mr. Yobo along with other family members pursued Mr. Gibatshi, assaulted and injured him seriously with machetes, cutting 4 of his fingers. The alleged aggressors are: Mr. Yobo, the main aggressor, Mr. Wendo, Mr. Nzumba, Mr. Kikoshi, Mr. Mbuga, Mr. Gwatsha Musenge, Mr. Palata Kididamba, Mr. Ndjoko Nduwa and Mr. Bomashi.
   4. This group tied him and brought him to the medium in the village of Kinyama. But when the medium saw the condition of Mr. Gibatshi, he told them that he could not exorcise him in such a critical state. Then, they brought him to a health centre of the village. This group of aggressors prevented any of Jehovah’s Witnesses to see their fellow believer. The same group went to the village where Mr. Gibatshi lives and burnt his house with all his goods. When his wife and children learned about what had happened, they fled to a nearby village. On Wednesday, 1 March 2017, the group of aggressors went to the village of Makala in the same area, to seize another Jehovah’s Witness named Mutaba, but he and his family successfully escaped.
   5. Out of the 11 alleged perpetrators, only 2 were arrested by the Prosecutor’s Office: Mr. Gikoshi Mujiba Pilipili is in custody at the central prison of the city of Bulungu and Mr. Mutundu Kitshiba is currently in custody at the prison of Gungu on the following grounds: intentional bodily injury, infringement to freedom of worship, defamation and superstitious trial. The two mediums themselves, Mr. Serge Satana and Mr. Timothée Ngolo Matondo, as well as the seven others are on the run.
4. **Murder of Mr. Mukoso KINGELEJI in Mangalangongo, Province of Bandundu**
   1. The crime took place on 17 August 2014 at 5 p.m. and was committed at the home of the village chief, while Mr. Kingeleji was sitting outside, in the open, and surrounded by many people. The actual murderer is Jedidia MWANGA, an adult nephew of Mr. Kingeleji. Twelve other members of his family assisted him in committing this odious crime, namely: Mr. Marcel KANYOKA, Mr. Bashe KILONDA, Mr. Malutshi NDAMBI, Mr. Gilangu MWANGA, Mr. Fernand KAKUNDE, Mr. Kasongo MUHANDA, Mr. Lutumbu KILEGA, Mr. Giseke NDAMBI, Mrs. Madeleine MWANGA, Mr. Kuyundula MUHANDA, Mrs. Marie NDAMBI and Mr. MULAZA.
   2. This assassination was not something casual, but an act that had been planned since 2012. In fact, Mr. Mwanga cut the throat of Mr. KINGELEJI with a knife because of the victim’s determination to stick to his religious beliefs as one of Jehovah’s Witnesses. His widow, Mrs. Sona KAMANDA, mother of three, respectively four years old, two years old, and 9 months old, explained that her husband was killed by the members of this family because he refused to get involved in the spiritistic practices they attempted to force on him. Each time someone got sick or died in the family, the other members suggested that they resort to spiritism and consult with a spiritistic medium. Since 2012, whenever the Mr. Kingeleji refused to get involved, they threatened him with death; finally, they carried out their ugly plan.
   3. On 14 May 2016 the Appeal Court of Bandundu acquitted all the 11 defendants except Mr. MWANGA JEDIDIA, confirming his death penalty.
   4. Mr. Mwanga Jedidia has finally been arrested since 3 August 2016.
5. **Attack by the Kimbilikiti followers against Mr. Michel Bilimunda, village of Avanga, territory of Kindu, in the province of Maniema** 
   1. A new case of attack by the Kimbilikiti followers against Mr. Michel Bilimunda was recently reported. Mr. Bilimunda is a 67-year-old father of 7 children.
   2. The following events took place in October 2016. During the period of initiation activities of the Kimbilikiti followers, they obliged all circumcised men to respond to “the call of Kimbilikiti”. This situation caused Jehovah’s Witnesses to flee into the forest for two days or to unsecure villages such as Mimbite, Lubile and toward the city of Kalima, Province of Maniema. Later the mob of Kimbilikiti followers attacked Mr. Bilimunda’s house with the intention to destroy it and assault him. While they were forcing the door, Mr. Bilimunda, who suffers from high blood pressure, could not bear the stress of the situation and had a stroke. The aggressors finally got into the house but thought that he was dead so they did not physically assault him but ran away. Mr. Bilimunda was brought to the hospital of Kalima and the stroke left him with paralysis of the left side. To this date Mr. Bilimunda is still in the hospital where he is being treated to help him regain his mobility.
   3. The attack was conducted by a mob of young men and one of the aggressors has been identified as Mr. Gabriel, son of a pastor named Malombo.
6. **Physical assault of Mr. Radjabu in the territory of Fizi, Sud Kivu**
   1. Mr. Radjabu, one of Jehovah’s Witnesses, was physically assaulted in the territory of Fizi in Sud Kivu on 2 November 2016.
   2. Everything started when Mr. Nzaliwa Mwamba, the chief of the village invited a medium to “purify” his village. All the inhabitants of the village were obliged to pay an amount of CDF 6,000 (EUR 4.69) to consult the medium. Anyone who resisted was forced to do so. As this order is against his religious beliefs, Mr. Abea Radjabu and other Jehovah’s Witnesses concealed themselves in their inner rooms. But sadly, Mr. Gilbert Bennaya, Mr. Numbi Anguele, Mr. Matego Kombekombe, Mr. Yakobo Neto, Mr. Job Alimasi, Mr. Zinga, Mr. Joasi Abedi, Mr. Afela Mateso and Mr. Manuelizi broke the door of Mr. Radjabu’s house, got in to the room and took him by force to have him consult the medium. As he was resisting, they beat him severely, wounded him and left him bleeding on the ground. As the police was supporting this medium, Jehovah’s Witnesses were afraid to report it to them.
   3. After informing the administrator of the territory of Fizi, the medium was arrested on 11 November 2016 and transferred to Bukavu where he is still in custody.
7. **Attack and kidnappings by Kimbilikiti followers, village of Luyulu, South Kivu** 
   1. On 29 July 2017, in the village of Luyuyu, 35-year-old Kongomo Mukamba along with a crowd took by force four Jehovah’s Witness Bible students. This crowd obeyed the orders of Mr. Nondo Tilere and Mr. Kisanga Muzaliwa, the leaders of the Lega tradition and the organizers of the Kimbilikiti initiation. The name of the kidnapping victims are La vie Amosi (17 years old), Kasuku Ngengele (17 years old), Bonane Kafanga (25 years old) and Amos Mukamba (16 years old), all residing in the village of Luyuyu. They were taken by force to the forest, 35 km from Luyuyu, to undergo the practices of the Kimbilikiti. The family and friends are without news since the kidnapping.
   2. On 2 August 2017, another group of Kimbilikiti followers tried to force the door of the house of Hénock Mutunya Lusombo, another member of Jehovah’s Witnesses. They tried to take him by force to the forest. But, having found the house locked, they destroyed a wardrobe found in the veranda as well as the plates it contained.

