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The Honorable Nikki Haley
U.S. Permanent Representative to the United Nations
United States Mission to the United Nations
799 United Nations Plaza
New York, NY 10017

Dear Ambassador Haley:

I write on behalf of the New York City Bar Association¹ to urge that you recommend to the Secretary of State and the President that the United States endorse the sanctions imposed by the European Union on Emmanuel Ramazani Shadary, a close ally and supporter of President Joseph Kabila of the Democratic Republic of Congo.

As you know, Kabila has been in power since he succeeded his father in 2001, has remained in office two years after his second term ended, and is barred from seeking a third term under the DRC Constitution. Kabila nominated Shadary as his successor in the upcoming December 23, 2018 vote. Shadary is currently the Permanent Secretary of the ruling People's Party for Reconstruction and Democracy, a post Kabila created specifically for Shadary.² He is also one of the architects of "glissement," or the extension of Kabila's presidency beyond the end of his

¹ The New York City Bar Association is an independent non-governmental organization with more than 24,000 members in over 50 countries. Founded in 1870, the Association has a long history of dedication to human rights, notably through its Committee on International Human Rights, that investigates and reports on human rights conditions around the world, and the Committee on African Affairs that closely monitors and responds to legal developments in Africa. In addition, the Association's Cyrus R. Vance Center for International Justice advances global justice by engaging lawyers across borders to support civil society and promote diversity and ethics in the legal profession.

² Aleyone Wemaere, *Shadary: Loyal hardliner and anointed successor to DR Congo's Kabila*, France 24, September 8, 2018, <https://www.france24.com/en/20180808-shadary-emmanuel-ramazani-hardliner-successor-dr-congo-kabila-election-president>.

constitutionally mandated two-term limit,³ in furtherance of which he has supported acts of violence against activists and opposition members as described below.

We write to you because you are respected by all DRC constituencies, particularly after your visit in 2017 when you urged President Kabila to step down and schedule elections.⁴ In view of the Administration's recent notice of the continuation of the national emergency in the DRC and its acknowledgment of the widespread violence there,⁵ it is appropriate and significant for the United States to endorse the EU's sanctions on Shadary.⁶

The EU imposed these sanctions in 2017 after finding that Shadary was involved in "planning, directing, or committing acts that constitute serious human rights violations in the DRC." The EU found Shadary, Vice Prime Minister and Minister of the Interior and Security, responsible for the unwarranted arrests of activists and opposition members protesting the government's delay in holding elections and for the disproportionate use of force since his appointment. The EU cited as examples the violent crackdown on members of the New Religious Movement in Kongo Central, the repression in Kinshasa in January and February 2017 against peaceful protestors, having security forces shoot, kill and arrest protestors, and the disproportionate use of force and violent repression in Kasai Provinces.⁷

We urge you to recommend endorsement of the EU sanctions against Shadary in light of his actions against persons seeking to ensure fair elections, and as consistent with the Administration's call for free and fair elections.⁸

Respectfully,



Roger Juan Maldonado

³ Human Rights Watch, *DR Congo: EU, US Sanction Top Officials*, Washington, DC, June 1, 2017, <https://www.hrw.org/news/2017/06/01/dr-congo-eu-us-sanction-top-officials>

⁴ Elise Labott and Khalil Abadallah, CNN, *Haley draws on her African visit when briefing Trump*, November 1, 2017, <https://www.cnn.com/2017/11/01/politics/haley-africa-visit-trump/index.html>.

⁵ See <https://www.whitehouse.gov/briefings-statements/text-notice-continuation-national-emergency-respect-democratic-republic-congo/>.

⁶ Council Implementing Decision (CFSP) 2017/905. Official Journal of the European Union 29 May 2017 <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32017D0905>.

⁷ See *id.*

⁸ See Labott and Abadallah, *supra* note 4 ("In a 90-minute, one-on-one meeting, [Haley] urged Kabila, the Congolese president, to move toward elections -- warning him that his refusal to step aside is contributing to the violence and instability in the country"); US Senate Resolution 386, <https://www.congress.gov/bill/115th-congress/senate-resolution/386/text> (urging the DRC to fulfill its commitment to hold credible elections); see also Public Law 109-456, Democratic Republic of the Congo Relief, Security and Democracy Promotion Act of 2006, <https://www.congress.gov/109/plaws/publ456/PLAW-109publ456.pdf> (US policy is to support efforts "to ensure that elections are carried out in a fair and democratic manner" in DRC).

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