



- Rwanda -

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INFORMATION NOTE ON

HATE MESSAGES AND INCITEMENT TO VIOLENCE IN THE DEMOCRATIC REPUBLIC OF CONGO.

NOTE N°1

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HATE SPEECH INCITES VIOLENCE, UNDERMINES DIVERSITY AND SOCIAL COHESION AND THREATENS THE COMMON VALUES AND PRINCIPLES THAT BIND US TOGETHER.”

Antonio Guterres, Secretary General of the United Nations, June 2022.

1. INTRODUCTION

This note is written and published by Never Again Rwanda to raise the awareness of all actors working in the sub-Great Lakes region and their partners on the danger of spreading hate messages, and incitement to violence in a region where armed conflict remains a threat. The purpose of this report is to contribute to the prevention of violence, often provoked by such messages as the DRC enters the pre-election period (Presidential elections are scheduled for 2023 according to the electoral calendar).

Hate speech and messages are defined in this note as any form of communication (written, oral or gestural) of an offensive and derogatory nature which tends to attack people, individuals, communities, or groups because of their identity, including national, ethnic, religious, racial, color, gender or other criteria. They are often the trigger for serious violations and abuses of human rights and may in this sense constitute an incitement to violence which consists in “any communication that explicitly and deliberately encourages or provokes discrimination, hostility or violence that includes mass or serious crimes”.

This note calls on the Government and institutions of the Democratic Republic of Congo, political and religious leaders, media and civil society organizations, the Community of East African States, the International Conference for the Great Lakes Region, The African Union and the United Nations to play a decisive role in putting an end to the messages of hatred and incitement to violence and collectively promote and consolidate social cohesion.

2. SUMMARY OF KEY FACTS

1. For more than two decades now, the Democratic Republic of Congo has faced the presence of armed groups such as the FDLR: Democratic Forces for the Liberation of Rwanda (made up of former members of the Rwandan Armed Forces and the Interahamwe militias responsible for the Genocide Against the Tutsis in Rwanda) in its eastern and far northern part.
2. On May 6, 2021, Congolese President Félix Tshisekedi declared a state of siege in the provinces of Ituri and North Kivu. The goal: to restore peace, while these provinces are being attacked by several armed groups. At the start of 2021, 122 armed groups were operating in the region. Since then, the Congolese army has been conducting military operations in these provinces against armed groups, including the M23. According to several observers of the Congolese political scene, the state of siege has a mixed record.
3. Defeated in 2013 by the Congolese army, the M23 (March 23 Movement) resurfaced in November 2021. The latter was accused of attacking several FARDC military positions in the Rusthuru region. In April 2022, after 15 days of respite, fighting between the M23 and the FARDC resumed with intensity as consultations between the Congolese government and certain armed groups were held in Nairobi. The fighting broke out a few hours after the opening in Nairobi of the consultations between armed groups' and the DRC government with the mediation of Kenyan



President Uhuru Kenyatta as advocated by a summit of four heads of state of the East Africa Community.

4. On May 28th, 2022, the government of the Democratic Republic of Congo, through its spokesperson accused Rwanda of supporting the M23 rebellion and in the wake, announced restrictive measures against Rwanda, including the suspension of Rwandair flights to the DRC. The designation of Rwanda as a supporter of the M23 rebels has created an anti-Rwandan sentiment evolving into an anti-Rwandophone (Kinyarwanda-speaking Congolese) feeling to an anti-Tutsi one.
5. At the end of May 2022, the DRC detained two Rwandan soldiers, allegedly captured at the front alongside M23 rebels; a version that Rwanda denied, evoking instead a kidnapping of its officers. The DRC only released them after the mediation of the Angolan president.

3. HATE MESSAGES, INCITEMENT TO VIOLENCE, HARM TO PHYSICAL INTEGRITY AND PROPERTY

1. An increase in incitement to hatred and incitement to violence was recorded on social media first and in popular demonstrations against «Rwandan aggression» later.
2. These incitements to hatred have led to action. Shops and other small businesses belonging to people identified as «Rwandan» have been the target of attacks and looting, particularly in Goma, Bukavu and Kinshasa. People with “Rwandan” or “Tutsi” faces were victims of verbal and physical attacks in Goma and Kindu i Maniema among others. A video circulating on social media shows Mr.

Jules Kalubi of the UDPS party calling on his fellow citizens to attack the «Rwandans» of Kinshasa. In this video, he presented a list of places in Kinshasa where the «Rwandans» can be found. He also explained that to recognize a “Rwandan” you have to observe the “long nose”. It is important to remember that the “Tutsi” is, in the hate speech propagated in Rwanda and in the sub-region, differentiated from the “bantu” by the shape of his nose.