**II.2 Expulsion of Jehovah’s Witness children from schools**

* 1. In addition to the cases already reported in our previous submission, we have recorded other similar cases. In a Protestant school named Institut Buziba, in the city of Kamituga, Province of Sud-Kivu, eight Jehovah’s Witness students were expelled on 17 November 2016: Sabina Mukuba, Marcel Lukeka, Kwalimbala Ikando, Serge Bubala, Ishukwe Mukuba, Obedi Kitoga, Mazambi Kitungano and Solu Bubala. Even though school authorities did not grant them a dismissal notice, they are expelled on the grounds of their refusal to attend Protestant worship organized by the school.
  2. On 30 November 2016, their parents wrote to request the cancellation of the expulsion of their children but the school authorities did not react favourably. These students lost about six months of lessons, which means, the loss of the complete school year.

1. **Conclusions and Recommendations**
   1. Even as Jehovah’s Witnesses seek justice in the courts, they remain subject to the continued threat of illegal acts perpetrated by law-defying members of the Kimbilikiti cult. They are also in danger of reprisals for taking matters to court as already experienced in the past by local officials who tried to intercede. Stronger action by the Government of the Democratic Republic of Congo is needed to protect its citizens and to deter further victimization and to provide circumstances allowing for the successful prosecution of the criminals responsible for the physical abuse of Jehovah’s Witnesses.
   2. As described above, serious issues of concern exist. Jehovah’s Witnesses in the Democratic Republic of Congo, and as a worldwide organization, respectfully request the government of Congo to:
2. react firmly on the religiously motivated violence when it is reported to them; the local authorities in Congo at times appear to neglect their duty to follow-up on serious violations and fail to prosecute adequately the perpetrators;
3. take the necessary measure to ensure the physical protection of Jehovah’s Witnesses against the aggressions of Kimbilikiti followers;
4. provide circumstances allowing for the successful prosecution of the criminals responsible for the physical abuse against Jehovah’s Witnesses;
5. prevent further discrimination and expulsions of Jehovah’s Witnesses children from schools.

