

DEMOCRATIC REPUBLIC OF CONGO

Civil liberties denied

Introduction

On 17 May 1997, the troops loyal to Laurent-Désiré Kabila ousted the government of former President Mobutu Sese Seko and took power in the Democratic Republic of Congo (DRC, former Zaïre). Many people hoped that the country was moving towards a better future.

One year later, the country's vibrant and diverse civil society is heavily under attack. Dozens of opposition politicians, journalists, human rights activists, academics, church leaders and trade unionists are currently unlawfully detained. Many more have been arbitrarily arrested and tortured during the past twelve months, and sometimes charged with endangering the security of the state. Others have been violently assaulted.

The constitution is still suspended and political party activities outside the ruling *Alliance des forces démocratiques pour la libération du Congo-Zaïre* (AFDL) are banned. In early April 1998, the government outlawed the country's leading human rights organization, *Association zaïroise pour la défense des droits de l'homme* (AZADHO), Zairian Association for the Defence of Human Rights. A few days later, most other human rights organizations were declared illegal after the authorities refused to register them.

Largely unknown to the international community, the armed conflict in Eastern Congo is continuing. The AFDL as well as the so-called *Mai Mai* and other armed opposition groups have committed serious human rights abuses against the civilian population. In late February 1998, the army reportedly killed more than 300 civilians in the area of Butembo, North Kivu Province.

The UN Secretary General's Investigative Team, charged with investigating alleged massacres between 1993 and 1997, has been blocked in its work by the government and was withdrawn by the Secretary General in April 1997. Witnesses and contacts of the UN Team have been targets of attacks, threats and arrests.

This document aims at publicising the day-to-day repression which the Congolese face when they expressing independent views. It focuses on individual cases of Congolese who have been targeted because of their activities as journalists, opposition politicians, human rights defenders, church leaders or trade unionists. Some of them had already been victims of human rights violations under the previous government of former President Mobutu Sese Seko.

This document is an update to an earlier document, *Civil Liberties denied* (AFR 62/08/98), published in February 1998. It is useful, but not essential, to consult the earlier document.

Jean-François Kabanda

MEMBERS OF *L'UNION POUR LA DÉMOCRATIE ET LE PROGRÈS SOCIAL* (UDPS), OPPOSITION POLITICAL PARTY

Matthieu Ka Bila Kalele and Jean-François Kabanda have been sentenced to two years' imprisonment because of their political activities. They are held in the *Centre pénitentiaire et de rééducation* (Penitentiary and Reeducation Centre), the former Makala prison, in Kinshasa.

Ka Bila Kalele is a professor at the University of Kinshasa and a leading member of the opposition party known as the *Union pour la démocratie et le progrès social* (UDPS), Union for Democracy and Social Progress. Previously, he was a Minister in a government of UDPS leader Etienne Tshisekedi. Jean-François Kabanda is a freelance journalist and close collaborator of Matthieu Ka Bila Kalele and he is also a leading member of the UDPS youth wing.

Matthieu Ka Bila Kalele and Jean-François Kabanda were arrested on the evening of 24 October 1997. They were later charged with *atteinte à la sûreté de l'Etat* (endangering state security), apparently on the grounds that they had published an article calling upon the population to oppose Rwandese and American influence in the country.

The two men were tried by the military tribunal court although they are civilians. On 23 January 1998, they were found guilty of *propagation de faux bruits* (spreading false rumours) by the *Cour d'Ordre militaire* (Military Order Court). The trial was unfair, mainly because the two men were convicted of a crime they had not been charged with.

Both men have health problems. Matthieu Ka Bila Kalele suffers from rheumatism. In April 1998, Jean-François Kabanda had malaria and did not receive appropriate medical care.

Please publicise the case of Matthieu Ka Bila Kalele and Jean-François Kabanda widely among

- **lawyers**
- **academics and students**
- **journalists**

and ask them to write appeals.

