

PUBLIC

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Fear of arbitrary arrest

09 January 2003

DEMOCRATIC REPUBLIC
OF CONGO (DRC)

Floribert Chebeya Bahizire (m), President of *Voix des sans voix*
(VSV), Voice of the Voiceless

On 28 December 2002, Floribert Chebeya Bahizire, president of the *Voix des sans voix* (VSV), Voice of the Voiceless, went into hiding after he was twice ordered to report to a military tribunal for questioning. He is currently in hiding in the capital Kinshasa, amid fears that he is facing imminent and arbitrary arrest.

The summons (*mandat d'amener*) appears to be linked to comments Floribert Chebeya Bahizire made during a televised debate broadcast on 16 December. During the debate, he called on the Congolese authorities to clarify the true circumstances of the assassination of President Laurent-Désiré Kabila in January 2001 and of the state execution of a former military ally of the late president, Anselme Masasu Nindaga, in late 2000.

Floribert Chebeya Bahizire was first summoned to report to the *Cour d'ordre* militaire (COM), Military Order Court, on 24 December, and again on 27 December. On both occasions, other representatives of the VSV attended in his place, but were told that the COM's main prosecutor, Colonel Charles Alamba Mongako, had insisted that Floribert Chebeya Bahizire must attend in person. No explanation or justification was given for the summons. In the past, many similar summons, including of other human rights defenders, have been followed by immediate arrest.

After Floribert Chebeya Bahizire went into hiding, unidentified individuals, possibly belonging to the Congolese security services, were seen loitering outside the Kinshasa offices of the VSV. On 6 January the VSV took the decision to temporarily close its offices in the interests of the safety of its other staff. The offices currently remain closed.

BACKGROUND INFORMATION

The *Cour d'ordre militaire* was set up by the late President Laurent-Désiré Kabila, initially in order to try cases involving the military. However after the outbreak of war in 1998, its remit was significantly extended following the declaration of a state of emergency in several provinces of the DRC. It has since tried and imprisoned dozens of civilians, including political prisoners and human rights defenders after unfair trials. In November, President Joseph Kabila published a decree announcing that the COM was to be abolished on 18 December 2002, but for reasons which remain unclear, this decree does not seem to have been put into effect.

The COM was responsible for trying in secret, and then executing, Anselme Masasu Nindaga and seven others in November 2000 for their alleged role in a purported plot to overthrow the late president. Their trial lasted only a few hours and they were executed immediately afterwards, reportedly in the presence of the COM prosecutor Colonel Alamba. Human rights groups, including the VSV, have long been campaigning for the Congolese authorities to reveal the facts concerning this trial and the executions, which for many months the authorities denied had even take place.

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

- expressing concern at the summons issued by the COM on Floribert Chebeya and seeking clarification of the precise grounds for this summons;

- expressing concern that Floribert Chebeya Bahizire may be facing arbitrary arrest simply for having expressed political views and raised human rights concerns during a television broadcast on 16 December 2002;
- seeking assurances that Floribert Chebeya Bahizire will not be arrested for having exercised his right to express his views freely;
- seeking assurances that VSV members and other human rights activists in the DRC are able to go about their work free from the fear of harassment, intimidation and detention;
- seeking clarification on the current status of the *Cour d'ordre militaire* in light of the recent presidential decree announcing its abolition on 18 December 2002.

APPEALS TO:

President of the DRC

President Joseph Kabila
Président de la République
Présidence de la République
Kinshasa-Ngaliema
République démocratique du Congo

Salutation: Monsieur le Président / Dear President

Minister of Human Rights

Professeur Ntumba Luaba
Ministre des Droits humains
Ministère des Droits humains
33/C Boulevard du 30 juin
Kinshasa-Gombe
République démocratique du Congo

Email: ntumbaluaba@yahoo.fr

Fax: + 243 12 20 664 (this number can be very difficult to get through to)

Salutation: Monsieur le Ministre / Dear Minister

COM Prosecutor

Colonel Charles Alamba Mongako
Procureur général près la Cour d'ordre militaire
Palais de Justice, BP 7016
Kinshasa-Gombe
République démocratique du Congo

Salutation: Monsieur le Procureur général / Dear State Prosecutor

and to diplomatic representatives of 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 20 February 2003.