

PUBLIC

AI Index: AFR 62/008/2007

24 April 2007

Further Information on UA 319/06 (AFR 62/022/2006, 27 November 2006) and update (AFR 62/003/2007, 24 January 2007) – Prisoner of conscience/fear of torture or ill-treatment/possible death sentence/unfair trial/health concern

DEMOCRATIC REPUBLIC OF CONGO (DRC) Marie-Thérèse Nlandu Mpolo-Nene (f), lawyer and political leader
Bienvenu Tungu Mukumbu (m), driver (spelling corrected)
Charles Félix Kianza Bata (m) journalist/press officer (spelling corrected)
José Lifumba Botumbele (“José Inonga”) (m) – church leader
André (“Gauthier”) Lusiladio Mavambu (m), bodyguard (spelling corrected)
Bona Kongbo Nzingaba (m) (bodyguard)
Claude Gayo Tenvo (m) (bodyguard)
Gbala Kukambisa (m) (Nlandu household employee)
Ruffin Edjanga Fataki (m), soldier
Basisa Iyondo (m), soldier

The verdict in the trial of prisoner of conscience Marie-Thérèse Nlandu is likely to be announced on 30 April. She and nine co-defendants are charged with organizing and participating in “an insurrectionary movement” (*un mouvement insurrectionnel*) as well as with possession of firearms or ammunition. The military prosecutor has asked for them to be sentenced to 20 years’ imprisonment. At one stage it was feared that he would call for the death penalty.

Their trial before a Kinshasa military court began on 22 December but has been repeatedly adjourned and delayed. The prosecution finished delivering its evidence only on 11 April. The court is now hearing the case for the defence.

Marie-Thérèse Nlandu’s health has deteriorated badly in prison. She is reportedly suffering from chest pains and high blood pressure, and at one stage required hospitalization.

Amnesty International believes that the prosecution is politically motivated and that Marie-Thérèse Nlandu is being targeted for her work as a lawyer and her peaceful political activities. Some of the prosecution evidence was reportedly obtained through torture or ill-treatment, which would make it inadmissible under international law. The trial of civilians by a military court is a violation of international fair trial standards. It is also forbidden by the DRC’s 2006 Constitution, which states that military courts may only hear cases involving army and police personnel (Article 156).

Marie-Thérèse Nlandu was a candidate for the DRC’s presidential elections in June 2006, but was defeated in the first round. She then switched her party’s allegiance to candidate Jean-Pierre Bemba, the former vice-president. He was defeated in the second round, and mounted a legal challenge, alleging fraud, with Marie-Thérèse Nlandu representing him.

Police arrested some of Marie-Thérèse Nlandu’s associates on 20 November, having allegedly discovered three grenades in a car they were using. The following day, Marie-Thérèse Nlandu spoke to a crowd of Bemba supporters outside the Supreme Court and to journalists inside the Court, and what she said, according to the military prosecutor, amounted to an incitement to insurrection. Later that day pro-Bemba protesters set fire to the Supreme Court building. Marie-Thérèse Nlandu was arrested with Gbala Kukambisa when she went to the police station to enquire about the detention of her associates and to bring them food.

The African Commission on Human and People's Rights, in its 2003 *Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa*, makes clear that civilians must not be tried by military courts, noting that "Military courts should not in any circumstances whatsoever have jurisdiction over civilians" (Provision 5(L) Right of Civilians Not To Be Tried by Military Court).

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

- pointing out that Marie-Thérèse Nlandu is a prisoner of conscience, imprisoned solely for the peaceful expression of her opinions, and should therefore be released immediately and unconditionally;
- urging an immediate end to the trial of civilians by military court as both unconstitutional and in violation of international fair trial standards.
- expressing concern at Marie-Thérèse Nlandu's poor state of health, reportedly brought about by poor prison conditions, and calling for her and her co-defendants to be afforded appropriate medical care;
- expressing concern that some of the prosecution evidence in this case was reportedly obtained through torture or other forms of ill-treatment, and calling for an independent investigation of these allegations.

APPEALS TO:

President

S.E. Joseph KABILA, Président de la République, Palais de la Nation, Kinshasa-Gombe, République Démocratique du Congo

Fax: +243 81 346 4116

Email: presipp@yahoo.fr

Salutation: Dear President Kabila

Minister for Human Rights

M. Eugène LOKWA ILWALOMA, Ministre des Droits humains, Ministère des Droits humains, 33/C Boulevard du 30 juin, Kinshasa-Gombe, République Démocratique du Congo

Email: min_droitshumains@yahoo.fr

Salutation: Dear Minister

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 5 June 2007.