**APPENDIX 1: SCHOOLCHILDREN EXPULSION LIST—2016**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **No** | **INCIDENT** | **NAME** | **LOCATION** | **DATE** | **SCHOOL** |
| 01 | Refusal to participate in Worship | Kiamvu Wasahulua | Kinshasa | May 2016 | BONSOMI |
| 02 | Refusal to participate in Worship | Mpovi Matondo | Kinshasa | May 2016 | BONSOMI |
| 03 | Refusal to participate in Worship | Mukadi Darci | Kinshasa | February 2016 | MALULA |
| 04 | Refusal to participate in Worship | Muakane Malenga | Congo Central Province | January 2016 | Fulankete |
| 05 | Refusal to participate in Worship | Kabasele Mpinda | Congo Central Province | January 2016 | Fulankete |
| 06 | Refusal to participate in Worship | Manganza Mababwa | Maniema Province | February 2016 | Sumahili |
| 07 | Refusal to participate in Worship | Matabwila agnas | Maniema Province | February 2016 | Sumahili |
| 08 | Refusal to participate in Worship | Mafuwa mukina | Maniema Province | February 2016 | Sumahili |
| 09 | Refusal to participate in Worship | Kikunu Fibazuru | Maniema Province | February 2016 | Sumahili |
| 10 | Refusal to participate in Worship | Kikundu Danseki | Maniema Province | February 2016 | Sumahili |
| 11 | Refusal to participate in Worship | Kumusuku Tshiyebi | Luebo village, Kasai Province | April 2016 | Lunkelu |
| 12 | Refusal to participate in Worship | Bolangembe Ilumbe | Inongo city, Inongo Province | February 2016 | Mwango III |
| 13 | Refusal to participate in Worship | Bolangembe Nkali Keren | Inongo city, Inongo Province | February 2016 | Mwango III |
| 14 | Refusal to participate in Worship | Bolangembe Lopete Naomie | Inongo city, Inongo Province | February 2016 | Mwango III |
| 15 | Refusal to participate in Worship | Mbokele Masambi | Kiri village, Mai-ndombe Province | January 2016 | Tosalisana |
| 16 | Refusal to participate in Worship | Mbokele Ngeli | Kiri village, Mai-ndombe Province, RDC | January 2016 | Tosalisana |
| 17 | Refusal to participate in Worship | Mukunzi Lucie | Gungu village, Kwango Province | March 2016 | Kukwamina |
| 18 | Refusal to participate in Worship | Nkumawa Miriam | Gungu village Kwango Province | March 2016 | Kukwamina |
| 19 | Refusal to participate in Worship | Tshinguta Irene | Kasai oriental Province | June 2016 | Medical Institute of Mbuji-may |
| 20 | Refusal to participate in Worship | Kongolo Malemba | Kasai oriental Province | June 2016 | Medical Institute of Mbuji-may |
| 21 | Refusal to participate in Worship | Kimbangu Nsele | Kikwit town, Kwilu Province | May 2016 | St. Pierre de Kikwit |
| 22 | Refusal to participate in Worship | Bomekopa Triphone | Nongezale Village, Mai-ndombe Province | March 2016 | Nongezale Institute |
| 23 | Refusal to participate in Worship | Boola-Nyame | Nongezale Village, Mai-ndombe Province | March 2016 | Nongezale Institute |
| 24 | Refusal to participate in Worship | EKELI-LYANGWA | Nongezale Village, Mai-ndombe Province | March 2016 | Nongezale Institute |
| 25 | Refusal to participate in Worship | INIENGA-NSOMO | Nongezale Village, Mai-ndombe Province | March 2016 | Nongezale Institute |
| 26 | Refusal to participate in Worship | ISAPA LUKENI | Nongezale Village, Mai-ndombe Province | March 2016 | Nongezale Institute |
| 27 | Refusal to participate in Worship | KANGO BOLA1 | Nongezale Village, Mai-ndombe Province | March 2016 | Nongezale Institute |
| 28 | Refusal to participate in Worship | KANGO BOLA2 | Nongezale Village, Mai-ndombe Province | March 2016 | Nongezale Institute |
| 29 | Refusal to participate in Worship | MPUTU BOLA | Nongezale Village, Mai-ndombe Province | March 2016 | Nongezale Institute |
| 30 | Refusal to participate in Worship | NGOMBASI NKAWELO | Nongezale Village, Mai-ndombe Province | March 2016 | Nongezale Institute |
| 31 | Refusal to participate in Worship | NKANDEKA NKAWELO | Nongezale Village, Mai-ndombe Province | March 2016 | Nongezale Institute |
| 32 | Refusal to participate in Worship | NGONKANGA Bolumbu | Nongezale Village, Mai-ndombe Province | March 2016 | Nongezale Institute |
| 33 | Refusal to participate in Worship | MUKUBA Sabina | Kamituga, Province of Sud-Kivu | 17 November 2016 | Institut Buziba |
| 34 | Refusal to participate in Worship | LUKEKA Marcel | Kamituga, Province of Sud-Kivu | 17 November 2016 | Institut Buziba |
| 35 | Refusal to participate in Worship | IKANDO Kwalimbala | Kamituga, Province of Sud-Kivu | 17 November 2016 | Institut Buziba |
| 36 | Refusal to participate in Worship | BUBALA Serge | Kamituga, Province of Sud-Kivu | 17 November 2016 | Institut Buziba |
| 37 | Refusal to participate in Worship | MUKUBA Ishukwe | Kamituga, Province of Sud-Kivu | 17 November 2016 | Institut Buziba |
| 38 | Refusal to participate in Worship | KITOGA Obedi | Kamituga, Province of Sud-Kivu | 17 November 2016 | Institut Buziba |
| 39 | Refusal to participate in Worship | KITUNGANO Mazambi | Kamituga, Province of Sud-Kivu | 17 November 2016 | Institut Buziba |
| 40 | Refusal to participate in Worship | BUBALA Solu | Kamituga, Province of Sud-Kivu | 17 November 2016 | Institut Buziba |

1. Equivalent to EUR 567.26 based on the official exchange rate at the time. [↑](#footnote-ref-1)