



## **Tom Lantos Human Rights Commission Hearing**

### **Democracy and Human Rights in the Democratic Republic of the Congo**

**Tuesday, November 29, 2016**

**10:00 AM – 12:00 PM**

**2255 Rayburn House Office Building**

#### **Opening Remarks as prepared for delivery**

Good morning, and welcome to the Tom Lantos Human Rights Commission's hearing on Democracy and Human Rights in the Democratic Republic of the Congo.

I'd like to welcome our witnesses and thank them for sharing their expertise and in-country experience with us today. I am pleased to see the State Department so ably represented by Assistant Secretary Tom Malinowski and my former colleague in the Congress, Tom Perriello, who currently serves as Special Envoy for the Great Lakes Region of Africa. I very much look forward to hearing your testimonies.

I want to extend a special welcome to those of you from the DRC who are joining us this morning. I would like to recognize the DRC's Ambassador to the United States Barnabé Kikaya Bin Karubi; and Mr. Mayombo Mbanza, a lawyer who represents the DRC diaspora in Chicago. Your presence is a good indicator of the importance and relevance of this hearing.

We are here today because the Democratic Republic of the Congo, which the United States considers a strategic priority due to its size, location and role in Africa's Great Lakes region, is facing a constitutional crisis.

In 2002 the U.S., working with African and European partners, helped facilitate a Congo peace accord that included a democratic transition and free elections under a new constitution limiting the president to two terms. In 2006 Joseph Kabila, who assumed the presidency in 2001 after the assassination of his father, President Laurent Kabila, was elected president in his own

right, in a landmark election that was widely viewed as credible. He was reelected in 2011, although the analyses of that election by international observers were not as positive.

President Kabila's second term is scheduled to end in about three weeks, on December 19<sup>th</sup>. But it seems that the President has no intention of stepping down on that date. On the contrary, for the last couple of years, the President and his party have repeatedly sought to delay, in a variety of ways, the elections that should have taken place this year – and they have succeeded. Elections that were scheduled by the National Electoral Commission for last November 27<sup>th</sup> failed to occur, and it's now too late to elect a replacement for Mr. Kabila before the 19<sup>th</sup>.

Meanwhile, we will hear today that the human rights situation in the DRC has deteriorated, as government repression against pro-democracy activists, opposition political leaders, protestors and the media has intensified. The State Department's 2015 Human Rights Report on the DRC noted "increased intimidation of political and civil rights activists and journalists in the form of arbitrary arrests, prolonged detention, and threats; [and] restrictions on the ability to change the government peacefully," as well as "widespread impunity and corruption throughout the government," state security force abuses and a judiciary that is "corrupt and subject to influence."

So what happens next? That is the question we're trying to answer today. There is a lot of concern up here on the Hill that conflict will deepen after the 19<sup>th</sup> – that protests could mushroom, leading to increased repression and mass violence.

The Administration has pursued many strategies in its effort to help consolidate democracy in the DRC – including targeted sanctions and calling for a "negotiated solution" on the timing of elections – and we will hear more about those efforts today. I am especially interested in the views of the witnesses on the recent "political agreement" reached under the auspices of the African Union, but with very limited participation by opposition leaders, that would postpone elections until 2018 while allowing Mr. Kabila to remain in office until then.

We in the Congress have also done our part to insist on the critical importance of adhering to democratic rules of the game. Most recently we passed House Resolution 780, which calls for more sanctions on DRC officials who impede democratic progress through credible elections – and I'd like to recognize the leadership of Reps. Chris Smith, Karen Bass, Eliot Engel and Ed Royce, the original cosponsors, on that initiative.

Yet here we are.

Some of you may ask why this hearing is so focused on the issue of presidential succession, when the DRC faces many other very serious human rights problems – ongoing armed conflict in the east, sexual and gender-based violence, recruitment of child soldiers, conflict minerals. There can be no doubt that these problems are of grave concern, and in fact

they have received congressional attention – for example, through the Conflict Minerals legislation of 2010.

But one factor distinguishes the current political crisis in the DRC, with its foreseeable risk of increased human rights abuses: it is due primarily to the actions of one man, President Kabila, and his supporters and enablers. It is the President's refusal to comply with the letter and the spirit of his country's constitution that is undermining the democratic aspirations of his people and causing this crisis, and it is within his power to defuse it. To do so, to rise above his personal desires and motivations, to put his country first, would be the sign of a true statesman and political leader. That is what democracy requires. And it would set a very important example for neighboring countries where the issue of presidential term limits is also in play: Burundi, Rwanda, the Republic of Congo. We can and should hope that wisdom will prevail in the coming weeks.

With that, I would like to introduce our witnesses, whose testimonies I formally submit into the hearing record.