3. On June 14, 2022, in Kisangani, a Lieutenant Colonel of the FARDC was attacked and molested by military and police officers for racial profiling.
4. On June 15, 2022, at the call of the Coordination of the Civil Society in Goma thousands of people demonstrated to support the FARDC and denounce the “Rwanda's aggression”. During these demonstrations, scenes of looting of stores belonging to the Congolese Rwandophones were reported. On some streets of the city, demonstrators stopped the vehicles searching and asking the identity of the occupants in search of Rwandophones.
5. On June 15, 2022, during the demonstration organized by the LUCHA (Civil Society Organization working in Goma) in Goma, participants sang songs asking the «Rwandans» to return home.
6. On 15 June 2022, a member of the Union Sacrée in the National Assembly, during a session broadcasted on national television, RTNC, said that the National Assembly was infiltrated by «Rwandans».
7. On June 17, 2022, galvanized by the designation of Rwanda as support to the M23, a FARDC soldier opened fire on Rwandan police officers at the Goma-Gisenyi border injuring one. He was shot and his remains

returned to the Congolese authorities. He was received as a hero in Goma.

8. On June 18, 2022, in Kinshasa, a video showing young people, some in hoods and others with their faces uncovered, machetes in hand, hunting for «Rwandans» in the commune of Bandalungwa under the passive look of the elements of the Congolese national police. These young people would be part of the Special Brigade of the UDPS (party of President Tshisekedi). Indeed, some of the young people visible on the video were wearing the outfit of this brigade created recently and presented to the press in May 2022 in Kinshasa.

4. REACTIONS TO HATE MESSAGES AND INCITEMENT TO VIOLENCE

Several Congolese civil society actors, Western chancelleries present in Kinshasa and various international personalities have called on the DRC government to react firmly against the perpetrators of these acts and call for national cohesion and avoid falling into the trap of stigmatizing a part of the population.

On June 18, 2022, the Special Adviser to the Secretary General of the United Nations on the Prevention of Genocide and the UN Human Rights Chief in a joint message, expressed concerns about the rise of violence and hate messages in the DRC. They urged the DRC parliament to speed up the adoption of the bill against racism, xenophobia and tribalism and called for the condemnation of these messages by the Congolese authorities.

In this message, Ms. Nderitu and Ms. Bachelet mention that the UN had already recorded 8 messages of hatred and incitement to discrimination, hostility and violence documented by the United Nations agencies since the beginning of the tensions.

On June 18, 2022, on the International Day for Countering Hate Speech, the Head of MONUSCO, Ms. Bintu Keita reiterated her deep concern at the rise of calls for violence and hate in the DRC, especially in the East.

The Congolese government, through its Deputy Prime Minister and Minister of Interior, condemned

the messages of hatred and incitement to violence.

On June 20, 2022, Mr. Jules Kalubi, the instigator of the calls to attack the “Rwandans” wherever they are in Kinshasa, was arrested and detained by the National Intelligence Agency.

In a video posted on his Twitter account, Dr Denis Mukwege, a Congolese civil society leader and Nobel Peace Prize winner, called on the Congolese to immediately stop calling for hatred and stigmatization of a group.

In its Final Communiqué, the meeting of Heads of State of the “Nairobi Process” held in Nairobi on June 20, 2022 in the presence of the Heads of State of Burundi, Kenya, Uganda, the Democratic Republic of Congo, Rwanda, South Sudan, and the representative of H.E Mrs. Samia Suluhu, President of Tanzania, called for the immediate cessation of hate messages and incitements to violence and called on all parties to work together to restore peace in Eastern DRC.

5. INTERNATIONAL STANDARDS ON HATE MESSAGES.

5.1. *The International Covenant on Civil and Political Rights*

International standards on the issue of hate speech are set out in Articles 19 and 20 of the International Covenant on Civil and Political Rights.

Article 19 guarantees freedom of expression, which includes the freedom to seek, receive and transmit information and ideas of all kinds, regardless of borders.

However, this article imposes certain limits on this right, particularly to ensure respect for the rights or reputation of others.

Article 20 prohibits:

- i. all propaganda of war;
- ii. any promotion of hatred of a national, racial or religious nature likely to incite discrimination, hostility or violence.

5.2. The Rabat Plan of Action

The Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence in its recommendation 26, urges States to adopt comprehensive anti-discrimination legislation, that includes preventive and punitive actions to effectively combat incitement to hatred.

