

**Opening Statement  
DRC Human Rights Hearing  
Tom Lantos Human Rights Commission  
Rep. Chris Smith  
November 29, 2016**

Since its independence in 1960, the nation now known as the Democratic Republic of the Congo, or DRC, has been the scene of rampant corruption, blatant political manipulation and the continual denial of human rights. The late Mobutu Sese Seko set the stage early on for what has become perennial rule and misgovernance. While he accumulated billions from stolen government assets, his people remained poor and had their human rights routinely denied.

When Laurent Kabila seized power in 1997, there briefly was hope that the long period of misrule had ended, but neither he nor his son Joseph, who assumed power in 2001 when his father was assassinated, lived up to that promise.

Despite a constitution that forbids the current President Kabila from staying in office past December 19<sup>th</sup> of this year, he has found a dubious loophole to extend his rule. According to the current constitution, Kabila's final term ends on December 19<sup>th</sup>, and elections that had been scheduled for November 19<sup>th</sup> would have selected a new president before Kabila's term expires and elect members of Parliament, whose current term also will expire this year.

According to the constitution, if no election was held on schedule and a presidential vacancy was declared, the President of the Senate would

assume power for a three-month term in order to hold elections. However, on May 11<sup>th</sup>, the Constitutional Court ruled that the president would remain in office until his successor is voted in. But the Electoral Commission and the Constitutional court have agreed that the passing of the December 19<sup>th</sup> deadline requires no such declaration of a vacancy, thus Kabila will remain in office past that date. This constitutional loophole does not include Parliament, however, so President Kabila would rule with no legislative restraints.

His government already consistently prevents free elections and free expression. It prevents the effective operation of civil society. Government soldiers often abuse citizens with abandon, killing, disappearing and extorting many. DRC jails are full of those who dared to challenge Kabila's rule. Each hour, an average of 49 women and girls are raped in the DRC – many by members of the DRC's own military. Impunity for these crimes is standard practice.

Public demonstrations are prevented, as were two planned opposition demonstration in Kinshasa and Lubumbashi on November 19<sup>th</sup>. Even when demonstrations are allowed, demonstrators have been met with violent responses from government forces.

The sham national dialogue this past summer has been condemned widely in DRC and in the international community. Regardless of pressure to abide by the constitution, Kabila continues to create a bogus unity government to justify an extension of his rule until 2018. Actually, once the constitution is breached, Kabila can continue in office for as long as he can successfully delay constitutional rule from being reestablished.

Without change in the transition beyond December 19<sup>th</sup>, the long-predicted chaos in the DRC is coming soon. I introduced H. Res. 780 to condemn the manipulation and violation of DRC's constitutional order and the ongoing denial of human rights. It passed the House two weeks ago and a similar version has passed the Senate. Obama Administration officials tell us they intend to accelerate sanctions on DRC officials frustrating the democratic process, but time is quickly running out.

Additionally, my subcommittee has worked with the Catholic church, civil society, Diaspora groups and opposition political parties to encourage them to work together to create a transition plan more faithful to the DRC constitution. Such a consensus plan could then answer the question: "If not Kabila then what?"

The citizens of the DRC have long been denied their basic human rights. Frustration has been building for decades. If Congolese and the international community cannot agree on a way forward soon this nation – bordering nine neighbors – will experience a social explosion more catastrophic than previously seen.