

CONVICTION OF THREE ENVIRONMENTAL DEFENDERS IN KINDU: AN UNJUST DECISION THAT CALLS FOR STRONGER PROTECTION

Kinshasa, 8 October 2026 – Makoki International Hub (MIH) and Haki Zangu Inclusive Aid for Humanity (HAKI ZANGU) express their deep concern following the judgment that the *Tribunal de Paix* in Kindu delivered on 3 September 2026 in case RP 3393, between the Public Prosecutor and the environmental rights defenders Ramazani Muteba Lawamo, Shomari Collette Espérance and Ushindi Shabani Jérôme. The Tribunal convicted these defenders of damaging imputation after they published a report that, among other things, alleged river pollution and illegal exploitation of mineral resources involving the company Terra Karra, which Hounyeme Kamukunda Carlos heads.

Beyond the criminal classification the Tribunal adopted, this case raises serious questions about the conditions under which environmental defenders can monitor, document, and alert on matters of public interest in the Democratic Republic of Congo (DRC). This decision marks a worrying setback for protecting environmental defenders and safeguarding the rights of communities affected by activities likely to harm the environment and, in turn, these communities' survival. It also risks weakening efforts to document and denounce such harm by creating a hostile climate likely to deter and silence defenders and communities as they work to report acts that harm their rights and environment.

I. FACTS AND BACKGROUND OF THE CASE

Environmental defenders Ramazani Muteba Lawamo, Shomari Collette Espérance, and Ushindi Shabani Jérôme carried out monitoring work in accordance with the DRC Constitution of 18 February 2006, the 2011 Law on the fundamental principles relating to environmental protection, and the 2023 Law on the protection and responsibility of human rights defenders in the DRC. This work covered six of Maniema Province's seven territories. The investigation sought to expose human rights violations and environmental harm committed in those territories. At the end of the investigation, they drafted a report exposing human rights violations and illegal environmental exploitation by various mining companies, including Terra Karra, as well as mining cooperatives operating in the sector.

Acting in the name and on behalf of Terra Karra, which he heads, Hounyeme Kamukunda Carlos regarded the allegations in this report as likely to harm his honour and expose him to public contempt, and as facts and allegations that the Public Prosecutor's Office endorsed. In its judgment in case R.P. 3393/RMP3278, the Kindu Peace Court convicted the defenders of damaging imputation. The Tribunal's judgment indicates that they publicly imputed to a manager of Terra Karra, through the publication of a documentation report, facts relating in particular to river pollution and the illegal exploitation of mineral resources by this company. The said report was published on 7 December 2025 in Kindu. On this basis, the Tribunal sentenced each of the three defenders to twelve (12) months' imprisonment, with six months suspended, and to a fine of 500,000 Congolese francs, in addition to court costs.

II. A WORRYING CONVICTION FOR THE PROTECTION OF DEFENDERS, FREEDOM OF EXPRESSION AND THE PUBLIC INTEREST

The Tribunal's decision disregards the essential nature of protecting human rights defenders and freedom of expression. Article 23 of the Constitution of the DRC, Article 9 of the African Charter on Human and Peoples' Rights and Article 19 of the International Covenant on Civil and Political Rights protect, among other things, freedom of expression and the right to seek, receive and impart information. In particular, Article 3(5) of the above-mentioned 2023 Law



grants human rights defenders the right to carry out their activities throughout the national territory. Accordingly, they have the right to seek, obtain, receive, hold, publish, communicate and disseminate their ideas, information and reports on human rights and fundamental freedoms. These guarantees are expressed in the work of human rights defenders, whose monitoring, documentation, and alert activities help denounce violations and promote respect for fundamental rights, hallmarks of a State governed by the rule of law.

Furthermore, all litigants, including environmental defenders involved in judicial proceedings, enjoy procedural guarantees that require respect for the right to a fair trial. In this regard, Article 17 of the Constitution of the DRC provides that “No one may be prosecuted, arrested, detained or convicted except under the law and in the manner it prescribes”. Article 21 of the same Constitution provides that “Every judgment shall be in writing and shall state the reasons on which it is based”. In the present case, the three environmental defenders faced prosecution and conviction for damaging imputation, an offence that Article 74 of the Decree of 30 January 1940 establishing the Congolese Penal Code defines and punishes, following the publication of a report from a monitoring mission. The only fault of these defenders lies in exposing the human rights violations, the illegal exploitation of natural resources, and the environmental degradation that mining companies in Maniema, including Terra Karra, have caused. A Tribunal that Article 150 of the Constitution of the DRC entrusts with guaranteeing fundamental rights and freedoms has turned a legal prerogative granted to human rights defenders into a breach of the law. In addition, this conviction lacks reasoning, since the judgment merely finds that the offence of damaging imputation occurred, without actually showing the gap between the denunciation of human rights violations and the illegal exploitation of natural resources. The Court therefore relied on this offence as a means of silencing the defenders, without any material or moral basis.

