

04 April 2008

UA 89/08

Death threats/ Fear for safetyDEMOCRATIC REPUBLIC
OF CONGO (DRC)

Georges Kapiamba (m), lawyer and human rights defender
Prince Kumwamba (m), human rights defender
Other human rights defenders from the organizations *Association Africaine de Défense des Droits de l'Homme - Katanga* (ASADHO/Katanga) and *Action Contre l'Impunité pour les Droits Humains* (ACIDH)

Human rights defenders Georges Kapiamba and Prince Kumwamba have received several threats, including death threats, related to their human rights work since the evening of 3 April. Amnesty International believes that their lives, and the lives of other human rights defenders working in the same organizations, may be in danger.

The threats to Georges Kapiamba, a lawyer who works with the organization *Association Africaine de Défense des Droits de l'Homme – Katanga* (ASADHO/Katanga), African Association for the Defence of Human Rights, and Prince Kumwamba, Executive Director of the organization *Action Contre l'Impunité pour les Droits Humains* (ACIDH), Action Against Impunity for Human Rights, both based in Lubumbashi, the capital of Katanga province, have been made anonymously by telephone. Amnesty International believes that senior political figures in Katanga province may be behind the calls. During one of the telephone threats, the caller warned Georges Kapiamba, “Since you don’t want to stay quiet about the Kilwa affair and since you continue to provoke the government, we are going to destroy you so that you will no longer be able to do any harm. We’ll get you by all means possible”. (« *Comme tu ne veux pas te taire sur le dossier Kilwa et que tu continues à déranger le gouvernement, tu vas être détruit afin de te mettre hors d’état de nuire. Nous allons t’atteindre par tous les moyens.* ») Prince Kumwamba has also received phone calls warning him to halt his activities in relation to the same affair.

The threats appear to relate to a planned visit by Georges Kapiamba, Prince Kumwamba and other activists to the town of Kilwa in Katanga province, the scene of a massacre by government troops in October 2004. The team intended to interview a number of those injured in the massacre, and families of the victims. The visit was on behalf of an Australian legal firm pursuing possible compensation claims in the Australian courts against an Australian/Canadian mining company, Anvil Mining.

As the team prepared to fly from Lubumbashi to Kilwa, they were informed by air traffic control that permission for the flight had been denied by the ANR (*Agence Nationale de Renseignements*) intelligence agency and the Minister of Interior of Katanga province. The team were later informed that the Governor of Katanga had also refused them permission to travel to Kilwa.

ASADHO Katanga and ACIDH, together with two international NGOs, Global Witness and Rights and Accountability in Development (RAID), issued a joint press release on 3 April protesting against this official obstruction to the activists’ legitimate professional and human rights work. Subsequently Georges Kapiamba was interviewed by international media organizations about the incident.

These latest threats are part of a pattern of intimidation and harassment of human rights workers in relation to their work on the Kilwa massacre, although the death threat against Georges Kapiamba appears to be the most serious to date.

BACKGROUND INFORMATION

At least 73 civilians, including many women and children, were killed unlawfully in and around Kilwa in October 2004 by soldiers of the 62nd Brigade of the *Forces Armées de la République Démocratique du Congo* (FARDC), Congolese Armed Forces. Other victims were arbitrarily arrested and subjected to torture and ill-treatment. Anvil Mining, which operates a copper and silver mine near Kilwa, provided transportation in the form of company planes and road vehicles for the army operation. Anvil Mining maintains that its equipment

was requisitioned "under the force of law" by the security forces and denies any direct involvement in the killings. In June 2007, a military court in Lubumbashi acquitted 12 defendants, including military officers and three expatriate employees of Anvil Mining, of charges of war crimes and complicity in war crimes in connection with the massacre. Four of the defendants, all soldiers, were convicted of unrelated crimes. There was apparent high-level political interference in the trial, as well as intimidation of witnesses. The acquittals were widely condemned as a setback in the struggle against impunity in the DRC. An appeal against the court's judgement was denied in December 2007.

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

- calling on the authorities to ensure that George Kapiamba, Prince Kumwamba and other ASADHO/Katanga and ACIDH activists are protected against further threats and possible attack;
- calling for a prompt, impartial and independent investigation into the threats received by Georges Kapiamba and Prince Kumwamba, and to bring to justice those responsible;
- calling on the authorities to put an immediate end to the harassment of lawyers and human rights activists seeking to obtain justice for the victims of the Kilwa massacre, and to ensure that Congolese human rights defenders are able to pursue their legitimate professional activities free from fear of intimidation and other human rights violations.

APPEALS TO:

Head of State

Son Excellence Joseph KABILA

Président de la République, Cabinet du Président de la République

Palais de la Nation, Kinshasa/Gombe, République Démocratique du Congo

E-mail: cabinet_president@yahoo.fr

Salutation: Dear President Kabila/Son Excellence Monsieur le Président

Minister of Interior

Denis Kalume Numbi

Ministre de l'Intérieur, Décentralisation et Sécurité

Ministère de l'Intérieur, Décentralisation et Sécurité

44 Avenue de Lemera, BP 7949, Kinshasa-Gombe, République Démocratique du Congo

Salutation : Dear Minister/ Monsieur le Ministre

Justice and Human Rights

Mr Mutombo Bakafwa Nsenda

Ministre de la Justice et Droits Humains

Ministère de la Justice

228 Avenue de Lemera, BP 3137, Kinshasa-Gombe, République Démocratique du Congo

Email: min_droitshumains@yahoo.fr

Salutation: Dear Minister/Monsieur le Ministre

Governor of Katanga Province

Gouverneur Moïse Katumbi Chapwe

Gouvernorat, Province du Katanga, Lubumbashi, République Démocratique du Congo

Salutation: Dear Governor/Monsieur le Gouverneur

COPIES TO: diplomatic representatives of the DRC accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 16 May 2008.