

**Catherine Ashton**

High Representative of the Union for Foreign Affairs and Security Policy  
Vice President of the European Commission

Brussels, 30 July 2010  
Our Ref.: B988

Dear Baroness Ashton,

**Subject: Situation of Human Rights Defenders in the Democratic Republic of Congo**

On the occasion of the 5<sup>th</sup> anniversary of the killing of Pascal Kabungulu on 31 July 2005, we would like to draw your attention to the dire situation of human rights defenders (HRDs) in the Democratic Republic of Congo (DRC). In light of increasing threats and deadly attacks against HRDs, we encourage you to ensure that the EU delegation in Kinshasa and Member States do their utmost to effectively implement the EU Guidelines on Human Rights Defenders in the country.

Amnesty International is concerned about the general situation of HRDs in the DRC, and the diminishing space in which they operate. The risks faced by HRDs have been further aggravated by the climate surrounding the upcoming elections next year. In particular, we invite the EU to actively engage the Government of DRC to ensure that the perpetrators of two specific cases - Pascal Kabungulu and Floribert Chebeya - are brought to justice.

Five years have passed since the killing of Pascal Kabungulu Kibembi, Secretary General of the human rights NGO "Héritiers de la Justice", by a group of armed men who shot him dead in front of his family on 31 July 2005. Shortcomings in the judicial system and the implication of several senior figures in the killing have contributed to the complete stalling of the trial resulting in a failure on behalf of the DRC authorities to bring the perpetrators to justice.

The death of Floribert Chebeya, Executive Director of the NGO "Voix des Sans Voix" early last month further exacerbated the sense of fear, anxiety and vulnerability within the DRC's human rights community. As you are aware, Floribert Chebeya was found dead in his car on the morning of 2 June 2010 after having been summoned to meet with General Inspector John Numbi on 1 June. Floribert's driver, Fidèle Bazana Edadi has been missing since then. The investigation launched by the national prosecutor appears unlikely to satisfy the requirements of international human rights law for independence, impartiality, effectiveness and promptness, as well as participation by and the right to information on the part of Floribert's family. Following the DRC's acceptance of the offer made by the Dutch government to assist with a team of forensic experts in conducting an autopsy on 10 June, the autopsy reportedly revealed that signs of ill-treatment found on Floribert's body were not the cause of death, and that high levels of stress coupled with a pre-existing heart condition might have triggered a fatal heart attack. Impartial, prompt and independent investigations are needed more than ever to quickly establish the whereabouts of Fidèle Bazana Edadi, the driver of Floribert's and to establish the truth as to the series of events that led to Floribert's death.

In the lead up to the forthcoming elections in 2011, tensions are expected to rise between the government and civil society and it is likely that HRDs will be increasingly targeted, yet most will continue their work in the face of grave threats. Thus implementation of a result-oriented EU strategy is particularly important.

With this, we urge you to ensure that the EU takes action in line with the EU HRD Guidelines, *inter alia* by calling on the Government of the DRC to:

- Undertake an independent, impartial and effective investigation into the death of Floribert Chebeya. The EU should continue to call for the establishment of an independent commission of inquiry with international participation and raise concerns regarding the lack of independence in the ongoing investigations in addition to the lack of information provided to the family on steps taken.

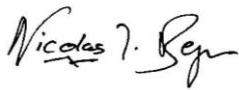
- Reopen the case of Pascal Kabungulu Kibembi to ensure that thorough and satisfactory investigations are carried out, the trials are resumed and that those responsible for the killing are brought to justice, regardless of their position. The EU must express serious concern that the alleged perpetrators are still free, five years after the killing of Pascal.
- Give visible recognition to the important work carried out by HRDs, including by adopting legislation to protect HRDs in line with the 1998 UN Declaration on Human Rights Defenders.

Promotion, protection and security of HRDs must be placed as a priority issue in the EU's relationship with the DRC. All possibilities should be utilized to raise the EU's concerns regarding the climate of impunity for violations committed against HRDs in the DRC, and to urge the DRC to ensure that all perpetrators, regardless of their position, are brought to justice through independent and effective disciplinary and criminal procedures.

Amnesty International would appreciate receiving information on the EU's activities for the protection and support of HRDs in the DRC, both in terms of general matters, as well as with regard to the two specific cases of Floribert Chebeya and Pascal Kabungulu highlighted. We would also welcome further information on the local strategy on HRDs in the DRC, adopted in March 2010 in the framework of the implementation of the EU HRD Guidelines.

We thank you for your attention to these important matters of concern, and stand ready to provide any further information you may require.

Yours sincerely,



Nicolas J. Beger

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