



## RESPONSES TO INFORMATION REQUESTS (RIRs)

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17 March 2006

### **COD101145.FE**

Democratic Republic of Congo: Circumstances surrounding the 31 July 2005 assassination of Pascal Kabungulu Kibembi, former executive secretary of Héritiers de la justice; the fate of his family members after his death, particularly whether they were threatened (July 2005 - March 2006)

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

### **Description of facts**

Corroborating sources indicated that Pascal Kabungulu Kibembi, former executive secretary of Héritiers de la justice, a non-governmental human rights organization in Bukavu, was assassinated at approximately 3:30 a.m. (Héritiers de la justice 31 July 2005; FIDH 5 Aug. 2005) on 31 July 2005 (ibid.; Héritiers de la justice 31 July 2005; HRW 1 Aug. 2005; see also *Country Reports 2005* 8 Mar. 2005, Sec. 4).

The same sources reported that three armed men (HRW 7 Sept. 2005; ibid. 1 Aug. 2005; *Le Potentiel* 2 Aug. 2005; FIDH 5 Aug. 2005) broke into the victim's home (ibid.; HRW 7 Sept. 2005; Héritiers de la justice 31 July 2005), located at 69 Kibombo Avenue, Ibanda Commune (Societecivile.cd 2 Aug. 2005), Bukavu (ibid.; FIDH 5 Aug. 2005; *Country Reports 2005* 8 Mar. 2005, Sec. 4). The attackers dragged the victim from his bedroom and then shot him point-blank in front of his family (AI 1 Aug. 2005; HRW 7 Sept. 2005; ibid. 1 Aug. 2005; Héritiers de la justice 31 July 2005; FIDH 5 Aug. 2005). In a dispatch, Héritiers de la justice described the sequence of events as follows:

[translation]

The killers broke into the house through the living room door, went into the children's bedroom and asked them where their father was. Woken by strange voices, the victim's wife was anxiously getting out of bed to see what was happening when the attackers entered the victim's bedroom and dragged him into the living room, while saying "today is the day of your death." He was then shot point-blank in the abdomen (31 July 2005).

A news release from the International Federation for Human Rights (FIDH) indicated that Pascal Kabungulu Kibembi died from his injuries shortly after he was taken to the city hospital (5 Aug. 2005; see also *Le Potentiel* 2 Aug. 2005). Before escaping, the assassins stole a laptop, television, video cassette recorder (HRW 1 Aug. 2005; RSF 31 Aug. 2005) and telephone (ibid.) from the victim's home.

According to an article in *The Guardian*, the former executive secretary of Héritiers de la justice was 55 years old (24 Aug. 2005; see also RSF 31 Aug. 2005). Two sources indicated that the victim left behind a wife and six children but provided no more details on the identities of the family members who witnessed the crime (HRW 7 Sept. 2005; *The Guardian* 24 Aug. 2005).

A letter addressed to the UK Secretary of State for Foreign and Commonwealth Affairs and signed by Human Rights Watch (HRW), Amnesty International (AI), Front Line and Christian Aid indicated that progress on the assassination's ongoing investigation had been "hindered by interference from Congolese army personnel" (HRW 7 Sept. 2005). The letter stated that

[HRW English version]

[o]n August 4, 2005, three Forces Armées de la République Démocratique du Congo [Armed Forces of the Democratic Republic of Congo] (FARDC) army officers - led by [former RCD-Goma (Rassemblement congolais pour la démocratie/Congolese Rally for Democracy-Goma)] Commander Thierry Ilunga - forced the director of Bukavu Central Prison to release two soldiers who were in detention on suspicion of involvement in the killing. Between August 4 and 18, the suspects were held in the custody of the 10th Military Region during daytime, and were allowed to return home at night. They have now been returned to the Central Prison. In addition, several members of the Commission of Enquiry have reportedly received threats in different forms, which may be linked to their membership in the Commission (ibid.).

According to *Country Reports 2005*, at the end of 2005, the investigation into the assassination of the former executive secretary of Héritiers de la justice was still under way and five Congolese army officers accused of the murder were still being detained (8 Mar. 2006, Sec. 4).

### **Fate of the victim's family**

Information on the fate of Pascal Kabungulu Kibembi's family after his death was limited among the sources consulted by the Research Directorate. According to a news release from Héritiers de la justice, unidentified individuals attacked "La Divine," a dental clinic managed by Kabungulu's widow, on 9 August 2005 (12 Aug. 2005). The attack "occurred on the same day that Mr. Kabungulu's widow lodged a complaint before the military court against unknown persons about her husband's murder" (Héritiers de la justice 12 Aug. 2005). Héritiers de la justice announced that it feared for the safety of the victim's family members, especially as they were witness to the crime and so the killers may use every means possible to force them into exile (ibid.).