Please write a letter to the Minister of Justice, M. Mwenze KONGOLO, Ministère de la Justice, BP 3137, Kinshasa, DRC (Telegrams: Ministre Justice, Kinshasa, Democratic Republic of Congo):

- **expressing concern about the sentencing of Matthieu Ka Bila Kalele and Jean-François Kabanda to two years imprisonment;**
- **expressing concern that they were tried by a military court although they are civilians, and that they were convicted of a crime they had not been charged with;**
- **calling upon the authorities to allow the prisoners access to appropriate medical care and a doctor of their choice.**
- **calling for their immediate and unconditional release.**

Please send similar letters to M. Raphael GHENDA, Minister of Information, Ministère de l'information, Kinshasa-Gombe, Democratic Republic of Congo

Ingele Ifoto

Justin Kampembe

Jean-Marie Lukudji

MEMBERS OF AN OPPOSITION

POLITICAL MOVEMENT

Zahidi Arthur Ngoma, Ingele Ifoto, Justin Kampembe and Jean-Marie Lukudji were arrested on 25 November 1997 because of their political activities. Ingele Ifoto, Justin Kampembe and Jean-Marie Lukudji are held without charge at the *Centre pénitentiaire et de rééducation*, (Penitentiary and Reeducation Centre), former Makala central prison, in Kinshasa. Zahidi Arthur Ngoma is held in Buluwo prison in Shaba province, in the Southeast of the country.

On 24 November 1997, Zahidi Arthur Ngoma, Ingele Ifoto, Justin Kampembe and Jean-Marie Lukudji had founded a new political movement, known as the *Forces du futur* (Forces of the Future). The following day, the organisers held a press conference at the house of the president of *Forces du Futur*, Zahidi Arthur Ngoma. After the press conference, the *Police d'Intervention Rapide* (PIR), Rapid Intervention Police broke into Zahidi Ngoma's house and arrested the leaders of *Forces du Futur*, together with several journalists and bystanders. All those arrested were beaten, some of them on their stomach and genitals.

While most of those arrested were released subsequently, the four leaders of the *Forces du Futur* remained in custody in Kinshasa and were charged with *atteinte à la sûreté de l'Etat* (endangering state security). The trial has not yet started.

On 30 January 1998, Zahidi Ngoma was transferred to Buluwo maximum security prison in Likasi, Shaba province. On 14 April 1998, the government announced that Zahidi Ngoma and two other well-known political prisoners had escaped from prison. Two days later, the Ministry of Interior stated that Zahidi Ngoma had been recaptured. However, this was not confirmed by the end of April 1998.

Before his arrest, Arthur Zahidi Ngoma was an employee of the UN Educational, Scientific and

Cultural Organization (UNESCO). The director of UNESCO announced on 17 April 1998 the suspension of UNESCO cooperation with the DRC in protest at the detention of Arthur Zahidi Ngoma.

Please publicise the cases of Zahidi Arthur Ngoma, Ingele Ifoto, Justin Kampembe and Jean-Marie Lukudji among lawyers, academics and journalists and ask them to write appeals.

Please write to the Minister of Education, M. Kamara ROKAHIKARA, Ministère de l'Education National, Kinshasa, DRC:

- expressing concern about the detention of Ingele Ifoto, Justin Kampembe and Jean-Marie Lukudji, arrested because they organised a peaceful political gathering;

- calling for their immediate and unconditional release;

- expressing concern that the whereabouts of Zahidi Arthur Ngoma were not known at the end of April 1998

- asking the authorities to disclose Zahidi Arthur Ngoma's whereabouts, and to release him if he is still in custody

- expressing concern that all four leaders of the *Forces du futur* were ill-treated and tortured;

- calling for investigations into reports that they were tortured, and urging that those responsible be brought to justice.

Please send similar letters to the Minister of Justice, M. Mwenze

KONGOLO, Ministère de la Justice, BP 3137, Kinshasa, Democratic Republic of Congo.

JOURNALIST

JOURNALIST

Mossi Mwassi is a journalist of South African origin who was arrested on 25 November 1997 after attending a press conference in Kinshasa organized by the *Forces du Futur*, a political opposition movement. Mossi Mwassi was released after several hours but rearrested on 4 December 1997 at his house, apparently because the security forces were suspecting him of having photos about massacres committed by Laurent-Désiré Kabila's army, the AFDL.

Mossi Mwassi was charged with *atteinte à la sûreté de l'Etat* (endangering state security), *faux et usage de faux* (forgery), and *trafique d'influence* (trading of favours).

