

Ndobo Operation in the DRC

FROM THE STREETS TO THE DEATH ROW

Preliminary report



February 2025

CONTENTS

01	Introduction	P. 1
02	Objectives of the Report	P. 2
03	Two emblematic cases : Dieumerci and Samuel	P. 3
04	Human rights violations	P. 5
05	Recommendations	P. 9

INTRODUCTION

Since 2003, the Democratic Republic of Congo (DRC) had maintained a moratorium on executions, a measure aimed at preserving the right to life. However, **in March 2024, the government decided to lift this moratorium**, justifying the decision by the need to combat acts of treason within the army and to address the resurgence of urban crime.

Thus, in December 2024, the Ministry of the Interior launched **Operation "Ndobo"** (meaning "fish hook" in Lingala) to eradicate the phenomenon of "Kulunas" (urban gangs). Officially, this operation is structured around **three main pillars**: the repression of criminals, their swift trial, and the social reintegration of repentant offenders.

Unfortunately, **in practice, this operation, aimed at restoring public order and the rule of law, has led to mass arrests and arbitrary convictions**, with particularly severe impacts on street youth, including minors, who have been arrested without distinction between actual criminals and vulnerable, marginalized children.

We must act urgently. **While not all arrested young men have been sentenced to death, many are detained in such precarious conditions that their transfer to prisons in remote areas amounts, in practice, to a death sentence.** Deprived of food, clean water, and medical care, some will not survive their detention. The longer we wait, the slimmer their chances of obtaining justice and being saved. **Swift action is needed to prevent these arbitrary detentions from turning into extrajudicial executions disguised by a failing judicial system.**



OBJECTIVES OF THE REPORT



This report aims to :

- 1) Document violations of fundamental rights and the right to a fair trial during the legal proceedings.
- 2) Highlight the vulnerability of street youth, including minors, to arbitrary arrests and the death penalty.
- 3) Make concrete recommendations for Congolese authorities and international organizations.

“

*Wherever the death
penalty is dispensed,
barbarity prevails;
wherever the death
penalty is rare,
civilisation reigns.*

Victor Hugo

TWO EMBLEMATIC CASES

In the DRC, **being in the wrong place at the wrong time can be enough to turn a life upside down.** Under Operation Ndobo, young people with no criminal records, who had committed no crimes, were brutally arrested, stripped of their rights, and sentenced to heavy penalties following expedited procedures.

Dieumerci and Samuel are two striking examples.



Dieumerci Ndombasi Kiala

Dieumerci is a 32-year-old chorister and brass player in the Salvation Army. On Saturday, December 7, 2024, he was returning home from a late rehearsal for the Christmas festivities when he encountered a police jeep. Confident, he continued on his way, unaware that his life was about to change in an instant.

Suddenly, men in civilian clothes violently intercepted him, stripped him of all his belongings, including his identification documents and phones, and forcibly took him away.

His family, without news of him for several days, began to worry. It was only on December 12, 2024, that they learned of his transfer to the Lufungula military camp. There, **Dieumerci was tried in just five days, without any legal assistance.** On December 18, 2024, despite his clean criminal record and testimonies from his community attesting to his innocence, **he was sentenced to five years in prison.**

Three weeks later, his family recognized him in a video published by the Ministry of Justice announcing **the transfer of hundreds of convicts to the Angenga military prison, located deep in the equatorial forest.** Angenga is infamous for its inhumane detention conditions: deprivation of food, lack of clean water, and absence of medical care. Since his transfer in January 2025, neither his family nor his lawyers have been able to contact him. His lawyers have filed an appeal with the Gombe Military Court, demanding his immediate return to Kinshasa.

Samuel

Samuel is a 17-year-old orphan who has lived on the streets for several years. In 2021, he encountered the **NGO "Les Anges Écoliers"**, which supports street children in Kinshasa. In 2023, he joined their reintegration program, through which he attended literacy classes and began developing a professional project with the help of a social worker.

On the night of January 12, 2025, while searching for a safe place to sleep, he crossed paths with a police patrol that had just conducted a raid on presumed Kulunas in the neighborhood. **The mere fact of being alone outside at night was enough for the police to arrest him and accuse him of "vagrancy."**



Samuel was then taken away and transferred to the Lufungula military camp, where he was detained for 25 days.

The authorities reclassified his offense as "terrorism" without any justification, significantly increasing the charges against him. Thanks to the support of the NGO "Les Anges Écoliers", a lawyer took up his defense and pleaded his case before the military tribunal. **While the Public Ministry had requested a 20-year prison sentence, Samuel was ultimately acquitted and released on February 5, 2025.**



HUMAN RIGHTS VIOLATIONS

The investigations conducted for this report reveal **several flagrant and unacceptable violations of the fundamental rights** of young people arrested under Operation Ndobu.

These violations contravene the **Congolese Constitution, international legal principles**, and **DRC's international human rights commitments**.

1

Trial of civilians by military courts

All civilians arrested under Operation Ndobu were tried by military courts.

This practice violates the Congolese Constitution and international legal principles, which stipulate that accused individuals must be tried by competent civilian courts.

2

Lack of legal representation

The majority of the young men arrested did not have access to a lawyer from their arrest to their conviction. This violation of the right to defense led to mass and arbitrary convictions, including death sentences.

