

AI Index: PRE 01/075/2013  
14 February 2013

## **Angola must not send detainees to Democratic Republic of Congo**

Angola must not send to the Democratic Republic of Congo (DRC) nine detainees held on charges in connection with allegedly attempting to destabilise the government there, since there is a real risk they would face torture and other ill-treatment, and possibly the death penalty if sent to the DRC.

Angola must also investigate allegations that the detainees have been tortured while held in incommunicado detention.

The men, at least seven of whom are originally from the DRC, were arrested in the Angolan province of Cabinda on 22 November 2012. They were initially held incommunicado in military barracks. Their families were not told where they were and they did not have access to a lawyer until 22 December.

Amnesty International also received information that while they were held in the military barracks, the detainees were beaten with firearms, kicked with military boots, slapped and punched. None of the men received any medical care for the injuries sustained as a result of this torture.

“There seem to be major and alarming irregularities in the process used by the Angolan authorities to detain and charge these men. These men must not be sent to face the risk of torture or execution in DRC,” said Noel Kututwa, Amnesty International’s southern Africa director.

“Moreover these allegations of torture must be investigated and, if they are substantiated, the perpetrators must be brought to justice.”

Amnesty International fears that at least some of these individuals may be sent to the DRC where there is a real risk that they will face further torture or other ill-treatment or the death penalty. Angola has abolished the death penalty for all crimes.

Such a measure would violate international human rights law which absolutely prohibits torture and other ill-treatment. The prohibition applies to all states irrespective of their specific treaty obligations. It also prohibits states from sending any person against their will to another country where there is a real risk that they will be subjected to torture or other ill-treatment.

Angola’s constitution prohibits the extradition of foreign citizens for political motives, for charges punishable by the death penalty or in cases where it is recognised that extradition may lead to the torture, inhumane or cruel treatment of the individual concerned.

While the DRC has not carried out executions in recent years, it retains the death penalty, including for crimes against state security.

Amnesty International opposes the death penalty in all cases without exception regardless of the nature of the crime, the characteristics of the offender, or the method used by the state to kill the prisoner.

“We appeal to the DRC authorities to join the worldwide trend towards abolishing the death penalty,” said Kututwa.