



Boniface Umpula Nyembo: Arbitrary Detention of Human Rights Defender in the Democratic Republic of the Congo (DRC)

13 November 2014

Boniface Umpula Nyembo, of the respected Congolese non-governmental organisation, *Action contre l'impunité pour les Droits Humains* (ACIDH) a long-standing partner of RAID, was arrested around 16.00 in Lubumbashi on 11 November 2014, while he was distributing a press release in the Courthouse (*Palais de Justice*). The order for his arrest was apparently made by M. USEFU SEFU, Chief Prosecutor of the Court of Appeal (*Procureur Général*) of Katanga Province. M. Umpula Nyembo was distributing a press release that had been issued by the *Syndicat Autonome des Magistrats du Congo* (SYNAMAC), the independent judges union, calling for their members to strike in protest at the Government's failure to deliver a promised salary increase.

Boniface Umpula Nyemba has been placed in preventive detention and charged with 'incitement to civil disobedience' and 'disseminating false rumours'. Congolese NGOs are calling for his immediate release. An indication of a possible hardening of the attitude on the part of the authorities is the fact that on 13 November Boniface Umpula Nyemba was moved to Kasapa, the main prison about 50 kms outside of Lubumbashi.

Underfunding cripples DRC's justice system

On 3 November, according to the UN-funded Radio Okapi, judges were urged by SYNAMAC's National Committee to begin an indefinite strike across the whole of the country. The judges are demanding a basic salary of \$1,600 per month which President Kabila had publicly announced in September 2011. But after three years the government has failed to increase their salaries.

Studies by the United Nations¹ and the International Bar Association have concluded that the main problems besetting the DRC's judicial system is a crippling lack of resources. The serious underfunding does not cover operating costs of courts and it makes it difficult for courts to run efficiently and to achieve effective administration of justice. The International Bar Association reported that "Only about 0.03 per cent of the DRC's annual budget is allocated to the justice sector. This is not sufficient to cover the salaries of the judiciary for even one month, with approximately 2,000 judges supposedly earning \$800 per month, let alone the salaries of other legal staff and the inevitable administrative costs."² And, according to the UN Mapping Report: "This situation provides a fertile ground where corrupt practices are legitimised on the grounds of necessity."

¹ See United Nations Report of the Mapping Exercise documenting the most serious violations of human rights and international humanitarian law committed within the territory of the Democratic Republic of the Congo between March 1993 and June 2003, August 2010, para. 726, p. 349. And also, UNGA, *Report of the Special Rapporteur on the Independence of Judges and Lawyers, Leadro Despouy* (11 April 2008) UN Doc. A/HRC/8/4/Add.2;

² International Legal Assistance Consortium and International Bar Association's Human Rights Institute, *Rebuilding courts and trust: an assessment of the needs and the justice system in the Democratic Republic of Congo*, August 2009

Recommended Action

Write/Email or Telephone the authorities listed below

- Calling for the immediate and unconditional release of Boniface Umpula Nyembo
- Reminding the Congolese authorities of their obligation “To take all necessary measures to ensure the protection of everyone against any violence, threats, retaliation, adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the Declaration on Human Rights Defenders” (General Assembly Resolution A/RES/53/144)

Président de la République M. Joseph Kabila
Palais de la Nation
Kinshasa/Gombe
République Démocratique du Congo
E-mail: upp@ic.cd; pp@presidentrdc.cd
Fax: +243 88 02 120

Parquet Général de la République, M. Le Procureur Général de la République
Email: pgr_rdc@yahoo.fr, pgr_rdcongo15@yahoo.com

M. Le Procureur General près la Cour d’Appel de Lubumbashi
Email: caiphe_useni@yahoo.fr

Mission permanente de la République Démocratique du Congo auprès des Nations Unies
Avenue de Budé 18
1202 Genève
Suisse
E-mail: missionrdc@bluewin.ch
Fax: +41 22 740 16 82

Send copies of your emails or letters to:

Maître Serge Lukunga
Action Contre l’Impunité pour les Droits Humains
E-mail: mailto:sergel@acidhcd.org