On 12 April 1998, Mossi Mwassi was released, and the charges were withdrawn.

Amnesty International has received information about other cases of arrests of journalists. The most recent case is that of Michael Ladi Luya, the editor of the newspaper *Le Palmarès*, who was detained from 11 to 13 April 1998. He had been arrested after his newspaper had published a message by Etienne Tshisekedi, leader of the main opposition party *Union pour la démocratie et le progrès social* (UDPS), Union for Democracy and Social progress.

Please write to the Minister of Justice, Mwenze KONGOLO, Ministère de la Justice, BP 3137, Kinshasa, Democratic Republic of Congo:

- welcoming the release of Mossi Mwassi;
- expressing concern about a pattern of harassment and arrests of journalists in the DR Congo, such as the arbitrary detention of Michael Ladi Luya;
- calling upon the authorities to respect freedom of expression as it is guaranteed by the International

Covenant on Civil and Political Rights to which DR Congo is a party

Steve Mbikay

Michel Diumu

Henri Kiliba

TRADE UNIONISTS

Steve Mbikay, Michel Diumu and Henri Kiliba are leading members of the trade union *Solidarité*; Steve Mbikay is its Secretary General. The trade unionists were released on 14 April 1998, after having been detained for three months.

On 17 January 1998, they had protested against a decision by the *Office national des transports* (ONATRA), National Office for Transport, to dismiss them, and had taken part in a television program where they expressed their opposition to this measure. After the program, they were arrested by members of the security forces.

Amnesty International has received information about the arrest of other trade unionists. On 9 March 1998, Benga Makiona, Mataf Kabasele and Zieto Makuntima were arrested. They are the leaders of the post trade union, the *Fédération Nationale des PTT*, and were arrested shortly after their trade union had started a strike.

Please write a letter to the Minister of Justice, M. Mwenze KONGOLO, Ministère de la Justice, BP 3137, Kinshasa, Democratic Republic of Congo:

- welcoming the release of Steve Mbikay, Michel Diumu and Henri Kiliba;
- expressing concern about the arrest of Benga Makiona, Mataf Kabasele and Zieto Makuntima on 9 March 1998
- calling for the release of Benga Makiona, Mataf Kabasele and Zieto

Makuntima, unless to be charged with any recognizably criminal offence

Please send a similar letter to the Minister of Labour, Thomas Kanza, Kinshasa, Democratic Republic of Congo

Théodore Ngoye Ilunga Wa Nsenga

PROTESTANT PASTOR

Théodore Ngoye Ilunga Wa Nsenga is a protestant pastor at a parish in Gombe in the centre of Kinshasa, the capital. He was arrested on 16 December 1997. He is detained at the *Centre Pénitentiaire et de Rééducation* (Penitentiary and Reeducation centre), former Makala prison.

Pastor Ngoye was apparently arrested because he gave a sermon that was critical of the government. In this sermon, he criticised the new Congolese national anthem and rejected the idea of printing the President's portrait on *pagne*, African wrapper cloth. He was arrested just after he had finished preaching.

He was brought before the *Cour d'ordre militaire* (Military Order Court), and charged with *atteinte à la sûreté de l'État* (endangering the security of the state) and *offense à la personne de du Chef de l'Etat* (insulting the Head of State).

Amnesty International considers Théodore Ngoye Ilunga Wa Nsenga to be a prisoner of conscience.

Please publicise the case of Théodore Ngoye Ilunga Wa Nsenga widely among church leaders, members and institutions, and ask them to write appeals.

Roger Sala Nzo Badila

Please write a letter to the Minister

of Justice, M. Mwenze KONGOLO, Ministère de la Justice, BP 3137, Kinshasa, Democratic Republic of Congo (Telegrams: Ministère Justice, Kinshasa)

Nyabirungu Mwene Songa

Floribert Chebeya - new case

HUMAN RIGHTS ACTIVISTS

because he expressed his political

views in a sermon without

advocating violence;

expressing concern that he was

sentenced by a military court

although he is a civilian;

urging the authorities to release

him immediately and

unconditionally;

In January 1998, Roger Sala Nzo Badila and Nyabirungu Mwene Songa had been charged with *atteinte à la sûreté de l'Etat* (endangering state security) and treason. They were apparently arrested in the context of an article that Roger Sala Nzo Badila published in early July 1997 in the CENADHO newsletter, criticising the human rights record of President Kabila's government.

