



Inter-Parliamentary Union

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## Democratic Republic of the Congo

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



Frank Diongo visits Eugène Diomi Ndongala at Kinshasa Hospital, 20 March 2019 © Photo courtesy of Diomi Ndongala's family.

### COD-71 - Eugène Diomi Ndongala

#### Alleged human rights violations:

- ✓ Lack of due process at the investigation stage
- ✓ Lack of fair trial proceedings
- ✓ Right of appeal
- ✓ Violation of freedom of opinion and expression
- ✓ Violation of freedom of movement

#### A. Summary of the case

Mr. Ndongala has been subjected to a campaign of political and legal harassment aimed at removing him from the political process since June 2012. In April 2013, he was arrested and on 26 March 2014 he was sentenced to 10 years' imprisonment for rape (for engaging in sexual relations with consenting children in return for payment) following a trial marred by serious flaws. The Committee concluded that the case was highly politically motivated and that Mr. Ndongala's fundamental rights had been violated. On 3 November 2016, the United Nations Human Rights Committee reached similar conclusions and called for his release.

Mr. Ndongala was excluded from the presidential pardon granted to political prisoners in March 2019 following the elections held in December 2018. The Minister of Justice granted him parole on 20 March 2019 on the grounds that he had served over a quarter of his sentence and that "that he had made amends during his incarceration". Mr. Ndongala was

#### Case COD-71

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

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

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

**Submission of complaint(s):** July and December 2012

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

**IPU mission:** [June 2013](#)

**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 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

released. However, his parole may be revoked at any time if he breaches the restrictive conditions attached to it. These conditions prohibit him from making statements and engaging in political activities "of such a nature as to disrupt public order and the smooth functioning of State institutions", from "causing scandal by his conduct", from travelling outside the country and from moving freely until April 2023. Mr. Ndongala is required to appear every Monday before the Prosecutor General at the Court of Cassation.

## **B. Decision**

The Governing Council of the Inter-Parliamentary Union

1. *Notes with satisfaction* that Mr. Ndongala has finally been released;
2. *Deplores*, nonetheless, that he has not been accorded the presidential pardon granted to other political prisoners and that his release is conditional; *underlines* that most of the restrictive conditions attached to his release have nothing to do with the crime for which he was convicted; and *considers* that these conditions are part of the ongoing campaign of political and legal harassment to which he has been subjected since 2012; *recalls* that the Supreme Court's decision did not deprive Mr. Ndongala of his civil and political rights, that the United Nations Human Rights Committee condemned the DRC for violating its obligations under the International Covenant on Civil and Political Rights and called for Mr. Ndongala's immediate release and the annulment of his conviction;
3. *Considers* that the conditions attached to his release yet again undermine Mr. Ndongala's fundamental rights while again confirming the political nature of the case; *calls* therefore on the relevant Congolese authorities to end these conditions;
4. *Encourages* the new parliamentary authorities elected in the last legislative elections to promote the protection of the fundamental rights of all members of the National Assembly irrespective of their political will to ensure that similar violations do not occur again in the future; *also reiterates* its long-standing recommendation that a level of appeal be introduced in judicial proceedings for parliamentarians to guarantee a fair trial in accordance with the relevant international standards; and *calls again on* the Congolese authorities to revise the Constitution in this regard;
5. *Requests* the Secretary General to convey this decision to the parliamentary authorities, the Minister of Justice, the complainants and to any third party likely to be in a position to supply relevant information;
6. *Requests* the Committee to continue examining this case and to report back to it in due course.