



Inter-Parliamentary Union

For democracy. For everyone.

Democratic Republic of the Congo

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



© Photo courtesy of Mr. Chalupa's family.

COD-32 - Pierre Jacques Chalupa

Alleged human rights violations:

- ✓ Other violations (arbitrary stripping of nationality)

A. Summary of the case

Mr. Chalupa, a former opposition member of parliament who was arbitrarily disqualified in 2007 in a case that had come before the Governing Council at that time, was refused recognition of his Congolese nationality after being sentenced to three years' imprisonment on 23 January 2013 for forgery and use of falsified documents in connection with his acquisition of Congolese nationality. Following proceedings marred by flaws, a trial observer (July–August 2012), a Committee delegation on mission in Kinshasa (June 2013) and the Governing Council (October 2013) concluded that it could not be ruled out that the case was politically motivated and aimed at removing Mr. Chalupa from politics because he had joined the opposition in the November 2011 elections. Mr. Chalupa was subsequently granted a presidential pardon; he was released on 22 November 2013 after serving over half of his sentence.

The question of his nationality has never been resolved by the Congolese authorities. In late April 2016, the authorities had granted a passport to Mr. Chalupa to allow him to seek medical treatment abroad for purely humanitarian reasons. In August 2016, Mr. Chalupa had been informed that his application for naturalization had been rejected by a decree of the Council of

Case COD-32

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(s): February 2012

Recent IPU decision: [October 2016](#)

IPU mission: [June 2013](#)

Recent Committee hearing(s): Hearing with the delegation of the DRC at the 152nd 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 to the 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

Ministers dated 22 July 2016, on the principal grounds that "his behaviour and conduct are a sign of lack of respect for the institutions."

Mr. Chalupa was suffering from cancer, which had developed during his detention. He was only able to receive medical treatment after his release. On 11 March 2019, Mr. Chalupa died as a result of this cancer at the Kinshasa Cinquantenaire Hospital.

B. **Decision**

The Governing Council of the Inter-Parliamentary Union

1. *Notes with regret* the death of Mr. Chalupa;
2. *Deplores* the fact that the Congolese authorities failed to take any steps to recognize Mr. Chalupa's nationality in view of the provisions of the law on nationality and Mr. Chalupa's long-standing undeniable ties with the DRC;
3. *Concludes* that Mr. Chalupa was wrongfully deprived of his nationality and that such deprivation had been highly politically motivated, given that his nationality had never been contested by the Congolese authorities before he joined the opposition;
4. *Recalls* that Mr. Chalupa was deprived of his Congolese nationality following a political trial marred by serious flaws and that he was unable to receive adequate medical care during his detention; *concludes* therefore that the Congolese authorities were responsible for violating the fundamental rights of Mr. Chalupa; and *expresses the hope* that his family will receive compensation and any other form of reparation as appropriate;
5. *Decides* to close this case in accordance with section 25(a) of its Procedure for the examination and treatment of complaints (Annex I of the revised Rules and Practices of the Committee on the Human Rights of Parliamentarians), since it is now impossible to reach a satisfactory solution in this case because of Mr. Chalupa's death;
6. *Requests* the Secretary General to convey this decision to the parliamentary authorities and to the complainant.