

EXTERNAL

AI Index: AFR 62/10/98

UA 54/98 **Fear of ill-treatment/Fear for safety**

17 February 1998

DEMOCRATIC REPUBLIC OF CONGO Léonard BOZI

Pierre KAFUNGI

François TSHIMBUMBA

Jean-Maire TSHIMANGA

Désiré ELOMPASI

Alexandre KATAMBAYI

Willy KANKU

Démocrate MUKANYA

Dénis KANYINDA all members of the Union
for Democracy and Social Progress (UDPS) and
bodyguards of Etienne Tshisekedi

**Etienne TSHISEKEDI, president of the UDPS,
arrested and banished to his home village**

Amnesty International is concerned for the safety of the men named above, following their arrest on 12 February 1998 at the home in Kinshasa of Etienne Tshisekedi, leader of the *Union pour la Démocratie et le Progrès social* (UDPS), Union for Democracy and Social Progress.

Etienne Tshisekedi was arrested without a warrant by members of the *Forces Armées Congolaises* (FAC), Congolese Armed Forces. He is accused of violating the ban on political activity imposed by President Laurent Kabila since he came to power. The UDPS had announced its intention to celebrate the 16th anniversary of the party on 15 February.

The other members of the UDPS named above, who were at the house at the time, some as bodyguards, were arrested after they tried to intervene to prevent the arrest of Etienne Tshisekedi. They were reportedly beaten and ill-treated. There has been no confirmation of their place of detention, although, according to some reports, they may be held by the ANR (*Agence nationale de renseignements*, National Intelligence Agency) in Kinshasa. The ANR is notorious for torturing detainees, including subjecting people to electric shocks.

Following news of the arrest of Etienne Tshisekedi, a crowd of UDPS supporters gathered outside his house and the nearby office of the UDPS. Five of them were arrested and briefly detained on 13 February by members of the FAC.

Etienne Tshisekedi was reportedly detained for several hours at an ANR detention centre, ANR/3Z, in Kinshasa, shortly after his arrest. Subsequently he was relegated to his home village of Kabeya Kamwanga, Kasai Oriental, where he arrived on 15 February. Government officials announced that Etienne Tshisekedi had been relegated to his home to carry out agricultural work to help with the reconstruction of DRC, while the accusation against him is investigated. He has been provided with farming implements and seeds. The banishment of Etienne Tshisekedi is reminiscent of the policy of internal banishment, which was enforced under President Mobutu Sese Seko in the 1980s, in which many political prisoners were relegated to their home areas and placed under the surveillance of local authorities. Amnesty International remains concerned for his safety and is seeking assurances that he has access to family, medical care and legal counsel.

BACKGROUND INFORMATION

Since it came to power in May 1997, the *Alliance des forces démocratiques pour la libération du Congo-Zaïre* (AFDL), Alliance of Democratic Forces for the Liberation of Congo-Zaïre, has committed numerous human rights violations against critics of the government and representatives of civil society, including church leaders. Hundreds of people are reported to have been arrested in various parts of the DRC since the government took power on 17 May 1997. The vast majority of these arrests are reported to be arbitrary, carried out without arrest warrants, by soldiers who do not have the legal power to make arrests under Congolese law. Detainees are often held incommunicado, sometimes in unofficial detention centres, such as private residences. Reports of ill-treatment and torture are common.

Those arrested include members of political opposition groups critical of the AFDL, journalists, human rights activists, as well as members of the former government. The AFDL has officially banned political party activity outside of the AFDL and suspended the Zairian constitution, which guaranteed freedom of association and the right to hold peaceful demonstrations.

Furthermore, dozens of people have "disappeared" or have been extrajudicially executed. In January 1998, at least 30 UDPS supporters, around 15 of whom are still reported to be detained, were arrested at a new year's celebration for Etienne Tshisekedi. Dozens of UDPS supporters were beaten by the security forces, some were tortured with electroshock batons in detention.

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

- calling on the authorities to make public the whereabouts of the UDPS supporters and bodyguards of Etienne Tshisekedi, following their arrest on 12 February 1998, and to allow them access to their families;
- urging that steps be taken to guarantee their physical safety and to prevent ill-treatment;
- asking that they be released if they are not to be charged with a recognizably criminal offence and brought to trial in accordance with international standards of fairness.

If you are able in the same fax or in separate telegrams :

- calling on the authorities to guarantee the well being of Etienne Tshisekedi, and for assurances that he has access to his family, medical care and legal counsel;
- calling for the measures taken against him to be dropped unless he is to be charged with a recognizable criminal offence and brought to justice in accordance with international standards of fairness;
- seeking information on the conditions under which he has been placed in Kabeya Kamwanga.

APPEALS TO:

President

Son Excellence Laurent-Désiré KABILA
Président de la République
Présidence de la République
Kinshasa-Ngaliema
Democratic Republic of Congo

Telegrams: President Kabila, Kinshasa DR Congo

Fax: + 243 88 02120 (the fax may be temporarily out of service - you might have to try several times)

Salutation: Monsieur le Président de la République

Minister of Justice

M. Mwenze KONGOLO
Ministre de la Justice
Ministère de la Justice

BP 3137, Kinshasa-Gombe
Democratic Republic of Congo
Telegrams: Ministre Justice, Kinshasa, DR Congo
Salutation: Monsieur le Ministre

Minister of State for Internal Affairs
Gatean KAKUDJI
Ministre d'Etat à l'Intérieur
Hôtel du Conseil exécutif
Kinshasa-Gombe
Democratic Republic of Congo
Telegrams: Ministre Interieur, Kinshasa, DR Congo
Salutation: Monsieur le Ministre

COPIES TO:

M. Séverin KABWE, Directeur de L'Agence Nationale des Renseignements
Ministère de l'Intérieur
Hôtel du Conseil Exécutif
Democratic Republic of Congo

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 31 March 1998.