

UA 207/98 Torture / Fear of torture / Medical concern /
Legal concern

17 July 1998

DEMOCRATIC REPUBLIC OF CONGO (DRC)

Around forty members and supporters of the UDPS opposition party, including Marcel Mbayo, Firmin Nkama, Mukendi wa Mulumba, Yoane Nkuba, Jean Bosiluwa, Ezuluwa Monzemba, Richard Bieme Ngalisame, Nyembo Yalumbu, Kirarahumu, Shabani, Mbeli, Modeste Kikunga, Joseph Mbuyi, Bernard Cikulu, David Mukeba, Alexandre Kalambaye, Pierre Lukusa, Alphonse Mwamba, Africa Simaganga, Romain Mpoyi

Approximately 40 members of the *Union pour la Démocratie et le Progrès Social* (UDPS), Union for Democracy and Social Progress, the main opposition political party in the DRC, were arrested on 9 and 14 July 1998 and may be at risk of being tortured.

None of those arrested are known to have been charged with any offence. They are thought to have been detained only for exercising their right to freedom of expression and association in spite of a government ban on opposition political party activity.

Thirteen opposition politicians, who are members or supporters of the UDPS, were arrested on 9 July by members of the *Forces Armées Congolaises*, Congolese Armed Forces (FAC), in Kinshasa, at the residence of the UDPS President, Etienne Tshisekedi. They are Marcel Mbayo, Firmin Nkama, Jean-Joseph Mukendi wa Mulumba, Yoane Nkuba, Jean Bosiluwa, Richard Bieme Ngalisame, Ezuluwa Monzemba, Nyembo Yalumbu, Honorine Nabunyi, Kirarahumu, Shabani and Mbeli (their first names are not known). Honorine Nabunyi was released on 14 July, but the others remain in the detention centre of the *Agence Nationale de Renseignements* (ANR), National Intelligence Agency.

Firmin Nkama and Shabani were beaten when they refused to sign a declaration saying that they would abide by the ban on opposition political party activity imposed by the ruling *Alliance des Forces Démocratiques pour la Libération du Congo-Zaïre* (AFDL), Alliance of Democratic Forces for the Liberation of Congo-Zaïre. As a result of the ill-treatment, Firmin Nkama was injured in the chest, and Shabani was wounded on his right leg. On 15 July, Shabani's health condition had deteriorated to the point where he was unable to stand up. He has now been transferred to a health centre.

Around 30 people were arrested on 14 July by members of the *Police d'Intervention Rapide* (PRI), Rapid Intervention Police. Among them were eight of Etienne Tshisekedi's bodyguards, who were arrested at his residence. Their names are Joseph Mbuyi, Bernard Cikulu, David Mukeba, Alexandre Kalambaye, Pierre Lukusa, Alphonse Mwamba, Africa Simaganga and Romain Mpoyi. More than 20 other UDPS supporters were arrested nearby. Their whereabouts are not known to Amnesty International.

BACKGROUND INFORMATION

Hundreds of people have been arrested in various parts of the DRC since the AFDL seized power on 17 May 1997. Among those arrested are leading members of non-governmental-organizations, political opposition groups, community leaders, journalists and human rights activists. Many of them have been arrested solely for exercising their right to freedom of expression. Torture is widespread in DRC. Many people are beaten at the time of their arrest and tortured in custody, particularly in private detention centres and in those belonging to the security forces.

Etienne Tshisekedi was banished from Kinshasa in February and confined to his home village. He was allowed to return to the capital in early July. On 7 July, Etienne Tshisekedi gave a press conference declaring that he will continue his political activities. During this press conference, members of the security forces shot in the air and briefly detained six people.

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

- expressing concern about the arrests of around 40 people, including UDPS supporters and Etienne Tshisekedi's bodyguards (name some of them), between 9 and 14 July 1998;
- expressing concern that two of those arrested, Shabani and Firmin Nkama, have beaten during detention;
- calling on the authorities to take steps to guarantee the physical safety of those arrested;
- asking that they be released unless charged with a recognizably criminal offence and brought to trial in accordance with international standards of fairness;
- calling on the authorities to make public the whereabouts of the around 40 UDPS members and supporters (name some of them) arrested by the *Police d'Intervention Rapide* on 14 July;
- calling upon the authorities to allow the detainees access to a doctor, a lawyer and their families;
- reminding the DRC authorities of their commitment to the Universal Declaration of Human Rights, in particular Article 19: "Everyone has the right to freedom and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers."

APPEALS TO: (Please note that faxing the DRC can be difficult. As a minimum, please send a letter to the DRC embassy in your country.)

Son Excellence Laurent-Désiré KABILA, Président de la République, Présidence de la République, Kinshasa-Ngaliema, Democratic Republic of Congo **Telegrams:**
President, Kinshasa, DR Congo

Faxes: + 243 88 02120

Salutation: Monsieur le Président de la République / Dear President

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 Human Rights, M. Leonard OKITUNDU, Ministre des Droits de l'Homme,
Ministère des Droits de l'Homme, Kinshasa-Gombe
Democratic Republic of Congo

Telegrams: Minstre Okitundu, Kinshasa, DR Congo

Salutation: Monsieur le Ministre/ Dear Minister

COPIES TO:

Le Phare (independent newspaper)

Faxes: + 1 212 3769270 (Note: this is a number in the United States from where faxes are transmitted to *Le Phare*)

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 2 September 1998.

"Everyone has the right to freedom and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers."