

**Request for Relief and for a Declaratory Decision
From a Member of the North Katanga Annual Conference**

To the President of the Judicial Council of the United Methodist Church.

Mr. President,

May the Grace and Peace of our Lord Jesus Christ be with you.

Aware that the Judicial Council is an appeal body that hears appeals from decisions rendered by the courts of first instance;

Aware that Complaints against a Bishop can only be filed with the President of the College of Bishops of the Central Conference;

Considering that we have indeed filed our complaint against Bishop Mande Muyombo Guy, before the President of the College of Bishops of the Central Conference of Congo and that he declared that « in any case, as is well known, the office of the Central Conference of Congo has no competence to open or activate any trial between a United Methodist Bishop in his Episcopal Region and his Pastor / collaborator

Considering that the Central Conference of Congo has neither a Court of Appeal, a Judicial Court nor an Episcopal Committee;

Considering that we had already referred the matter to the College of Bishops, we cited the Council of Bishops;

Finding ourselves at such an impasse, we then come before you, as the last legal bulwark of our Church, to file our Appeal so that justice can be done to us.

SUMMARY OF THE FACTS

I. On February 08, 2020, we, Reverend Ben Ilunga Banza, Reverend Louis Bishimba Kasongo and layperson Mr. Kasongo Kabange Kabah, all members of the North Katanga Annual Conference, were suspended by the Board of Ordained Ministry under the watchful eye and on the order of Bishop Mande Muyombo Guy, who never dared to organize a Committee on Investigation, and

Bishop Mande Muyombo Guy was the actual instigator of our suspensions and was the person who initiated the call for the meeting of the Board of Ordained Ministry on February 08, 2020.

This means that following this suspension, which did not follow the required Disciplinary PROCEDURES, and had not yet been brought to the Annual Conference, Bishop Mande Muyombo Guy hastened to remove the name of Reverend Ben Ilunga Banza from the list of delegates to the General Conference even though he was a duly elected delegate of, and by, the Annual Conference.

Mr. President,

For the reasons below, we consider this suspension illegal and we want to be restored to our rights:

A) Of 13 members who make up the Board of Ordained Ministry of the North Katanga Annual Conference, only six took part in this meeting, which suspended us. The quorum to sit and decide validly was not reached.

B) The composition of the Board of Ordained Ministry of the North Katanga Annual Conference was irregularly composed. Indeed, the vice-president of this body is not a member of the North Katanga Annual Conference. He does not even reside in the Democratic Republic of Congo, but rather in Tanzania where he exercises his Pastoral Ministry.

C) The decision suspending us was taken by an Board of Ordained Ministry sitting outside the session of the Annual Conference, and the latter has never endorsed this resolution suspending us until now.

D) We have never been indicted in accordance with subsections 2704.2B and 362.1 of the 2016 *Book of Discipline*, because no complaint has ever been filed against us.

E) We have never been informed of any procedural measure envisaged against us or invited to appear before the Board of Ordained Ministry or before any tribunal. Therefore, our right to a Fair Trial was violated under subsections 362.2B and 362.D of *The Book of Discipline of The United Methodist Church* of 2016.

F) The Investigation Procedure, the Trial or Tribunal to Judge Us have never been put in place, as required by the provisions of paragraphs 2703.2; 2704.2; 2706c and 2713 of the *Book of Discipline*.

G) Mr. Kasongo Kabange Kaba is a layman. The Board of Ordained Ministry is not the appropriate body for charges against the laity (paragraph 2703.3 of the *Book of Discipline*).

H) The Board of Ordained Ministry has taken an unrestricted suspension measure. However, the suspension time for a Pastor is limited to 90 days, with the possibility of an extension of 30 days. Since then, it has already been 270 days since our suspension, without housing, without wages and other benefits, in violation of Paragraphs 2704.c and 334 of the *Book of Discipline*.

I) Until the time we write these lines on November 12, 2020, we have never been notified of our suspension and the reasons for this suspension.

Despite all the remedies exercised in this regard, this illegal suspension, seriously damaging us and harming our Pastoral Ministry, is maintained until today.

J) On September 16, 2020, Bishop Mande Muyombo, having instrumentalized the Board of Ordained Ministry, had the Plenary of the Annual Conference adopt unfounded allegations and not supported by any material evidence, for and to the detriment, of Reverend Ilunga Banza Ben.

Indeed, he attributed to the latter a 22-year-old letter (never seen because it does not exist) by which he said, Reverend Ilunga Banza Ben had asked to be a Local Pastor (Lay Preacher). Yet the Reverend Ilunga Banza Ben had already been ordained as an Elder, by His Excellency Bishop Ngoy Kimba Mwenze Wakadilo, in 1988 (32 years of Pastoral Ministry as an itinerant Elder).

Reverend Ben Ilunga Banza has always worked regularly as an itinerant Elder and member of the North Katanga Annual Conference. His name is still inscribed in the Official Journal of the Annual Conference albeit under the heading of former itinerant Pastors. Reverend Ben Ilunga Banza has been appointed several times by the various resident Bishops. Reverend Ben Ilunga Banza has also been elected and served several times as a delegate to the General Conference and Central Conference. He has also served in several missions and services of the United Methodist Church/Annual Conference of North Katanga.

Bishop Mande Muyombo Guy, by this damaging and slanderous imputation and by this non-existent letter to which he claims to respond 22 years later, simply wants to settle accounts with Reverend Ilunga Banza Ben. In addition, Bishop Mande Muyombo Guy blamed the Reverend Louis Bishimba Kasongo for refusing to respond to his alleged appointment in the parish of Tenke, while never such a designation was communicated to the Reverend Louis Bishimba Kasongo.