Throughout March and April 1998, Amnesty International has received more information about attacks against human rights defenders and their organizations. In the night of 20 March 1998,

Floribert Chebeya Bahizire, President of the human rights organization *La voix des sans voix* (VSV), Voice of the Voiceless, was assaulted in his house by armed men wearing uniforms of the Congolese army. Armed with rifles and bayonets, they punched Floribert Chebeya in the face and hit him on the leg with rifle butts. They repeatedly threatened to kill him.

On 3 April 1998, the *Association zairoise pour la défense des droits de l'homme* (AZADHO), Zairian Association for the Defence of Human Rights, was declared illegal by the Minister of Justice. On 10 April 1998, the government published a list of 22 non-governmental organizations which were "provisionally authorized" to work. A number of well-established human rights organizations, including CENADHO, did not figure in the list.

Please publicise the cases of Roger Sala Nzo Badila, Nyabirungu Mwene Songa and Floribert Chebeya Bahizire among religious institutions, lawyers and human rights activists.

Please write to the Minister of Education, M. Kamara ROKAHIKARA, Ministère de l'Education National, Kinshasa, DRC: - welcoming the release of Roger Sala and Nyabirungu Mwene Songa;

- expressing concern about the ongoing attacks on human rights activists, such as the attack on Floribert Chebeya
- calling upon the government to immediately start a full and independent investigation into the violent attack on Floribert Chebeya on 20 March 1998;
- urging the authorities to take steps to ensure that human rights activists, are guaranteed the right to freedom of expression and association, and that human rights groups are allowed to operate freely in the DR Congo ;

Please send similar letters to the
Minister of Justice, M. Mwenze
KONGOLO, Ministère de la Justice, BP
3137, Kinshasa, DRC

Floribert Chebeya Behizire

Eugène Diomi Ndongala

**Arlette Fula
Charlotte Ndongi**

POLITICIAN AND FAMILY MEMBERS

Eugène Diomi Ndongala Nzomambu has been released after being held for six weeks. He is the president of a political organization known as the *Front pour la survie de la démocratie au Congo* (Front for the Survival of Democracy in Congo). Under the government of former President Mobutu Sese Seko, Diomi Eugène Ndongala was a member of parliament and deputy minister of the Economy and Finance.

On the evening of 10 December 1997, a dozen members of the military police came to Eugène Diomi Ndongala's house. They raped his two sisters, Arlette Fula, aged 22, and Charlotte Ndongi, aged 21 and also searched and looted the house. The soldiers then arrested Eugène Diomi Ndongala on his return home. They did not have a warrant.

Eugène Diomi Ndongala Nzomambu was held in several illegal detention centres. While in detention, he suffered from appendicitis and was given medical care only after considerable public pressure. He was released on 24 January 1998.

Please distribute the case of Arlette Fula and Charlotte Ndongi widely among women's organizations, human rights organizations and parliamentarians and ask them to write appeals.

Please write letters to President Laurent-Désiré Kabila, Présidence de la République, Kinshasa, Democratic Republic of Congo, Fax: + 243 88 02120, Telegrams: President Kabila, Kinshasa, Democratic Republic of Congo:

- welcoming the release of Eugène Diomi Ndongala Nzomambu;**
- expressing concern about reports that his sisters Arlette Fula and Charlotte Ndongi were raped by members of the military police;**
- urging that these reports be investigated and those responsible brought to justice.**

LEADER OF A POLITICAL MOVEMENT

Joseph Olengha Nkoy is the President of a political movement, *Forces novatrices pour l'union et la solidarité* (FONUS), Innovative Forces for Union and Solidarity. He was arrested on 20 January 1998 in Kinshasa. It is unclear whether he has been charged with any offence. Around 30 January, he was transferred to Buluwo maximum security prison in Likasi, Shaba province. On 14 April 1998, the government announced that Joseph Olengha Nkoy and two other well-known political prisoners, Arthur Zahidi Ngoma and Anselme Masasu Nindaga, had escaped from Buluwo prison. By the end of April 1998, the whereabouts of Joseph Olengha Nkoy were not known. Amnesty International is concerned for the safety of all three.

