



Inter-Parliamentary Union

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Democratic Republic of the Congo

Decision adopted by the Committee on the Human Rights of Parliamentarians at its 167th session (virtual session, 30 January to 11 February 2022)



© Jean-Jacques Mamba

COD-148 – Jean-Jacques Mamba

Alleged human rights violations

- ✓ Threats, acts of intimidation
- ✓ Lack of due process at the investigation stage
- ✓ Violation of freedom of opinion and expression

A. Summary of the case

On 23 May 2020, Mr. Jean-Jacques Mamba was arrested at his home in a humiliating manner, without an arrest warrant, for allegedly forging the signature of a member of parliament as part of a petition calling for the departure of the First Vice-President of the National Assembly, Mr. Jean-Marc Kabund.

According to the complainant, Mr. Mamba's petition exceeded the 50 signatures required by the Rules of Procedure of the National Assembly and, of the 62 signatures collected, only the authenticity of one has been questioned. In order to ensure the validity of all signatures, the National Assembly set up a committee charged with verifying the signatures, which authenticated the 62 signatures. Thus, on 25 May 2020, the First Vice-President was removed from office. This decision was ratified by the Constitutional Court on 17 June 2020.

On 27 May 2020, the National Assembly passed a resolution calling for the suspension of Mr. Mamba's detention and the proceedings against him, pursuant to Article 107 of the Constitution,

Case COD-148

Democratic Republic of the Congo:
Parliament affiliated to the IPU

Victim: Opposition member of parliament

Qualified complainant(s): Section I.(1)(a) of the Committee Procedure (Annex I)

Submission of complaint: September 2020

Recent IPU decision: November 2020

Recent IPU mission(s): - - -

Recent Committee hearings(s): - - -

Recent follow-up:

- Communication from the authorities:
Letter from the Speaker of the National Assembly (November 2020)
- Communication from the complainant:
March 2021
- Communications to the authorities:
Letter to the President of the Republic and Speaker of the National Assembly (March and December 2021)
- Communication to the complainant:
March 2021

during the parliamentary session. On the same day, the court of cassation decided to stay the proceedings until the end of the current parliamentary session.

On 15 September 2020, when the parliamentary session resumed, the prosecution issued a fresh warrant for Mr. Mamba's arrest on the premise that the National Assembly's resolution only applied to the preceding session. During a meeting with the IPU Secretary General in October 2020, the Minister for Human Rights of the Democratic Republic of Congo (DRC) confirmed that Mr. Mamba's arrest had been arbitrary and of a political nature. He also explained that Mr. Mamba's case was the result of political tensions within the coalition in power.

In order to avoid detention which, according to the complainant, would have been arbitrary, Mr. Mamba had to leave the country, until he was able to return in November 2020, when he re-entered the DRC without being arrested upon arrival. Mr. Mamba was also able to resume his parliamentary work unhindered.

A hearing on the case was held on 10 February 2021 and, in its decision of 10 March 2021, the court issued a decision acquitting Mr. Mamba of the charges brought against him.

B. Decision

The Committee on the Human Rights of Parliamentarians

1. *Thanks* the parliamentary authorities and, in particular, the former Congolese Minister for Human Rights, for their cooperation in this case and for the measures taken to protect and guarantee Mr. Mamba's fundamental rights;
2. *Welcomes* Mr. Mamba's unimpeded return to the country in November 2020, and *notes with satisfaction* that he was acquitted of the charges brought against him, which closes the case definitively; and *decides*, therefore, to close the case pursuant to section IX, paragraph 25, of the Procedure for the examination and treatment of complaints, as a satisfactory settlement has been reached given the positive outcome of the case, namely its definitive closure by the relevant authorities and Mr. Mamba's resumption of his parliamentary work;
3. *Hopes* that the diligence exerted by the Congolese authorities and the measures taken in Mr. Mamba's case will be applied to the other cases of the Democratic Republic of the Congo before the Committee on the Human Rights of Parliamentarians; and *encourages*, therefore, the authorities to take all necessary measures to guarantee respect for the fundamental rights of all members of the National Assembly, former and present, and to reach a final and satisfactory resolution in their cases;
4. *Requests* the Secretary General to convey this decision to the parliamentary authorities and the complainant.