Furthermore, in the previously quoted letter addressed to the UK Secretary of State for Foreign and Commonwealth Affairs, the four signatory organizations related that Pascal Kabungulu Kibembi's family members "now fear for their own safety, as they are eye witnesses" (HRW 7 Sept. 2005).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of additional sources consulted in researching this Information Request.

## References

Amnesty International (AI). 1 August 2005. "Democratic Republic of the Congo: Prominent Human Rights Defender Assassinated." (AFR 62/011/2005) <<http://news.amnesty.org/index/ENGAFR620112005>> [Accessed 8 Mar. 2006]

*Country Reports on Human Rights Practices for 2005*. 8 March 2006. "Congo, Democratic Republic of the." United States Department of State. <<http://www.state.gov/g/drl/rls/hrrpt/2005/61563.htm>> [Accessed 9 Mar. 2006]

*The Guardian* [London]. 24 August 2005. Judith Melby. "Obituary: Pascal Kabungulu Kibembi." <<http://www.guardian.co.uk/congo/story/0,,1554996,00.html>> [Accessed 7 Mar. 2006]

Héritiers de la justice. 12 August 2005. "The Family of Late Pascal Kabungulu Kibembi Is Still Under Threat." <<http://www.heritiers.org/english/nota%20bene/dispatch/120805.htm>> [Accessed 27 Feb. 2006]

\_\_\_\_\_. 31 July 2005. "M. Pascal Kabungulu Kibembi, secrétaire exécutif de Héritiers de la Justice abattu par des hommes armés." <<http://www.heritiers.org/francais/nota%20bene/depeches/310705.htm>> [Accessed 3 Mar. 2006]

Human Rights Watch (HRW). 7 September 2005. "Letter to the UK Secretary of State for Foreign and Commonwealth Affairs - Re: Assassination of Pascal Kabungulu Kibembi, Executive Secretary of Héritiers de la Justice." <<http://hrw.org/english/docs/2005/09/08/congo11702.htm>> [Accessed 3 Mar. 2006]

\_\_\_\_\_. 1 August 2005. "République démocratique du Congo: Un éminent défenseur des droits de l'homme assassiné. Le gouvernement de transition se doit d'enquêter et de traduire les meurtriers en justice." <<http://hrw.org/french/docs/2005/08/01/congo11552.htm>> [Accessed 3 Mar. 2006]

International Federation for Human Rights (FIDH). 5 August 2005. "Assassinat de Pascal Kabungulu." <[http://www.fidh.org/article.php?id\\_article=2618](http://www.fidh.org/article.php?id_article=2618)> [Accessed 3 Mar. 2006]

*Le Potentiel* [Kinshasa]. 2 August 2005. "Marche pacifique à Bukavu en rapport avec l'assassinat de Pascal Kabungulu, un activiste des droits de l'homme au sein de l'ONG 'Héritiers de la Justice'." <<http://www.digitalcongo.net/fullstory.php?id=56311>> [Accessed 10 Mar. 2006]

Reporters sans frontières (RSF). 31 August 2005. "Un climat de peur épouvantable." <[http://www.rsf.org/article.php?id\\_article=14822](http://www.rsf.org/article.php?id_article=14822)> [Accessed 3 Mar. 2006]

Societecivile.cd. 2 August 2005. "Journée nationale des parents sombre à Bukavu: Les obsèques de Pascal Kabungulu Kibembi, vaillant défenseur des droits humains et de la paix, ont eu lieu ce lundi." <<http://www.societecivile.cd/node.php?id=2410>> [Accessed 3 Mar. 2006]

### Additional Sources Consulted

**Publications:** *Africa Confidential*, *Africa Research Bulletin*, Resource Centre country file, *Jeune Afrique/L'Intelligent*.

**Internet sites, including:** AllAfrica.com, Amnesty International, BBC News, *CIA World Factbook*, Digitalcongo.net, European Country of Origin Information Network (ECOI.net), Factiva, International Federation for Human Rights (FIDH), Freedom House, Human Rights Watch (HRW), International Crisis Group (ICG), IRIN, ReliefWeb, UNHCR, United Kingdom Immigration and Nationality Directorate (IND), United Nations Security Council, United States Department of State.

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