

PUBLIC

AI Index: AFR 62/002/2009

11 February 2009

UA 38/09

Incommunicado detention/Fear of torture and other ill-treatment

DEMOCRATIC REPUBLIC
OF CONGO (DRC)

Pépé Nginamau Malaba (m), trade unionist

Trade union leader Pépé Nginamau Malaba, who represents trade union members at the Ministry of the National Economy and Trade, was arrested on 19 January in Kinshasa, the DRC's capital. He has been held incommunicado since then, putting him at risk of torture and other ill-treatment. Amnesty International considers him a prisoner of conscience, detained solely for the peaceful exercise of his right to freedom of expression.

He was arrested by five agents of the *Agence nationale de renseignements* (ANR), National Intelligence Agency, when he was on his way to give the Prime Minister an employee memorandum alleging the misappropriation of public money by the Minister of National Economy and Trade, including funds earmarked for the payment of staff bonuses.

DRC-based human rights organizations and his trade union have attempted to secure his release through the courts and by approaches to the government, but so far without success.

BACKGROUND INFORMATION

Pépé Nginamau Malaba is a member of the *Centrale Congolaise du Travail* (CCT) trade union and president of the union branch at the Ministry of the National Economy and Trade

Corruption is pervasive in all walks of public life in the DRC and is a major barrier to the country's social and economic development and the eradication of poverty. Journalists and trade unionists who attempt to expose alleged corruption in government institutions are routinely arbitrarily arrested by the intelligence services.

Under Article 18 of the DRC Constitution, all people detained have the right to immediate contact with their families or legal representatives. No one arrested may be held in investigative custody (*garde à vue*) for longer than 48 hours, after which they must be released or brought before a judge. All detainees must be treated so as to preserve their life, physical and mental health and dignity.

The ANR, which is under the direct authority of the President, is supposedly limited to investigating crimes against the security of the state, but routinely makes arbitrary arrests of peaceful opposition supporters, civil society activists and journalists; it also takes on the police's role of arresting people suspected of common criminal offences. Lawyers, national human rights groups and UN human rights monitors are routinely denied access to ANR detainees.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in French, English or your own language:

- urging the authorities to release Nginamau Malaba immediately and unconditionally, as he is a prisoner of conscience, detained solely for the peaceful exercise of his right to freedom of expression;
- urging the authorities to allow Nginamau Malaba immediate access to legal representation as well as family visits and any medical attention he may require.

APPEALS TO:

Head of State

Son Excellence Joseph KABILA
Président de la République
Présidence de la République
Palais de la Nation
Avenue de Lemera
Kinshasa-Ngaliema
République Démocratique du Congo
E-mail: presipp@yahoo.fr
Salutation: Dear President Kabila/Son Excellence Monsieur le Président

Prime Minister

Adolphe Muzito
Premier Ministre de la République
Primature
Palais de la Nation
Avenue de Lemera
Kinshasa-Ngaliema
République Démocratique du Congo
E-mail: primaturerdc@yahoo.fr
Salutation : Dear Prime Minister/ Monsieur le Premier Ministre

President of the National Assembly

Vital Kamerhe
Assemblée Nationale
Palais du Peuple
Kinshasa, Lingwala
République Démocratique du Congo
E-mail: assnat@parlement-rdc.org
Salutation: Dear President of the National Assembly/Monsieur le Président de l'Assemblée Nationale

President of the Senate

Léon KENGO WA DONDO
Senat
Palais du Peuple
Kinshasa, Lingwala
République Démocratique du Congo
Email: senat@parlement-rdc.org
Salutation: Dear President of the Senate/Monsieur le Président du Senat

COPIES TO: diplomatic representatives of the Democratic Republic of Congo accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 25 March 2009.