



Inter-Parliamentary Union

For democracy. For everyone.

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)



Mr. Mythondeke © IPU June 2013

COD-72 – Dieudonné Bakungu Mythondeke

Alleged human rights violations

- ✓ Threats, acts of intimidation
- ✓ Violation of freedom of movement

A. Summary of the case

Mr. Mythondeke was arrested, together with his family and bodyguards, in disputed circumstances, in February 2012. Charged with rebellion and breaches of state security, he was acquitted of all charges brought against him, but was sentenced in first and final instance by the Supreme Court on 25 February 2012 to 12 months' imprisonment for incitement to hatred. The judicial proceedings were characterized by irregularities, which were largely upheld in the Supreme Court decision. Mr. Mythondeke was released on 28 January 2013 after serving his sentence. Mr. Mythondeke won a civil claims case against the Congolese State in 2015. However, according to the complainants, the State has not paid the amount ordered by the court. Consequently, Mr. Mythondeke lodged an appeal for review with the High Court in Goma which, in its decision of 18 March 2021, ordered the Congolese State to pay the amount due to Mr. Mythondeke for damages sustained during the attack on his home in 2012.

Case COD-72

Democratic Republic of the Congo:
Parliament affiliated to the IPU

Victim: A member of parliament for the majority, having joined the opposition at the time of the facts of the case

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

Submission of complaints: August 2012 and May 2014

Recent IPU decision: March 2016

IPU mission: June 2013

Recent Committee hearing: Hearing with the delegation of the DRC at the 152nd session (January 2017)

Recent follow-up:

- Communication from the authorities: Letter from the Speaker of the National Assembly making no reference to the case (January 2020)
- Communication from the complainant: February 2022
- Communications to the authorities: Letter to the President of the Republic and the Speaker of the National Assembly (March and December 2021)
- Communication to the complainant: February 2022

Given the concerns for their safety and the absence of any measures by the Democratic Republic of the Congo (DRC) authorities to ensure the protection of Mr. Mythondeke and his family and put an end to the threats, they took refuge abroad in early 2014. Even so, they continue to receive regular threats while in exile and, according to the complainant, their relatives who remained in the DRC are being subjected to intimidation. This is why Mr. Mythondeke cannot return to the DRC at this time without fearing for his life and why he was unable to stand as a candidate in the legislative elections held in December 2018. According to the complainant, Mr. Mythondeke wishes to relocate to another country but has not obtained any assistance in regard to relocation because, according to United Nations reports, he provided substantial financial and political support to an armed group before his arrest. Mr. Mythondeke denies those accusations and invokes the presumption of innocence.

The Speaker of the National Assembly reported in a letter dated 21 August 2017 that he had asked the executive branch to launch investigations into the reasons why Mr. Mythondeke went into exile and to seek proposals on how to facilitate his return. However, since 2017, the parliamentary authorities have not provided any information on Mr. Mythondeke's situation.

In December 2020, the complainant reported that Mr. Mythondeke had returned to the DRC in deplorable travel conditions. The return was said to have been motivated by the failure of the Office of the United Nations High Commissioner for Refugees (UNHCR) in Brazzaville to take any action.

B. Decision

The Committee on the Human Rights of Parliamentarians

1. *Deplores* the lack of information from the parliamentary authorities regarding the situation of Mr. Mythondeke since 2017, especially since the parliamentary authorities continue to provide updated information on the other DRC cases referred to the Committee;
2. *Recalls* that the Supreme Court's decision of 2012 confirmed that, at the time of his arrest, Mr. Mythondeke's fundamental rights had been violated; that he was convicted for an offence that had not even been listed in the initial charges for which he had been prosecuted; that his parliamentary immunity had been violated; and that the authorities had not taken the necessary measures to ensure his security upon his release from prison in 2013, which caused him to leave the DRC and relocate in another country;
3. *Notes* that Mr. Mythondeke and his family had to return to the DRC as the UNHCR in Brazzaville had not made any progress regarding their request for relocation, reportedly because the relocation appears to have been hampered by information contained in the United Nations' reports, even though Mr. Mythondeke had been acquitted by the DRC courts of all the charges brought against him; *notes*, nevertheless, that Mr. Mythondeke's security situation in the DRC has improved, as he is reportedly no longer under surveillance or subject to acts of intimidation;
4. *Notes*, also, the decision of the High Court in Goma ordering the Congolese State to pay the amount due to Mr. Mythondeke for damages sustained during the attack on his home in 2012; *underlines* that the procedure for indemnification was established in 2015 and, consequently, *appeals* to the competent authorities to execute this court decision so that Mr. Mythondeke and his family can close this chapter and return to decent living conditions in the DRC; *invites* the parliamentary authorities to follow the case and take all necessary measures to finally resolve this case; and, in that regard, *wishes* to be informed of the progress made therein;
5. *Requests* the Secretary General to convey this decision to the competent authorities, the Minister for Justice of the DRC, the complainants, as well as to any third party likely to be in a position to supply relevant information;
6. *Decides* to continue examining this case.