

UA 118/01

Arbitrary

DEMOCRATIC REPUBLIC Hubert Tshiswaka] Members of human
OF CONGO (DRC) Jeanne Bilonda] rights group ASADHO
Golden Misabiko Baholelwa]

Three members of a human rights group are held without charge in southeastern DRC, and they are at risk of ill-treatment. Amnesty International is concerned that they may have been arbitrarily arrested because of their human rights work.

Hubert Tshiswaka and Jeanne Bilonda were arrested on 14 May at the Lubumbashi branch office of the *Association africaine de défense des droits de l'homme* (ASADHO), African Association for the Defence of Human Rights. They are now held at a detention centre run by the *Agence nationale des renseignements* (ANR), National Intelligence Agency.

They were apparently arrested on their way from a meeting at the residence of the Belgian Consul General in Lubumbashi, and accused of espionage. However, they are not known to have been charged with any offence.

Golden Misabiko Baholelwa, president of the Lubumbashi branch of ASADHO, has been held without charge since he was arrested by the ANR on 5 February in Lubumbashi. The following day he was moved, apparently without his family being informed, to the capital, Kinshasa, where for a time he was reportedly held incommunicado at the Groupe Litho Moboti building, an unofficial presidential security unit detention centre notorious for torture, where he was reportedly ill-treated.

It is understood that he is currently held at Kinshasa's central prison and may be facing a charge of "endangering state security" (*atteinte à la sûreté de l'état*), a charge that the authorities have repeatedly contrived to punish or silence government critics and opponents. Neither his family, legal counsel nor colleagues have been allowed to see him.

BACKGROUND INFORMATION

Like other human rights activists in the DRC, ASADHO members have frequently been targeted by the authorities. In December 2000 the Lubumbashi branch released a press statement on the execution of a prominent military figure, Anselme Masasu Nindaga, and about eight others accused of plotting to overthrow the government. The government reacted angrily, vigorously denying the allegations that it had executed Anselme Masasu Nindaga and other alleged coup plotters (which were later confirmed by the Minister of Foreign Affairs) and forcing several ASADHO activists to spend some time in hiding. It is thought that Golden Misabiko may have been arrested in part because of this ASADHO press statement.

The ANR is one of several security services in the DRC which in effect operate outside the framework of Congolese law and of international human rights treaties to which the country is party. The security services are ultimately answerable to the President or to government ministers, without oversight by the judiciary. The government has allowed the security services virtually unlimited powers to arbitrarily detain anyone considered to be a threat to the government, including human rights activists, politicians, journalists and lawyers.

President Joseph Kabila has yet to honour in full his recent public commitment to close all unofficial detention centres run by the security services, including the ANR. Torture and ill-treatment are commonplace at these detention centres.

RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express/airmail letters in French, English or your own language:

- expressing concern at the arrest of the three ASADHO members and asking what charges, if any, they face;
- expressing concern at reports that Golden Misabiko was ill-treated while in custody in Kinshasa, and urging the authorities to ensure that he receives any medical treatment he needs, and seeking assurances that all three detainees are humanely treated;
- urging the authorities to release all three ASADHO members immediately and unconditionally, if they are not to be charged with a recognizably criminal offence and promptly given the opportunity to answer those charges before a court of law;
- urging that President Joseph Kabila's public commitment to closing all unofficial detention centres be promptly and fully implemented, and that the government bring an immediate end to the targeting of human rights activists solely because of their legitimate human rights work.

APPEALS TO:

1. President

Président Joseph Kabila
Président de la République, Présidence de la République
Kinshasa-Ngaliema, Democratic Republic of Congo

Telegrams: President, Kinshasa, DR Congo

e-mails: UPP@ic.cd

Fax: + 243 88 02120 (It may be difficult getting through to this number - please be patient and keep trying)

Salutation: Monsieur le Président de la République / Dear Président

2. Minister of Justice

M. Antoine Deogratias Ngele Masudi
Ministre de la Justice et des
Affaires parlementaires
Ministère de la Justice
BP 3137

Kinshasa-Gombe

République Démocratique du Congo

Telegrams:Ministre Justice, Kinshasa, DR Congo

Salutation:Monsieur le Ministre / Dear Minister

3. Head of the ANR

Didier Kazadi Nyembwe
Directeur de L'Agence Nationale de
Renseignements (ANR)
Ministère de l'Intérieur
Hôtel du Conseil Exécutif
République Démocratique du Congo

Telegrams:Directeur ANR, Kinshasa, DR Congo

Salutation:Monsieur le Directeur / Dear Director

COPIES TO:

Minister for 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
e-mails: mininfordc@ic.cd

Salutation: Monsieur le Ministre / Dear Minister

and 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 27 June 2001.