

Makoki International Hub and ACEDH Call on the Democratic Republic of Congo to Uphold the Rights of a Human Rights Defender Threatened with Arbitrary Arrest in Ituri

Kinshasa, 23 July 2026 – Makoki International Hub (MIH) and the *Congolese Alert for the Environment and Human Rights* (ACEDH) express their deep concern over a flagrant violation of the rights of a human rights defender in Ituri Province, notwithstanding the existence of clear legal provisions protecting human rights defenders. Despite the transformative vision underpinning these laws – which are binding upon all, including public authorities – political and customary authorities continue to misuse their powers to intimidate those whose only “offence” is to defend human rights, particularly environmental rights.

Violation of the Laws of the Republic

On 29 June 2026, Mr Defalaise Songa III Ukia, Chief of the Alur-Djuganda Chiefdom, instructed, through the correspondence n°324/0030/BUR/CHEF/DSU/AL-DI/2026, the Battalion Commander of the Armed Forces of the Democratic Republic of Congo (FARDC), the Commander of the Congolese National Police (PNC) Station, the Head of the local office of the National Intelligence Agency (ANR), and the Captain of the Republican Guard, all stationed in Djalasiga, to arrest Mr Mungudjakisa. Mr Mungudjakisa is the Coordinator of the Civil Society of the Congo (SOCICO) and a human rights defender. According to the correspondence, he is accused, *inter alia*, of contempt, defamation and insulting local authorities and the Chief of the Alur-Djuganda Chiefdom through social media. This action constitutes a serious infringement of the rights of human rights defenders guaranteed under the Constitution and the laws of the Democratic Republic of Congo.

Furthermore, this purported requisition amounts to the privatisation and misuse of the public force for personal purposes. Such conduct is expressly prohibited, regarding the police, under Article 4(2) of the Organic Law of 11 August 2011 on the Organisation and Functioning of the Congolese National Police. Likewise, the mandate of the National Intelligence Agency (ANR), as defined by Decree-Law No. 003-2003 establishing and organising the Agency, does not in any way extend to the circumstances described in the correspondence.

Moreover, Article 88 of the Military Penal Code of the Democratic Republic of Congo provides for a sentence of five to twenty years’ imprisonment for “[a]ny person who, by whatever means, incites one or more members of the armed forces to commit acts contrary to duty or military discipline.” It further provides that “[w]here such acts are committed in time of war, during exceptional circumstances, or in any circumstances likely to endanger the security of a military unit, military vessel or military aircraft, the death penalty shall be imposed.”

The conduct of the customary authority must therefore be assessed in light of this legal framework, together with all other relevant national and international legal instruments. Since May 2021, Ituri has remained under a state of siege declared by the President of the Republic in response to the serious security threats affecting the Province. Rather than allowing the security forces – particularly the FARDC – to fulfil their constitutional responsibility of protecting the population in a province affected by armed conflict, the customary authority sought to divert them from that mission for undisclosed personal purposes. Mr Defalaise’s letter therefore exemplifies the abusive use of the security services to silence human rights defenders such as Mr Mungudjakisa. Such conduct constitutes not only an infringement of the rights of the individual concerned but also an intolerable practice in a democratic society founded on constitutionalism, the rule of law and the accountability of public authorities. Article 21 of the 2023 Law on the Protection and Responsibility of Human Rights Defenders expressly prohibits reprisals and harassment against human rights defenders arising from their legitimate activities.

If implemented, such a requisition would result in the arbitrary arrest of the human rights defender in violation of Article 17(2) of the Constitution of the DRC, which provides that every person shall be prosecuted, arrested, detained or convicted only in accordance with the law and the procedures prescribed by law. By requesting in his correspondence that Mr Mungudjakiza be arrested, the customary authority clearly acted beyond the scope of its legal powers. Under Congolese law, only the competent judicial authorities – namely judicial police officers acting within the framework of the law and the Public Prosecutor's Office – may determine whether criminal proceedings should be instituted against an individual and order his or her arrest. By directing that Mr Mungudjakiza be arrested, the customary chief committed an abuse of authority. Furthermore, pursuant to Article 14 of the Decree of 6 August 1959 establishing the Code of Criminal Procedure, only officers of the Public Prosecutor's Office are legally empowered to requisition the public force for the purpose of carrying out an arrest.

Implementing International Human Rights Commitments

It is imperative that the DRC faithfully implement its international human rights obligations. By ratifying the African Charter on Human and Peoples' Rights, the Congolese State undertook, pursuant to Article 1 thereof, to adopt legislative and other measures necessary to give effect to the rights guaranteed under the Charter, including the right to personal liberty under Article 6 and the right to freedom of movement under Article 12(1). The State must therefore ensure that human rights defenders are not subjected to arrest outside the legal framework established by law.

Makoki International Hub and ACEDH call upon the DRC to ensure, through its judicial authorities, a safe and enabling environment for the work of human rights defenders by strictly enforcing the criminal law provisions protecting their activities. They further recommend that the competent judicial authorities promptly take up this matter, summon or prosecute those responsible for the acts of intimidation directed against human rights defenders, and thereby enable Mr Mungudjakiza to move freely and carry out his legitimate activities in complete safety.

The two organisations further urge the Congolese State to organise awareness-raising initiatives for members of the security services on their constitutional obligation not to execute manifestly unlawful orders, as provided for in Article 28 of the Constitution of 18 February 2006, as amended on 20 January 2011. Such initiatives should also emphasise the imperative duty to protect human rights defenders, refrain from unduly restricting civic space, and comply fully with the procedures established under the laws of the Republic and the international legal instruments duly ratified by the Democratic Republic of Congo. They further call upon the National Human Rights Commission of the Democratic Republic of the Congo and the Ministry of Human Rights to discharge their respective mandates fully and effectively.

About the Organisations

Makoki International Hub is an organisation established under the laws of the Democratic Republic of Congo, headquartered in Goma, North Kivu, with a secondary office in Kinshasa. Its principal mission is to promote a culture of human rights and strengthen accountability within national and international public institutions, as well as private entities entrusted with missions of public interest in the Democratic Republic of Congo and the Great Lakes Region.

Contact

Mr Musa Nzamu Jonathan

Executive Director



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Tel: +243 990 375 770

Email: makokiinternationalhub@gmail.com

Website: www.mkih.org

The *Congolese Alert for the Environment and Human Rights* (ACEDH) is a Congolese public-interest organisation with legal personality. Its mandate is to protect the environment and human rights through strategic interventions relating to land governance, environmental justice, wildlife protection through the enforcement of environmental laws, universal access to sustainable energy, strategic litigation against climate injustice, the monitoring and support of legal and institutional reforms affecting the environment, climate justice and land rights, as well as the protection of environmental and land rights defenders. ACEDH aspires to a more just world in which people and their environment remain at the centre of all governance-related actions and concerns.

Contact

Mr Olivier Ndoole

Consultant to the Executive Secretariat

Tel: +243 999 036 894

Email: direction.acedhrdc@gmail.com



Tél: +243 990 375 770
makokiinternationalhub@gmail.com

Tél: +243 999 036 894
direction.acedhrdc@gmail.com