Joseph Olengha Nkoy has been arrested several times in the past by former President Mobutu's security forces, including in December 1996, for his criticism of government policies and its failure to respect political freedoms. He has also been detained several times for his non-violent political activities since President Kabila came to power. In May and June 1997, FONUS supporters participated in demonstrations to protest against the AFDL ban on opposition political party activities. In July 1997, Joseph Olengha Nkoy publicly demanded an investigation into reports of massacres of Rwandese refugees by the AFDL. On 8 September 1997, he was arrested by about 20 members of the AFDL who held him incommunicado for one day at Mont Fleury detention centre in Kinshasa. After his release on 9 September he said that security officials had accused him of responsibility for workers' strikes and other actions intended to destabilise the AFDL. On 10 October 1997, Joseph Olengha Nkoy was briefly detained at N'Djili airport in Kinshasa. He was on his way to the USA where he was due to attend a conference. He was reportedly beaten by members of the security forces at the time of his arrest.

Please publicize the case of Joseph Olengha Nkoy widely among parliamentarians and journalists.

Please write a letter to Gaëtan

KAKUDJI, Minister for Internal Affairs, Ministère de l'Intérieur, Kinshasa, Democratic Republic of Congo:

- expressing concern about the detention of Joseph Olengha Nkoy, who has been arrested solely because of his political activities

- expressing concern that the whereabouts of Joseph Olengha Nkoy were not known by the end of April 1998

- urging the authorities to reveal his whereabouts and to immediately and unconditionally release him if he is in custody

- calling upon the government to respect freedom of expression, according to its international obligations under the International Covenant on Civil and Political Rights

Please send a similar letter to the Minister of Justice, Mwenze KONGOLO, Ministère de la Justice, BP 3137, Kinshasa, DRC (Telegrams: Ministre Justice, Kinshasa, Democratic Republic of Congo).

LEADER OF THE MAIN OPPOSITION PARTY, *UNION POUR LA DEMOCRATIE ET LE PROGRES SOCIAL*

Etienne Tshisekedi wa Mulumba, the President of the main opposition party, the *Union pour la démocratie et le progrès social* (UDPS), Union for Democracy and Social Progress, is banished and restricted to a village in Kasai Oriental Province.

On 12 February 1998, Etienne Tshisekedi was arrested without a warrant by members of the security forces at his house in the capital, Kinshasa. He was accused of violating the ban on opposition political party activity imposed by President Laurent Kabila since he came to power in May 1997. The UDPS had announced its intention to celebrate the 16th anniversary of the party on 15 February.

Etienne Tshisekedi was reportedly detained for several hours at a detention centre of the security service known as the *Agence Nationale de Renseignements* (ANR), on the Avenue des 3Z. Subsequently he was banished to his home village of Kabeya-Kamwanga, Kasai Oriental, where he arrived on 15 February 1998. Government officials announced that Etienne Tshisekedi had been confined to his home to carry out agricultural work to help with the reconstruction of DRC, while the accusation against him investigated. The banishment of Etienne Tshisekedi is reminiscent of the policy of internal banishment (relegation), which was enforced under President Mobutu Sese Seko in the 1980s, in which many political prisoners were banished to remote areas of the country and placed under the surveillance of local authorities and members of the security forces. Etienne Tshisekedi was himself banished several times. Amnesty International considers him as prisoner of conscience.

Please publish the case of Etienne Tshisekedi wa Mulumba widely among parliamentarians, journalists and other political leaders or activists.

Please write a letter to Gaëtan KAKUDJI, Minister for Internal Affairs, Ministère de l'Interieur,

Kinshasa, DRC:

- expressing concern about the internal banishment of Etienne Tshisekedi wa Mulumba, solely because of his peaceful political activities**
- explain that Amnesty International considers Etienne Tshisekedi as a prisoner of conscience**
- urging the authorities to immediately and unconditionally lift the banishment**
- calling upon the government to respect freedom of expression, according to its international obligations under the International Covenant on Civil and Political Rights**

Please send a similar letter to the Minister of Justice, Mwenze KONGOLO, Ministère de la Justice, BP 3137, Kinshasa, Democratic Republic of Congo