

17 September 2021

Democratic Republic of Congo: Arbitrary arrest and detention of human rights defenders and LUCHA members Parfait Muhani and Ghislain Muhiwa

Human rights defenders and LUCHA members **Parfait Muhani** and **Ghislain Muhiwa** have been respectively arrested on 6 July 2021 and 23 August 2021. Parfait Muhani is charged with defamation, contempt of the judiciary and criminal association, while Ghislain Muhiwa is accused of defamation. They are both detained at the Central Prison of Goma, awaiting for their before the Military Court of Goma.

[Parfait Muhani](#) and [Ghislain Muhiwa](#) are human rights defenders affiliated with the organisation [Lutte pour le Changement \(Fight for Change – LUCHA\)](#). LUCHA is a non-violent and non-partisan youth civil society movement founded in June 2012 in Goma, North Kivu. The movement advocates for social justice and accountability in the Democratic Republic of Congo (DRC) and encourages Congolese citizens to fight for the promotion and respect of human rights.

On 4 June 2021, LUCHA affirmed via a tweet on their official page that they had evidence confirming that part of the donations intended for the victims of the eruption of the Mount Nyiragongo volcano were diverted by the Foundation Denise Nyakeru Tshisekedi, founded by the First Lady of the DRC. While the foundation didn't respond to the allegations, they filed a complaint against members of LUCHA.

On 23 August 2021, human rights defender and LUCHA member Ghislain Muhiwa was arbitrarily arrested on his way to visit his relatives and detained at the Central Prison of Goma. He is accused of defamation following the complaint filed by the foundation of the First Lady against LUCHA members. Ghislain is waiting his trial by the Military Court of Goma, which took over from the civil courts during this period of siege in the Eastern part of the DRC.

On 6 July 2021, human rights defender and LUCHA member Parfait Muhani was arbitrarily arrested without a warrant in Goma. He was detained incommunicado until 7 July 2021 when LUCHA members announced that he was detained at the Central Prison of Goma. He is accused of defamation, contempt of the judiciary and criminal association. He is also waiting his trial by the Military Court of Goma. If found guilty on the count of the criminal association, the human rights defender could face the death penalty.

Both Parfait Muhani and Ghislain Muhiwa state that they have never spoke nor mentioned the alleged donations diversion by the foundation of the First Lady of the DRC. LUCHA members believe these arbitrary arrests and trial are in reprisal of the organisation's legitimate and peaceful human rights activities. Over the past years, LUCHA members have been targeted for their work in defence of human rights and have been subject to arbitrary arrests, detentions, beatings and killings by police officers.

On 19 April 2021, human rights defenders and LUCHA members **Elisee Lwatumba Kasonia** and **Eric Muhindo Muvumbu** were arbitrarily arrested during a peaceful protest in Butembo and detained for three months at the Butembo Central Prison. They were charged with "inciting civil disobedience" and "threat of attack. They were released on bail on 24 July 2021, but the charges are still pending.

On 19 December 2020, 8 human rights defenders and members of LUCHA were brutally arrested during a peaceful protest organised by LUCHA in Beni, North-Kivu. The peaceful protest was

organised to denounce the inaction of the MONUSCO in response to the continuous killing of civilians by armed groups in Beni, and call for MONUSCO's departure from the DRC.

On 26 May 2020, 7 LUCHA members were arbitrarily arrested during a peaceful protest when they placed a box draped in the DRC flag outside the front of the Kiwanja police station, to symbolise the coffin of **Frédéric-Marcus Kambale**, a member of the LUCHA who was shot and killed by a police officer during a peaceful protest organised in Beni, in North-Kivu, on 21 May 2020. They were charged with contempt of national emblem. They were released three days later when the Court of Rutshuru cleared them all of the charge.

On 23 November 2019, human rights defender and LUCHA member **Muhindo Kanzogha Obadi** was shot dead when the police opened fire at a peaceful protest in Beni. On 9 September 2019, 4 LUCHA members were admitted to the hospital after being wounded by police officers in Kananga, Kasai Central province. On 6 September 2019, 18 human rights defenders were detained and whipped by police at the station of the Police Inspection in Kinshasa after organising a peaceful march to demand transparency in a case of alleged misappropriation of USD 15 million of public funds. On 21 January 2018, 4 human rights defenders affiliated with LUCHA were arrested by police officers in front of St Joseph's Cathedral, Goma, while preparing for a protest demanding respect for the constitution.

Front Line Defenders is very concerned by the systematic targeting and arbitrary arrests of the above-mentioned LUCHA members, as it strongly believes that it is directly linked to their peaceful and legitimate work in defence of human rights.

Front Line Defenders urges the authorities in DRC to:

1. Immediately and unconditionally release Parfait Muhani and Ghislain Muhiwa, as Front Line Defenders believes that they have been arbitrarily arrested and are being tried solely as a result of their legitimate and peaceful work in defence of human rights;
2. Ensure that the treatment of the Parfait Muhani and Ghislain Muhiwa while in detention adheres to the conditions set out in the 'Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment', adopted by UN General Assembly resolution 43/173 of 9 December 1988;
3. Guarantee in all circumstances that all human rights defenders in DRC are able to carry out their legitimate human rights activities without fear of reprisals and free of all restrictions, including arbitrary arrests, detention and judicial harassment.