

Social Issues

Congolese state security. A posh Georgetown hotel. Then shocking violence in broad daylight.



Jacques Miango, a refugee of the Democratic Republic of Congo, who was nearly killed in August 2014 in broad daylight in Georgetown while protesting Congo President Joseph Kabila.

By Terrence McCoy By Terrence McCoy

It was a moment, Jacques Miango would later think, when safety should have been all but assured. It was the middle of the afternoon. The location was outside a luxury Georgetown

hotel. Police were all around. And this was America, where anyone, he had always believed, could say just about anything they wanted without fear of violence.

That day, in August 2014, he stood along 31st Street NW holding a sign and shouting before the Capella Hotel. He and two others were protesting the president of Congo, Joseph Kabila, who presides over a country routinely accused of human rights abuses, and whose motorcade had just arrived back to the hotel, now called the Rosewood.

Moments afterward, according to interviews, police records and court filings, a group of at least four Congolese security officers in business suits rushed the protesters, all of whom were Maryland residents. They knocked Miango, a Maryland government employee, to the ground. They kicked him in the throat and the face and the spine, knocking loose seven of his teeth. A D.C. police officer came over, and the security forces dispersed, heading back into the hotel, except for one man who, as the police officer stood by, went to Miango lying on the ground and stomped on his head. Miango went still.

“It wasn’t a fight,” said witness Noah Landay, who recorded the final kick to Miango, who has since suffered severe back pain and a persistent fear he and his family in Baltimore are in danger of further retaliation from Kabila. “It was an assault.”

The attack and aftermath, detailed in a lawsuit Miango won this year against the Democratic Republic of Congo, again illustrates the uneasy balance between U.S. laws and international norms, between constitutional rights and the leniency granted to foreign nationals here on official business, known as diplomatic immunity. It protected Gambian security forces who attacked protesters in 2014 near the White House. And for a time, it insulated members of Turkish President Recep Tayyip Erdogan’s security detail, who last year assaulted protesters outside Turkey’s embassy. Nearly one month after the melee, and following intense public backlash, a D.C. grand jury indicted numerous Turkish security officers, who by then had returned to Turkey.



Congo's president, Joseph Kabila, prepares to receive Republic of Congo President Denis Sassou Nguesso and Angola President Joao Lourenco at the State House in Kinshasa, Democratic Republic of Congo earlier this year.

“My freedom of speech was violated, definitely violated,” said a leader of the Turkish protest, Seyid Riza Dersimi, owner of a Virginia flooring business, who has struggled with post-traumatic stress disorder ever since. “They are hiding behind diplomatic immunity.”

In Miango’s case, police appeared to have agreed. Diplomatic immunity, according to State Department emails, was all that stopped them from arresting and charging the Congolese security officers, who, within hours of the incident, boarded a plane with their president and left the country.

D.C. police didn’t respond to requests for comment except to say its internal affairs division investigated the officer who stood by as Miango was kicked “for his inaction during the incident.” The officer was not disciplined, police said.

The Congolese Embassy did not respond to requests for comment about the incident, which was scarcely reported at the time.

An official with the State Department, which failed to obtain a waiver from Congo allowing prosecution of its security detail, said the department “works closely with foreign security details to attempt to minimize the likelihood of encounters with protestors.” The official

added: “The United States has a strong interest in foreign governments recognizing the immunity of the U.S. Secret Service when they protect U.S. Presidents and Secretaries of State, who travel extensively throughout the world.”

The importance of diplomatic immunity goes beyond that, said Ashley Deeks, a University of Virginia associate professor and former State Department assistant legal adviser. It’s essential for American officials working “in countries that aren’t the strongest on the rule of law,” otherwise “we would be worried that the federal police could arrest them on any pretext.”

For Miango, himself from a country where the rule of law isn’t strong, his protest in Georgetown was supposed to be just one more in a life of dissent. For nearly as long as he can remember, even when he was a young man in Kinshasa, the capital of Congo, he has been protesting.

Jacques Miango, a refugee of the Democratic Republic of Congo, who was nearly killed in August 2014 in broad daylight near a Georgetown hotel while protesting Congo President Joseph Kabila. This photograph was entered as evidence in his lawsuit. (Evidence photo)

First it was against Mobutu Sese Seko, whose three decades of rapacious, authoritarian rule had ruinous consequences for Congo, then called Zaire. Fearing for his life, Miango moved to neighboring Congo Republic, where he became an oppositional radio host against Mobutu, then on to Burkina Faso, where he applied for and obtained political asylum status. In 1997, he left Africa for Baltimore.

But he couldn’t get away from his thoughts. “I was always thinking about what is happening” in Congo, he said. Mobutu had finally fled the country, overthrown by the rebel leader Laurent Kabila, whose regime Miango soon came to view as a continuation of the same autocracy that had preceded it. After the new leader’s assassination, by one of his bodyguards, there came the rise of his son, Joseph Kabila, whom Miango criticizes as someone who “came to sell” the resource-rich country, an assessment echoed by international observers.

“Congo possesses a geological endowment the envy of countries worldwide. It should be extraordinarily wealthy, but the average Congolese person is among the poorest on the planet,” stated an investigation by Washington-based Global Witness, which found only 6 percent of the mining exports reached the national budget. Meanwhile, Kabila, who has held on to power beyond his final term in office, has crushed dissent through his state security forces, which has attacked and even killed protesters.

But that was over there, in Congo, Miango had thought, and this was here, in the United States, so when Kabila came to Washington in August 2014, he and two other protesters drove to Georgetown. He parked near the fancy hotel. He hoisted a sign condemning the regime and waited for Kabila’s return.

According to court filings, when he finally arrived, Miango called out to Kabila, using an alias some Congo dissidents claim is his real name. The two men had eye contact. Then Kabila was inside the hotel, but his security forces were coming back out. They went for Miango, and after they were done with him, after Miango had wondered whether they were going to kill him, court documents allege they went into his car, stole his computer, other electronics and at least \$1,000 in cash, before returning to the hotel.

“But for immunity [D.C. police] would prosecute the four individuals who were involved in this evening’s altercation with protesters with aggravated assault, simple assault and robbery,” an internal State Department email said, according to an exhibit in Miango’s lawsuit, which resulted in a federal judge awarding Miango and other plaintiffs \$563,000 in January.

“I said the President was not in any danger and that the Congolese guards overreacted by brutally attacking and injuring the demonstrators,” Eric Madison, a State Department official, wrote in an email, summarizing his conversation with a Congolese counterpart. **“I asked the DRC government consent to revoking the guards’ immunity.”**

But no clear answer ever came, and later that day, the security detail got on a plane and left for Congo.

“Kabila was very upset by the incident, that those officers would be punished and reassigned upon their return home, and that they had ‘brought shame upon the nation,’ ” reported another State Department official, Christopher Krafft, in another email.