Some accused were not even informed of the charges against them before their trial, placing them in an extremely vulnerable position.

3

Language barrier

Trials were conducted in French, a language not understood by most of the accused, who come from disadvantaged backgrounds and have had no access to education.

No interpreter was appointed to translate the judicial proceedings in Lingala, preventing the accused from understanding the charges against them and actively participating in their defense.

4

Conviction of minors

A particularly concerning aspect of the trials related to Operation Ndobo is the conviction of presumed minors. Many arrested youth did not possess birth certificates, a common issue in the DRC, where a large portion of the population lacks civil status documents. This lack of documentation placed them in a highly precarious legal situation, allowing authorities to manipulate their age and try them as adults.

International law insists on the presumption of minority, according to which, in case of doubt, a person must be considered a minor until proven otherwise. Congolese law provides several measures to establish the age of minors, prioritizing appropriate medical examinations and considering contextual elements and parents' testimonies. However, these legal safeguards were not respected in these trials.

In Samuel's trial, for example, the military tribunal ordered blood tests to determine the age of the 17 presumed minors among the accused. These tests were conducted by a general officer who lacked the required medical qualifications (no registration with the National Council of the Medical Order). Without precise nomenclature or international scientific recognition, these tests produced inaccurate and unreliable results. Of the 17 youths tested, only one was recognized as a minor and referred to a juvenile court. All others were tried and convicted as adults.



5

Collective convictions and lack of evidence

The judgments rendered under Operation Ndobbo are marked by a collective approach that denies the fundamental principle of individual responsibility in criminal law. Groups of 30 to 50 people were convicted together, often receiving extremely heavy sentences for "terrorism" or "criminal association," without specific charges against each individual being detailed.

Moreover, prosecutors often presented no material evidence to justify these accusations. In the absence of credible testimonies or thorough investigations, the judgments were based on vague and arbitrary accusations, severely compromising the right to a fair trial.

6

Hasty transfer to Angenga military prison

Shortly after their conviction, hundreds of detainees were transferred to the Angenga military prison, located thousands of kilometers from Kinshasa, before they could exercise their right to appeal.

This brutal transfer had several serious consequences:

- Violation of the right to an effective remedy, as detainees were cut off from their lawyers.
- Extreme isolation, preventing families from visiting or providing food and care.
- Inhumane detention conditions, exacerbating the physical and mental suffering of detainees.



7

Inhumane and degrading detention conditions

Testimonies collected reveal extremely precarious detention conditions in both the Lufungula military camp and Angenga prison.

- **Extreme overcrowding:** In some cells, up to 40 people are crammed together, having to sleep on top of one another due to lack of space.
- **Lack of food and clean water:** No official food rations are provided. Detainees must rely on outside visits to survive. Those without family or external support are left to their fate.
- **Malnutrition and disease:** Several deaths in detention have been reported due to hunger, poor hygiene, and the absence of medical care.
- **Violence and exploitation:** Newcomers are subjected to physical violence, theft of their small possessions, and abuse by other detainees.



RECOMMENDATIONS



To ensure respect for human rights and compliance with the DRC's legal and international obligations, **we recommend the following urgent measures:**

N° 01 - Immediate suspension of the execution process

The Congolese government must immediately suspend all planned executions and ensure a review of death sentences handed down under Operation Ndobo, due to the massive violations of the right to a fair trial documented in this report.

N° 02 - Guaranteed access to legal representation

All individuals prosecuted must have access to effective defense, in accordance with the requirements of the Congolese Code of Criminal Procedure and international treaties ratified by the DRC. This includes the establishment of a systematic legal aid system for vulnerable individuals, particularly minors.

N° 03 - Repatriation of detainees transferred before final conviction

Individuals transferred before their final conviction to Angenga prison (Mongala Province) and Luzumu prison (Kongo Central Province) must be returned to Kinshasa to:

- Exercise their right to appeal under conditions laid down by the law.
- Maintain regular contact with their lawyers and families, which is essential for ensuring effective defense and adequate medical and nutritional support.

N° 04 - Adoption of specific protection measures for presumed minors

The Congolese government must ensure the effective application of the presumption of minority principle, in accordance with Article 110 of Law n° 09/001 of January 10, 2009, on the protection of the child.

This includes:

- Prohibiting the use of unapproved medical tests to determine the age of young defendants.
- Systematic transfer of minors to specialized courts, in accordance with the law.
- Strengthening oversight mechanisms to prevent judicial errors affecting children and adolescents.

N° 05 - Improvement of detention conditions

The Congolese government must take immediate measures to:

- Ensure regular access to food and clean water for all detainees.
- Guarantee access to medical care and improve support to vulnerable detainees (minors, the sick, the elderly).
- Reduce prison overcrowding through alternatives to pretrial detention and a review of convictions based on unfair procedures.
- Not keep detainees in holding cells beyond 48 hours, as these facilities are not suitable for prolonged detention. All detainees awaiting trial must be transferred to appropriate penitentiary institutions, such as Makala Central Prison, where they can benefit from minimum detention conditions and access to their lawyers and families.



For more information:

Ius Stella International
ASBL

54, avenue Louise,
1050 Brussels
Belgique

contact@ius-stella.org
www.ius-stella.org