Regarding both cases, we denounce this deception that shames the United Methodist Church/Annual Conference of North Katanga, because never in a normal administration can one claim to respond to a 22-year-old letter when the accuser is not even able to display such a letter. Furthermore, one cannot punish an ordained Elder for failure to itinerate when the purported appointment has never been communicated to the ordained Elder.

K) Subsequently and without following the procedure established in the United Methodist Church, Bishop Mande Muyombo Guy instrumentalizing the Board of Ordained Ministry removed from the United Methodist Church, the Reverends Ben Ilunga Banza, Evariste Kimba and Bishimba Kasongo. Until today, those concerned have never been notified but the news has been posted on social networks by the members of the Board of Ordained Ministry of the North Katanga Annual Conference.

L) In addition to these irregularities described above, we would like, Mr. President, to keep you informed of these other irregularities and violations of the provisions of the *Book of Discipline*, because it is in our interest as members of the Central Conference of Congo and its proper functioning. These are:

1. The holding of a Special Central Conference of the Central Conference of Congo from 11 to 13 December 2018.

— It was convened irregularly, without a decision of an Executive Committee as required by paragraph 411 of the *Book of Discipline* of the 1990 Central Conference of Congo.

— Several unelected people delegated to the Central Conference by their Annual Conferences, sat in this Special Central Conference and took part in the vote.

— This Special Central Conference granted the lifetime mandate to Bishops elected a year ago and only for their first term as Bishops (March 2017–December 2018).

—The vote to grant this lifetime mandate was made by show of hands, without ballots consecrating a secret ballot.

—The bishops who were candidates for this lifetime term themselves co-chaired this vote session by show to grant themselves the lifetime mandate, they who were already Bishops for life by the resolution of the Executive Committee held in Kinshasa in 2018.

Today, are we in front of Bishops for life who no longer need to go through another vote to renew their mandate or are we in front of Bishops who exhausted their mandate in 2021?

2. From the edition of the *Book of Discipline* of the Central Conference of Congo. Currently, in our Central Conference, in addition to the General *Book of Discipline* of the United Methodist Church, three *Books of Discipline* are alleged to exist: 1990, 2019, 2020. However, only the Central Conference adaptation known as the 1990 *Book of Discipline* is legitimate.

— These fraudulent "Books of Discipline" of 2019 and 2020, have been published and published irregularly and clandestinely.

Indeed, no Committee for the Edition of the *Book of Discipline* has ever been appointed and mandated by the Central Conference of Congo.

This "Book of Discipline" is published and published on behalf of the Central Conference of Africa, sometimes for the Central Conference of Congo.

There is this fraudulent "Book of Discipline" that appeared in either 2019 or 2020. Do these inconsistencies not prove the fraudulent nature in this edition and irregular publications of these fraudulent "Books of Discipline"?

The Committee for the Edition of these "Books of Discipline" as mentioned in the pages of these Books, is a montage that contains falsehoods. This Committee never existed. It is a simple special commission set up from scratch in Kinshasa by the Bishops for the need of the cause, without a mandate from the Central Conference, and which has nothing to do with a Central Conference Committee responsible for publishing and publishing the Central Conference *Book of Discipline*.

This Kinshasa special commission, of which Reverend Ilunga Banza Ben was a member, had only four days of work. Can we admit that a Committee for the edition of the "Book of Discipline" may really only have this time to produce a "Book of Discipline" that has not been reviewed since 1990?

This Kinshasa special commission, which ended in a fish tail, had the mission to harmonize certain articles of the different versions of the *Book of Discipline* used in our Central Conference of Congo and to amend certain articles in relation to the decisions of the Executive Committee held in Kinshasa in August 2018.

Given the complexity of this mission entrusted to this special commission, for only four days, by the Bishops and whose real motivation was to correct the mistake that had been made by being granted the mandate for life by an Executive Committee in August 2018.

There was therefore no question for this special commission to publish and publish the "Books of Discipline".

This Committee for the publication of these fake "Books of Discipline", as mentioned in these "Books of Discipline" of 2019 and 2020, bears the seeds of falsehood. By way of illustration, the appointed Reverend Paul Nkoy, member of this Committee for the Edition of the 2019 and 2020 "Books of Discipline", was never consecrated as a Pastor and was never delegated to the Central Conference, elected by his Annual Conference.

Reverend Louis Loma Otshudi, a member of this Committee, was also never delegated to the Central Conference.

—These "Books of Discipline" have been published, published and implemented, without being subject to verification by a Judicial Court or the Judicial Council.

—Today, the situation is confused in our Central Conference about the use of the *Book of Discipline*.

Which of the *Books of Discipline* of 1990, 2019 or 2020, has legal tender?

While praying for the Judicial Council and the entire United Methodist Church, we think, Mr. President, that we have submitted our Concern and the situation to you in our Annual Conference as well as in our Central Conference.

Our concern requires special attention on your part as an organ of our Church, regulating legal life. In the lack of a Court of Appeal, the Judicial Court or an Episcopal Committee in our Central Conference, sometimes called the Central Conference of Africa, sometimes the Central Conference of Congo, and considering the rejection by the President of the College of Bishops of our appeal, we were thus obliged to refer you to our concern. Our prayer is that we be restored to our rights because we are Fathers of families. Our children are no longer studying. We can no longer take care of our families to the extent that Bishop Mande Muyombo Guy has decided, without reason and without following the established procedure, to deprive us of all our social rights. We ask you to tell us the legal path to follow for the members of the United Methodist Church of our Central and Annual Conference, regarding the various violations of the provisions of the *Book of Discipline* of which Bishop Mande Muyombo Guy is guilty to him who does not even reside in his Episcopal Region but rather in the United States and Lubumbashi.

May the Lord bless you.

Reverend Ben Ilunga Banza