

30 August 2001

AI Index AFR 01/008/2001 - News Service Nr. 153

Africa: Account for the disappeared

Over the past few years in Africa, as in other parts of the world, many people have 'disappeared' after being taken away from their homes, workplaces and elsewhere by members of the security forces, who later deny any knowledge of their whereabouts.

"The governments concerned must take all necessary steps to account for all cases of the 'disappeared' by conducting independent and impartial investigations, with the aim of bringing all those responsible to justice," Amnesty International said today as human rights defenders and relatives of the 'disappeared' around the globe demand their right to truth and justice.

"Not only does 'disappearance' infringe all the victims' personal rights, it subjects their families to agonizing suffering, which is tantamount to torture," Amnesty International added, emphasizing that 'disappearances' constitute a permanent offence as long as the fate and whereabouts of the victims have not been determined.

Although 'disappearances' are often associated in the public perception with military regimes, they are not exclusive to them. Amnesty International continues to receive reports of possible "disappearances" from countries in Africa such as Cameroon, the Democratic Republic of Congo (DRC), and Zimbabwe.

In Cameroon, nine youths were arrested on 23 February 2001, by security forces from the Bépanda Omnisports neighbourhood in Douala, as suspects in the theft of a neighbour's cooking gas bottle. They were subsequently transferred to a detention facility in Bonanjo-Douala

belonging to the *Commandement opérationnel*, an elite security corps created last year to combat armed robbery in Douala and Yaounde. They 'disappeared' after being last seen there by relatives on 26 and 27 February. Following national and international pressure, an internal commission of inquiry was set up to investigate the case, but there has still been no firm information of their whereabouts.

In the Democratic Republic of Congo, at least 140 alleged coup conspirators, arrested over a year ago have 'disappeared'. The majority were from the eastern Kivu region and Equateur province in northern DRC. At first, the government denied the detentions. Later, they hid their whereabouts. In November 2000, Amnesty International delegates were denied access to a cell-block at Kinshasa's central prison and told by prison authorities that the block was empty, although in fact around 34 alleged conspirators were being held there. Others are possibly held in the south eastern province of Katanga.

Among them is Aimée Ntabarusha Mungu, a civil servant with the *Direction générale des migrations* (DGM), the General Directorate of Immigration, who was arrested at her home in Kinshasa together with her three-month-old son David Mulume on 13 November 2000, apparently because an alleged coup conspirator had been staying at her home. On 23 November she and her baby were taken away in a truck with several other detainees. According to eyewitnesses, the truck was so full that she and her baby had to be forcibly squeezed onto it.

Although she and her baby are now believed to be detained at Kinshasa's central prison, other detainees who 'disappeared' were subsequently secretly executed. One of the alleged coup ringleaders, Anselme Masasu Nindaga was executed with seven others on 24 November 2000 in Katanga province after a cursory trial. For weeks afterwards, the government strenuously denied the executions before

finally admitting them to the UN Special Rapporteur on the DRC. Dozens others who 'disappeared' are also feared to have been executed.

Two Congolese human rights defenders -- Golden Misabiko and N'sii Luanda -- were arrested for investigating the 'disappearances' and are currently detained without trial at Kinshasa's central prison. Amnesty International is campaigning for their unconditional release as prisoners of conscience.

In Zimbabwe, opposition party worker Patrick Nabanyama was abducted on 19 June 2000, in front of his wife and children by a group of "war veterans", supporters of the ruling Zimbabwe African National Union (Patriotic Front), ZANU (PF). His whereabouts remain unknown. In July 2000, five people appeared in court on a charge of kidnapping him. They were released on bail, and on 6 October 2000, President Mugabe decreed an amnesty for perpetrators of a range of crimes committed between 1 January and 31 July 2000, including kidnapping. To date, no-one has been brought to justice for the 'disappearance' of Patrick Nabanyama.

In the majority of cases of 'disappearances' throughout Africa, governments have shown a clear lack of political will to support efforts to shed light on the fate of the 'disappeared' and to bring those responsible to justice," Amnesty International added noting that in many countries judicial actions have been started but have subsequently stalled through lack of cooperation from the authorities.

"On this anniversary, concerned governments should acknowledge the continuing frustration and helplessness felt by the families of the 'disappeared'. If they have been extrajudicially executed, as is often suspected, the governments should acknowledge this, end impunity for

those responsible and enable the families of the 'disappeared' to come to terms with their bereavement," Amnesty International said.

The human rights organization is urging these governments to urgently ensure that nobody may be arrested or detained outside the law, and that complaints about such arrests or detentions are immediately investigated. "All elements of the security forces and state-armed militias should be made aware that 'disappearances' are crimes against international law," Amnesty International added.

Background

30 August is commonly commemorated as International Day of the Disappeared. This custom was started by the Latin American non-governmental organization FEDEFAM (*Federación Latinoamericana de Asociaciones de Familiares de Detenidos-Desaparecidos*) and is now marked all around the world.

"Disappearance" is a global scourge, with instances occurring in at least 30 countries throughout the world. The UN's Working Group on Enforced or Involuntary Disappearances has 45,998 outstanding cases of "disappearance" on its registers.

A "disappearance" occurs whenever there are reasonable grounds to believe that a person has been deprived of freedom by the authorities or their agents, with the authorization, support or acquiescence of the state, and the authorities deny that the victim is held in their custody, thus concealing the victim's whereabouts and fate, thereby placing the person outside the protection of the law.

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