



Inter-Parliamentary Union

For democracy. For everyone.

# Democratic Republic of the Congo

*Decision adopted unanimously by the IPU Governing Council at its 204<sup>th</sup> session (Doha, 10 April 2019)*



Franck Diongo, President of the MLP, Congolesse opposition party © AFP Photo/Papy Mulongo

## COD86 – Franck Diongo

### Alleged human rights violations:

- ✓ Torture, ill-treatment and other acts of violence
- ✓ Impunity
- ✓ Lack of due process at the investigation stage and lack of fair trial proceedings
- ✓ Right of appeal

### A. Summary of the case

Mr. Diongo, an opposition member of parliament, was arrested together with several activists from his political party at his home on 19 December 2016 by presidential guard soldiers. He was tortured and then summarily tried under an accelerated procedure, despite a worrying medical condition resulting from ill-treatment in detention. On 28 December 2016, he was sentenced, in both the first and the last instance, to five years in prison for arbitrary arrest and illegal detention aggravated by torture. Moreover, the authorities have taken no action to punish any of the perpetrators of the acts of torture committed against the Mr. Diongo.

Mr. Diongo's arrest and conviction took place against a background of protests to postpone the elections in the DRC and against the extension of President Kabila's mandate (which should have ended on 19 December 2016) and the increased repression of the opposition and civil society. His arrest occurred amidst a wave of arrests and acts of violence on 19 and 20 December 2016 unleashed by the Congolesse security

### Case COD86

**Democratic Republic of the Congo:**  
Parliament affiliated to the IPU

**Victim(s):** Male opposition member of parliament

**Qualified complainant(s):** Section I(1)(a) of the [Committee Procedure](#) (Annex I)

**Submission of complaint:** December 2016

**Recent IPU decision:** [October 2018](#)

**IPU mission:** - - -

**Recent Committee hearing(s):** Hearing with the delegation of the DRC at the 152<sup>nd</sup> session of the Committee (January 2017)

### Recent follow-up:

- Communication from the authorities: Letter from the Speaker of the National Assembly (October 2017)
- Communication from the complainant: March 2019
- Communications addressed authorities: Letters to the Head of State, the acting Speaker of the National Assembly and the Deputy President of the Senate (March 2019)
- Communication addressed to the complainant: March 2019

forces to prevent any demonstrations by the opposition taking place. Mr. Diongo was the only politician who dared to continue calling on the people to protest on that symbolic date.

Following Mr. Felix Tshisekedi's victory in the December 2018 presidential elections, he granted presidential pardons to more than 700 political prisoners on 13 March and Mr. Diongo was released as a result.

## **B. Decision**

The Governing Council of the Inter-Parliamentary Union

1. *Notes with satisfaction* that Mr. Diongo was one of the political prisoners granted a presidential pardon and that he has been released;
2. *Recalls* that Mr. Diongo had been arrested and sentenced to prevent him from continuing to express his opposition to the extension of the Head of State's mandate, and so as to put an end to the protests organized by the opposition, that his trial had been marred by serious flaws and that his fundamental rights to freedom of expression, peaceful assembly and a fair trial had neither been observed nor protected by the executive, judicial and legislative authorities of the DRC, and that Mr. Diongo had been prevented from taking part in the elections because of this politically motivated conviction, which was in violation of article 25 of the International Covenant on Civil and Political Rights;
3. *Wishes* to ensure, and to receive official confirmation from the relevant authorities, that Mr. Diongo's conviction cannot constitute grounds for preventing him from standing for election in the future; *requests therefore* the DRC authorities to confirm that, following the announcement of the presidential pardon decree, Mr. Diongo's conviction was annulled and deleted from his criminal record, and to provide it with a copy of the extract from the criminal record attesting to that fact;
4. *Deplores* the fact that no action has been taken by the Congolese authorities to independently and impartially investigate the torture inflicted on Mr. Diongo and other suspects arrested with him, or to punish the soldiers responsible for these acts, despite the complaint filed by Mr. Diongo with the military courts;
5. *Urges therefore* the Congolese authorities to take all necessary steps to ensure that the perpetrators of these acts are brought to justice without delay and relieved of their duties; *encourages* the Congolese authorities to implement a zero-tolerance policy on torture and ill-treatment in detention, in strict compliance with the recent decision to close illegal places of detention; *also calls on* the Congolese authorities to ensure that Mr. Diongo is compensated for the wrongdoings he suffered;
6. *Requests* the Secretary General to convey this decision to the parliamentary authorities, the Minister of Justice, the complainant and any third party likely to be in a position to supply relevant information;
7. *Requests* the Committee to continue examining this case and to report back to it in due course.