Consequently, the assessment of this case cannot rest solely on the offence of damaging imputation. The case also raises whether the Tribunal considered the context in which the defenders made the statements at issue, particularly their alleged link to monitoring and documentation work on matters of public interest. Such activity is relevant to assessing the facts, the accused's intent, and their possible criminal liability. For Makoki International Hub and Haki Zangu Inclusive Aid for Humanity, protecting environmental defenders requires that the law account for their legitimate documentation and reporting activities, without exempting them from any liability they may incur for violating others' rights.

III. A DISPROPORTIONATE SENTENCE

Beyond taking into account the context in which the facts occurred, the conviction raises questions about the proportionality of the sanction and its potential consequences for the exercise of human rights defence activities. Article 3(5) of the 2023 Law on the protection and responsibility of human rights defenders in the DRC recognises, among other things, the right of human rights defenders to seek, receive and impart information relating to human rights, and calls on the Congolese State to protect defenders against violence, threats, reprisals and pressure linked to their activities.

In this context, any assessment of a criminal sanction imposed following monitoring, documentation and alert activities must consider not only the alleged facts, but also the necessity of the sanction, its proportionality and its possible chilling effect on other defenders and civil society organisations.

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In this respect, the judgment states that the Public Prosecutor had requested a sentence of six months' imprisonment and a fine of 600,000 Congolese francs for each of the accused. However, the Court sentenced them to 12 months' imprisonment, with six months suspended,

and a fine of 500,000 Congolese francs. Although the Court is not bound by the Public Prosecutor's submissions, the gap between those submissions and the sentence imposed calls for an examination of the sentence's reasons and its proportionality in light of the case's circumstances.

In addition, certain aspects of the judgment call for close legal scrutiny, particularly the precision of its legal basis. Indeed, the judgment cites Article 74 of the Penal Code, Book II, while its reasoning also refers to Article 76. This apparent inconsistency calls for clarification in light of the principle of legality of offences and penalties, which demands a clearly identifiable legal basis for any conviction.

IV. OUR CONTRIBUTION

MIH and HAKI ZANGU recall that protecting human rights defenders, freedom of expression, and access to information are essential guarantees of the rule of law. Preventing and denouncing harm to the environment and to the rights of local communities affected by mining activities requires that those who document and report such facts can carry out their activities freely, safely and within the legal framework.

The two organisations call on the judicial authorities and all stakeholders concerned to ensure the application of Congolese legislation, in line with the constitutional, regional and international obligations of the DRC, in particular regarding freedom of expression, environmental protection and the protection of human rights defenders.

MIH and HAKI ZANGU reaffirm their readiness to contribute, with due respect for judicial procedures and the rights of all parties, to any initiative aimed at strengthening the protection of environmental defenders and preserving a space conducive to documenting, alerting on, and reporting harm to human rights and the environment in the DRC, through the Interprovincial Network of Lawyers and the legal clinics established in Maniema, Ituri and Tshopo to strengthen the legal protection of environmental defenders in these provinces.

ABOUT US:

Makoki International Hub (MIH) is an organisation governed by Congolese law, based in Goma, North Kivu, DRC, with a secondary office in Kinshasa. Its main mission is to promote a culture of human rights and strengthen accountability within national and international public institutions, as well as private entities that carry out public-interest missions in the DRC and the Great Lakes region.

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Haki Zangu Inclusive Aid for Humanity is an independent, non-political, not-for-profit NGO based in Goma (North Kivu) with a representation office in Kinshasa. Its mission is to promote peace, environmental protection, social justice, and human rights through holistic protection of human rights defenders, legal and psychosocial support for victims of human rights violations,

and the building of citizen capacity, especially for women, young people, and marginalised groups.

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