To assess the severity of hate, the Rabat Action Plan suggests a six-step threshold review:

- 1. Context:** Context is of great importance when assessing whether particular statements are likely to incite discrimination, hostility or violence against the target group, and it may have a direct bearing on both intent and/or causation. Analysis of the context should place the speech act within the social and political context prevalent at the time the speech was made and disseminated.
- 2. Speaker:** The speaker's position or status in the society should be considered, specifically the individual's or organization's standing in the context of the audience to whom the speech is directed.
- 3. Intent:** Article 20 of the International Covenant on Civil and Political Rights anticipates intent. Negligence and recklessness are not sufficient for an act to be an offence under article 20 of the Covenant, as this article provides for "advocacy" and "incitement" rather than the mere distribution or circulation of material. In this regard, it requires the activation of a triangular relationship between the object and subject of the speech act as well as the audience.
- 4. Content and form:** The content of the speech constitutes one of the key foci of the court's deliberations and is a critical element of incitement. Content analysis may include the degree to which the speech was provocative and direct, as well as the form, style, nature of arguments deployed in the speech or the balance struck between arguments deployed.
- 5. Extent of the speech act:** Extent includes such elements as the reach of the speech act, its public nature, its magnitude and size of its

audience. Other elements to consider include whether the speech is public, what means of dissemination are used, for example by a single leaflet or broadcast in the mainstream media or via the Internet, the frequency, the quantity and the extent of the communications, whether the audience had the means to act on the incitement, whether the statement (or work) is circulated in a restricted environment or widely accessible to the general public.

- 6. Likelihood, including imminence:** Incitement, by definition, is an implicit crime. The action advocated through incitement speech does not have to be committed for said speech to amount to a crime. Nevertheless, some degree of risk of harm must be identified. It means that the courts will have to determine that there was a reasonable probability that the speech would succeed in inciting actual action against the target group, recognizing that such causation should be rather direct.

6. RECOMMENDATIONS

In view of the above, it is imperative that all parties involved in the search for solutions to the situation in the Democratic Republic of Congo join their efforts to put an end to the messages of hatred and incitement to violence and refrain from any discriminatory rhetoric, especially based on ethnicity, morphology, language or other grounds, and all forms of incitement to hatred and violence;

Media professionals should act as catalysts for cohesive messages and be in compliance with ethical rules and professional conduct;

Civil society actors in the Democratic Republic of Congo but also in the Great Lakes region should raise awareness about the dangers of incitement to hatred and violence as well as defend the interests of the victims of incitement to hatred (in consultation with the victims and the groups representing them) and refer these cases to the judicial authorities. Indeed, it is essential that the perpetrators identified as being responsible for hate messages and incitement to violence or attacks on physical integrity be apprehended and brought before the courts and that the victims of these acts be entitled to reparation.

7. APPENDICES

7.1. *Hate messages and incitement to violence*

<https://twitter.com/KambaleAlain/status/1534116376843063296?cxt=HHwWgMC43e-6to8oqAAAA>

<https://twitter.com/MaishaRdc/status/1538424392794914820?cxt=HHwWilCy5b-K1ytqAAAA>

<https://twitter.com/MaishaRdc/status/1538870768557244416>

<https://twitter.com/MaishaRdc/status/1538907854089998337?cxt=HHwWgsC-kcaiptsqAAAA>

<https://twitter.com/MaishaRdc/status/1538411750592217088?cxt=HHwWglCwh-cPVxNkqAAAA>

<https://twitter.com/MaishaRdc/status/1539131291182022656?cxt=HHwWglC-mab-wi9wqAAAA>

<https://twitter.com/CongoLiberte/status/1538182560030896129?cxt=HHwWgsC9p-fC43NgqAAAA>

<https://twitter.com/CongoLiberte/status/1538179099360993282?cxt=HHwWhlC9pb-jv2tgqAAAA>

7.2. *Verbal/physical assaults and property violations*

<https://twitter.com/MaishaRdc/status/1538392902006718464>

<https://twitter.com/goma24news/status/1538828811348987904>

<https://twitter.com/goma24news/status/1538598531535093762?cxt=HHwWhl-Cywc3NmdoqAAAA>

<https://twitter.com/BernardByaruha2/status/1538386969067126786?cxt=HHwWhlCwpYazudkqAAAA>

<https://twitter.com/CongoLiberte/status/1537030012137791489?cxt=HHwW-goCzqeGp0NQqAAAA>

https://twitter.com/wembi_steve/status/1537051475901308929?cxt=HHwWgoC-z6Y6L2tQqAAAA

<https://twitter.com/BKarege/status/1537052798029901825>

https://twitter.com/wembi_steve/status/1537781328107675649?cxt=HHwW-goCwxY3-pdcqAAAA

<https://twitter.com/StanysBujakera/status/1537833257189924865?cxt=HHwW-goCzqePMvdcqAAAA>

<https://twitter.com/CongoLiberte/status/1536664237724008448?cxt=HHwW-glCwyfH-qdMqAAAA>

<https://twitter.com/CongoLiberte/status/1535606836207943681?cxt=HHwW-goCwrYKSyc8qAAAA>

<https://twitter.com/CongoLiberte/status/1532698062539431936?cxt=HHwWgl-C92Y2xnsUqAAAA>

https://twitter.com/jibril_muhamed/status/1529416521683976192?cxt=HHwWgl-CyiaWOyrkqAAAA

7.3. *The Rabat Plan of Action*

[Rabat_draft_outcome_FR.pdf \(ohchr.org\)](#)

