

23 September 2021

Democratic Republic of Congo – Arbitrary detention and ill-treatment of human rights defender Franck Balimbasa

On 15 September 2021, human rights defender **Franck Balimbasa** was arrested without a warrant by police and military officers in Lokutu. The human rights defender was then taken to the police station in Lokutu (Auditorat Militaire de Lokutu) where he reported being subjected to ill-treatment by police officers. He has been temporarily released in order to receive medical attention.

[Frank Balimbasa](#) is a human rights defender and the head of the regional office of *Réseau d'Information et d'Appui aux ONG nationales* (RIAO RDC). RIAO RDC is a network of 256 non-governmental organisations and 333 farmers' associations across different provinces of the Democratic Republic of the Congo (DRC). RIAO-RDC has played a prominent role working with communities in rural areas of the DRC to defend land and resource rights.

On 14 September 2021, Franck Balimbasa arrived in Lokutu as part of a mission to engage in advocacy with security officers of the palm oil company Plantations et Huileries du Congo (PHC). On 15 September around 5 a.m, police and military officers arrested the human rights defender at his accommodation in Lokutu and brought him to the Auditorat Militaire de Lokutu. While no formal charges have been brought against Franck Balimbasa, he is accused of “inciting violence” against PHC. Due to the remote location of where he was detained, Franck Balimbasa’s lawyer only arrived in Lokutu on 19 September and immediately requested the human rights defender’s release so he could receive medical attention. The lawyer found the human rights defender’s health condition concerning as a result of the injuries he reportedly sustained from police officers during his detention. The human rights defender has been temporarily released from the Auditorat Militaire de Lokutu to receive medical attention.

RIAO RDC, its members and land rights defenders have long been targeted for their peaceful human rights work. On 15 July 2019, human rights defender and member of RIAO RDC **Joël Imbangola Lune** was brutally beaten and killed. A security guard of palm oil company Plantation Huilerie du Congo was investigated for this crime but was subsequently acquitted by the DRC authorities. PHC is a subsidiary of Feronia which has received investment from European development finance institutions, BIO (Belgium), DEG (Germany), and FMO (the Netherlands) as well as the British CDC Group. Prior to this incident, RIAO had been significantly involved in raising concerns about human rights and environmental abuses reportedly linked to PHC. An investigation commissioned by British development finance institution CDC Group (an equity investor of Feronia), found no link between the killing of Joël Imbangola Lune and Feronia.

Between the 12 and 13 September 2021, five land rights defenders who have been outspoken about the activities of PHC were detained. On 12 September 2019, Iswetele human rights defender and member of RIAO RDC **Eswetele Mokili** was arrested along with his deputy **Dominique Kamatinanga Zuzi**. The next morning, a local teacher **Antoine Swimbole Lingele** was also arrested. Later that day, **Robert Esumbahele**, a pastor from Yalifombo was arrested after the police accused him of hiding an individual involved in the opposition to PHC in his house. The police arrested him after he refused to allow them to search his house. Finally, a pastor from Lokumete, **Franck Lwange Etiota**, was arrested after he volunteered to accompany the above-mentioned detainees to their place of detention. According to local human rights defenders, the arresting officer was reportedly accompanied by guards from PHC, who arrived in a vehicle with the logo of the company. The arrests were based on a warrant issued by the Kisangani General Prosecutor. The five land rights defenders were not provided with the reasons for their arrests.

They were detained for six months before being released on bail. However, they still face charges in connection with their protests against the activities PHC.

On 18 September 2019, human rights defender **Alphonse Mombulu Boyama** and member of RIAO RDC was arrested in Yangoma and subsequently detained at Lokutu Police Station following a complaint against him from the General Prosecutor of Tshopo province. The complaint relates to a peaceful protest that the human rights defender took part in against PHC in March 2019. His arrest came after an attempted arrest on 15 September 2019, when police officers came to Alphonse Mombulu Boyama's property in the middle of the night. On this occasion, the human rights defender fled his residence and evaded the arrest as the police did not present an official warrant and he thought that it was an attempted kidnapping. On 9 November 2019, human rights defender Alphonse Mombulu and his two sons were arrested for allegedly illegally occupying property belonging to the PHC. He was transferred to a cell at the Kisangani High Court alongside his two sons. On 13 November 2019, all three were acquitted and released after paying a fine of 1,000 US dollars.

Front Line Defenders is seriously concerned by the ongoing detention and judicial harassment of Franck Balimbasa, which appears to be part of a pattern of attacks against and judicial harassment against RIAO-DRC members and land rights defenders who are outspoken about the activities of companies such as PHC.

Front Line Defenders urges the authorities of the Democratic Republic of Congo to:

1. Immediately and unconditionally release Franck Balimbasa, as Front Line Defenders believes that he is being held solely as a result of his legitimate and peaceful work in the defence of human rights;
2. Carry out an immediate, thorough and impartial investigation into reports of ill-treatment of Franck Balimbasa, with a view to publishing the results and bringing those responsible to justice in accordance with international standards;
3. Take all necessary measures to guarantee the physical and psychological integrity and security of land rights defenders including those working with RIAO-RDC;
4. Cease targeting all human rights defenders in the Democratic Republic of Congo and guarantee in all circumstances that they are able to carry out their legitimate human rights activities without fear of reprisals and free of all restrictions including judicial harassment.