**12 December 2016**

**Submission to the UN Human Rights Committee**

**Prior to the Adoption of the *List of Issues***

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

**Democratic Republic of Congo**

**(*119th Session of the Human Rights Committee,* *6 – 29 March 2017*)**

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| Summary of the Submission  This 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”) prior to the adoption of the *List of Issues* to be taken up 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 the perpetrators; 2. take the necessary measure 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 Witnesses 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 October 26, 1961. They renewed their registration on April 30, 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:

**II.1 Physical aggressions**

1. **Murder of Mrs Kibuya Matangi in the village of Kandale secteur, Gungu, Kwilu** 
   1. In September 2015, as many members of the extended family of Mrs Matangi were dying, certain members of the family forced Mrs Matangi to go to a priest in order to be “exorcised” but she refused because of her beliefs. After consulting the priest, these family members came with “holy water” and wanted to force Mrs Matangi to make use of it to be “exorcised.” As she boldly refused to comply with this ritual, they assaulted and beat her severely, promising to kill her if someone else in the family dies.
   2. On September 23, 2016 the grand-daughter of Mrs Matangi died. Mr. Konda Pitié publicly said threatening statements promising to make trouble in the family.
   3. On October 2, 2 2016 the neighbours heard the cries for help coming from the small house of Mrs Matangi. She was being stabbed by criminals. An eyewitness came out of his house and saw an unidentified person, with a build like Mr. Konda Pitié, running into the bush. Mrs Matangi was mortally wounded, bleeding profusely from multiple stab wounds. Mrs Matangi used all of her remaining energy to tell them: “I am dying because I refused to consult mediums.” Finally, as other Jehovah’s Witnesses were organizing to bring Mrs Matangi to a hospital, she died around 5:00 a.m.
   4. The case was referred to the Prosecutor’s Office of Gungu. Mr. Konda Pitié and Mr. Mboma, the Chief of the village are suspected and are still on the run. The case RMP 882 (as well as the four defendants arrested) was transferred to the Prosecutor’s Office of the County Court of Bulungu. The case is now transferred to the County Court of Bulungu, Province of Kwilu as RP 6793/6794.
2. **Aggression and rapes by Kimbilikiti followers against Jehovah’s Witnesses in Alunguli, Kindu**, **Province of Maniema**
   1. On November 8, 2016 an attack has been initiated in Kindu by the members of the ancestral religion Kimbilikiti because Jehovah’s Witnesses are not part of their religion and refuse to comply with their wishes, including the ritual religious initiation that they try to force on people. This is particularly worrying since similar persecution in 1983 climaxed in the brutal murder of eight men of the Pangi Congregation of Jehovah’s Witnesses.
   2. The mob of Kimbilikiti followers began destroying and burning the houses of people in that area. The policemen could not control this mob and fell back. The mob stopped in front of a local Kingdom Hall (place of worship of Jehovah’s Witnesses). They stoned the Kingdom hall and started to sing in Lega language, saying that they would like exterminate Jehovah’s Witnesses because they never send their children to the ritual initiation of the Kimbilikiti religion.
   3. As nobody was in the Kingdom Hall, they started to go to the Witnesses’ houses. They attacked three Jehovah’s Witness families as follows:
      1. The family of Mr Joseph Mukombe (a family of 4 children): All their belongings were stolen. Their house was destroyed and burned. They were all beaten, some were wounded. Mrs Awewazayi Takubusoga, the wife of Joseph Mukombe was raped.
      2. The family of Mr Mupenda Misumba (a family of 6 children): All their belongings were stolen. Their house was partially destroyed and the wall of the house fell on the mother-in-law. She is currently being monitored by a doctor for neck and chest pain.
      3. The family of Mr Bin Omari Kabungulu (a family of 4 children): All their belongings were stolen. Their house was partially destroyed and Mr Kabungulu’s wife, 24-year-old Loyise Furah, was raped although being pregnant.
   4. The local radio spoke about this event specifically saying that Jehovah’s Witnesses were among those targeted in this riot.
3. **Kidnapping of a child in Kigumo (Makangala), in the Mwenga territory, Province of Sud-Kivu**
   1. On July 11, 2016 14-year-old Debaba Nzela Victor was kidnapped and, according to eyewitnesses, taken by a mob into the forest.
   2. The father of the child, Debaba Nzela Bernard, asked his son’s friend about the matter, and he confirmed the religious motivation of the mob and provided the names of the kidnappers: Makaveri, Malenge, Kitwanda Leonard, Kayamalo Paco, Waseka Diamond, Debaba Emmanuel, Amba and Angelose. They called the victim a “musubi” which litterally means « uncircumcised » and forcibly took him to the forest to force him to go through a religious initiation without parental consent.
   3. On July 18, 2016 a week after the kidnapping, Mukwandume Mombolo Jerôme, who was the Mwambi (organizer of the initiation) sent an accomplice with a message requesting the father to pay 20 000 CDF and provide for clothing that would serve the religious initiation of the child. The father refused to pay or to contribute for a ceremony that is contrary to religious beliefs.
   4. On July 28, 2016 Mukwandume Mombolo Jerôme, together with Makaveri, Malenge, Kitwanda Leonard, Kayamali Paci, Waseka Diamond, Debaba Emmanuel came to the boy’s father with whips and rods and tried to take him forcibly into the forest. As he resisted, he was severely beaten and left for dead.
   5. A complaint is being lodged with the local authorities. Today, Mr Debaba Nzela Bernard has still not seen again his child and has no news of him.
4. **Aggression of Mr. Jean Kishibisha Nyambo in the village of Mwenga Centre**
   1. On August 15, 2012 in the village of Mwenga Centre, Province of Sud-Kivu, Mr. Jean Kishibisha Nyambo was aggressed for his refusal to participate to the initiation rites of “Kimbilikiti.” The execution of the judgment against the perpetrators has been interrupted by the obstruction of justice by the then Provincial Minister, Mr. Rizigi Kalenga (Case RMP 10486 at the County Court of Kamituga).
5. **Aggression of Mr. Dem Muzega Munzudi in the village of Mukoso**
   1. On December 15, 2015 in the village of Mukoso, Province of Kwango, Mr. Dem Muzega Munzudi and other witnesses were assaulted for refusing to consult a spirit medium. Mr. Dem Muzega was severely beaten and threatened with death. The Chief of the sector of Mukoso has interfered, so that the victims are still waiting for justice to be executed (Case RPA 190 at the County Court of Kenge).
6. **Aggression of Mr. Komi Mavula and Mr. Madayila Kamanda in the village of Kingodji** 
   1. On February 25, 2015, in the village of Kingodji, Feshi, Province of Kwango, Mr. Komi Mavula and Mr. Madayila Kamanda were assaulted and threatened with death for their refusal to consult a spirit medium. The Chief of the village interfered so that the victims are still waiting for justice to be executed (Case RP 914/CD at the lower Court of Feshi).

