



## **RESOLUTION ON THE EFFECTIVE CLOSING OF NATIONAL INTELLIGENCE AGENCY AND FORBIDDING THE COLLECTION OF ILLEGAL TAXES FROM THE MEDIA BY THE NATIONAL INTELLIGENCE AGENCY IN THE DEMOCRATIC REPUBLIC OF CONGO**

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Recalling the African Charter on Human and Peoples' Rights, in particular Article 5 and the international standards for the protection of human rights, of prisoners, in particular the International Convention on Civil and Political Rights and United Nations Minimum Standard Rules for the Treatment of Prisoners, Mandela Rules;

Considering Decret-loi No. 003-2003 of January 11, 2003 establishing and organizing the National Intelligence Agency;

Considering the provisions of national laws including the Congolese Penal Code, the Congolese Code of Criminal Procedure and other texts, which determine the conditions of detention in the Democratic Republic of Congo;

Considering the official Communiqué of the Human Rights Minister of October 16, 2020, by which the latter strongly deplored the arbitrary detentions by Bukavu National Intelligence Agency, of which certain human rights defenders and a journalist were arrested, while claiming on respect for Articles 17 & 18 of the Constitution;

Considering the recent declarations of Mike Hammer and Nicolas Simard respectively Ambassador of the USA and Canada in the DRC, about the violation of the rights and freedoms of human right defenders and Journalists by Bukavu National Intelligence Agency;

Considering the Report posted by the Office of the United Nations High Commissioner for Human Rights on the main trends in human rights violations in September 2020;

Considering the meeting in Bukavu organized by the NGO Partenariat pour la Protection Intégrée (PPI) from October 13 to 16, 2020 during which a specification for journalists, media and media associations in South Kivu denouncing illegal taxes, arbitrary detentions of the National Intelligence Agency and the recommendations sent to the authorities;

Considering that the National Intelligence Agency neither is a basic service, nor taxes collector services that can be established in the DRC without referring to the nomenclature of taxes;

Given that President Felix TCHISEKEDI TSHILOMBO declared, after winning the 2018 elections, that all National Intelligence Agency cells should be closed across the whole country;

Concerned by the illegal fiscal harassments against the media, and detentions in the dungeons of the National Intelligence Agency throughout the National Territory with a

system of torture and other cruel, inhuman and degrading treatment against human rights defenders and journalists;

Considering the degradation of detention conditions as they are imposed on human rights defenders and journalists by the security services in the DRC, as well as the deprivation of visiting rights and other procedural recognized, including the prohibition of being assisted by a Lawyer;

Considering the attempt for the security services to the restriction of civic space and especially the muzzling of audio & visual press;

The NGOs Forum calls on the African Commission on Human and Peoples' Rights to recommend to the Government of the Democratic Republic of Congo to:

1. Set up an effective mechanism to ensure that, all cells of National the National Intelligence are close in the DRC according to the promise of President Félix TSISEKEDI TSHILOMBO, during the speech of January 24, 2019;
2. Ensure that the fundamental rights and freedoms of the Congolese people are observed by the security services including the National Intelligence Agency, the Police and the Army;
3. Put an end to the harassment of the National Intelligence Agency, and especially the illegal taxes collected from the media in the DRC;
4. Request the United Nations to consider the establishment of transitional justice mechanism adapted to the DRC context;
5. Adopt a law on the protection of human rights defenders
6. Establish measures guaranteeing press freedom and which contribute to the promotion, defense and respect for the rights of human rights defenders.

Adopted virtually on Zoom – 11<sup>th</sup> November, 2020