

URGENT ACTION

GOLDEN MISABIKO PUT ON TRIAL

Human rights defender Golden Misabiko's trial will begin on 19 August. He is charged with "threatening state security," because his organization published a report alleging state complicity in illegal mining at a uranium mine.

Golden Misabiko was arrested on 24 July. He has been detained since then at the Prosecutor's Office under a 15-day extension of pre-trial detention requested by the Prosecutor for further investigations. On 3 August, the High Court rejected his lawyers' appeal to release him on bail. Golden Misabiko still has to sleep outdoors on a cardboard box to avoid the crowded and unsanitary conditions of the main holding cell.

Golden Misabiko is the President of the human rights organisation *Association Africaine de défense des Droits de l'Homme* in Katanga province (ASADHO/Katanga). The Prosecutor's Office have steadfastly refused to drop the charges against him, announcing on 12 August that he would be sent for trial at the Lubumbashi Magistrates Court (*Tribunal de Paix*), on a charge of "threatening state security," under Article 199 of the Congolese Criminal Code. The prosecution claimed that by publishing the contested report, ASADHO-Katanga, through Golden Misabiko, was effectively seeking to stir up the population of Katanga against the provincial authorities. However, Amnesty International considers Golden Misabiko a prisoner of conscience, detained solely for his peaceful activities in defence of human rights.

The government appears determined to intimidate human rights defenders into silence.

PLEASE WRITE IMMEDIATELY in FRENCH or your own language:

- Demanding that the authorities release Golden Misabiko immediately and unconditionally, as he is a prisoner of conscience detained solely for his lawful human rights work.
- Urging them to guarantee Golden Misabiko's right to freedom of expression, including the right to conduct research, publish and disseminate, by himself or through ASADHO/Katanga, human rights information, a principle recognized by the 1998 UN Declaration on Human Rights Defenders.

PLEASE SEND APPEALS BEFORE 11 September 2009 to:

President

Son Excellence Joseph Kabila
Président de la République
Palais de la Nation
Avenue de Lemera
Kinshasa-Gombe
Democratic Republic of Congo

E-mail: presipp@yahoo.fr

Salutation: Dear President Kabila/Son Excellence Monsieur le Président

Justice Minister

Luzolo Bambi Lessa
Ministère de la Justice
228 Avenue de Lemera
BP 3137
Kinshasa-Gombe
République Démocratique du Congo

Email : pourtous.justice@yahoo.fr

Salutation: Dear Minister / Monsieur le Ministre

Governor of Katanga

Moise Katumbi Chapwe
Please leave a message
on the Governor's official website :

www.katanga.cd/misc/contact.php

Salutation: Dear Governor / Monsieur le Gouverneur

Also send copies to diplomatic representatives accredited to your country. Please check with your section office if sending appeals after the above date. This is the first update of UA 208/09. Further information: <http://www.amnesty.org/en/library/info/AFR62/013/2009/en>

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ADDITIONAL INFORMATION

Since Golden Misabiko was arrested, a coalition of national and local NGOs have organized support for him, with regular visits to him in custody, and several peaceful demonstrations demanding his release and an end to illicit operation of the Shinkolobwe uranium mine. Relations between NGOs from Katanga province and the Ministry of Human Rights deteriorated on 13 August when, during a meeting with a Ministry adviser, a collective of provincial NGOs protested against the lack of support from the Ministry for Golden Misabiko, and to protest against the blatant curtailment of their freedom of expression.

Article 16 of the 1998 UN Declaration on Human Rights Defenders states that human rights defenders have an important role to play in contributing to making the public more aware of questions relating to all human rights and fundamental freedoms, notably through research. The African Charter on Human and Peoples' Rights also secures the right to freedom of expression, particularly important for human rights defenders.

Further information on UA: 208/09 Index: AFR 62/014/2009 Issue Date: 17 August 2009