**II.2 Expulsions from schools**

1. **Expulsion of Jehovah’s Witnesses children from schools**
   1. Although Congolese law prohibits all forms of religious discrimination in all schools, we are sad to report that in many of the schools run by churches, Jehovah’s Witnesses children are still victims of religious discrimination. Our children are still being expelled from government-regulated Catholic, Muslim and Protestant schools, and this trend keeps spreading. The main reason of these expulsions is the refusal to attend worship organized by Catholic priests or Muslims, refusal to wear Islamic veils or pray according to their doctrines.
   2. This matter is of concern especially for children in remote villages where these schools are the only ones available for the community. In such cases, these expulsions have prevented children to benefit from the training during this school year. During the 2015-2016 school year, the national center of Jehovah’s Witnesses in Congo received 49 reports from different areas of the country. They have recorded only 32 specific cases where Witness schoolchildren have been expelled — Please see attached document (appendix 1) for details about the cases recorded for this school year.
2. **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:
3. 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;
4. take the necessary measure to ensure the physical protection of Jehovah’s Witnesses against the aggressions of Kimbilikiti followers;
5. provide circumstances allowing for the successful prosecution of the criminals responsible for the physical abuse against Jehovah’s Witnesses
6. Prevent further discrimination and expulsions of Jehovah’s Witnesses children from schools
   1. The EAJCW will consider submitting an additional complementary report with the CCPR following the adoption of the *List of issues* to be taken up in connection with the consideration of the fourth report of the Democratic Republic of Congo (CCPR/C/COD/4).

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

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