

PUBLIC

AI Index: AFR 62/003/2008

01 May 2008

UA 118/08 Death threats/ Fear for safety

DEMOCRATIC Dieudonné Sango (m) – trial observer
REPUBLIC Jean-Paul Ngongo Mundala (m) – trial observer
OF CONGO Jean Bedel Kaniki (m) – trial observer
(DRC) Joseph Kitungano Walumona (m) – trial observer
Sophie Roudil (f) – trial observer (French national)
Charles Cubaka (m) –lawyer
Jean-Claude Mubalama (m) –lawyer
One other lawyer (m)

Lawyers representing four men who are appealing against their death sentence and trial observers from local and international NGOs have received a series of anonymous threats in the city of Bukavu, eastern DRC. The threats, which include death threats, began on 17 April and are mainly being sent as anonymous mobile phone text messages.

Joseph Kitungano Walumona, Dieudonné Sango, Jean Bedel Kaniki and Jean-Paul Ngongo Mundala are all representatives of Congolese human rights NGOs. Sophie Roudil is a representative of the international NGO, Protection International. Charles Cubaka and Jean-Claude Mubalama are Congolese lawyers.

They are all involved a high-profile appeal before a military court of four men who were sentenced to death in August 2007 for the murder of radio journalist Serge Maheshe on 13 June 2007 in Bukavu. An investigation by the Bukavu military prosecutor into his killing failed to pursue allegations of possible military involvement in the murder. After an unfair military trial, which also failed to pursue these allegations, four civilian men were convicted of the murder, including two close friends of Serge Maheshe.

The threats warn the trial observers and lawyers to stop criticizing the conduct of the appeal hearing, to stop implicating the military in Serge Maheshe's murder and to stop "tarnishing the image of the country". One message, sent on 24 April, told the recipient that he was a "walking corpse" ("Tu es un CADAVRE qui marche!"). On 29 April, Jean Bedel Kaniki received a phone call from a woman calling herself Irene. She told him that a close friend and NGO colleague had been seriously injured in a road traffic accident and that he should go immediately to the scene. No such accident had taken place and the phone number from which "Irene" rang has since been unobtainable.

Some of the Congolese NGO trial observers have stayed away from their homes since receiving the threats and one unnamed defence lawyer has suspended his involvement in the appeal. The threats have been reported to the police who have apparently opened an investigation. However to date those responsible for the threats have not been identified and no action appears to have been taken by the authorities to protect the lawyers or trial observers.

The ongoing appeal has been criticized by independent trial observers for violations of the right to fair trial and other irregularities. The original trial was also criticized by NGO and UN observers for a number of serious fair trial violations, such as a failure to observe international standards of impartiality and due process. In March 2008, the President of the Bukavu Military Appeal Court publicly attacked the work of the NGO trial observers, accusing them of being partial, and threatened to initiate prosecutions against them for "insulting the judicial authorities" ("outrage à la magistrature").

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

- calling on the authorities to ensure that independent trial observers and lawyers named above who are involved in the appeal hearing of four men accused of the murder of radio journalist Serge Maheshe be protected against further threats and possible attack;
- calling for a prompt, impartial and independent investigation into the threats which began on 17 April and for those responsible to be brought to justice;
- calling on the authorities to respect and to guarantee the right of individuals to observe trials and to report on their compliance with international fair trial standards, in accordance with Article 9 of the 1998 UN Declaration on Human Rights Defenders;
- calling on the authorities to put an immediate end to the harassment of lawyers and human rights activists in the DRC, and to ensure that they are able to pursue their legitimate professional activities free from fear of intimidation and other human rights violations.

APPEALS TO:

Head of State

Son Excellence Joseph KABILA
Président de la République
Cabinet du Président de la République
Palais de la Nation
Kinshasa
République Démocratique du Congo

E-mail: cabinet_president@yahoo.fr

Salutation: Dear President Kabila/Son Excellence Monsieur le Président

Minister of Defence

Mr Chikez Diemu
Ministre de la Défense nationale et des Anciens Combattants
Ministère de la Défense Nationale
Kinshasa
République Démocratique du Congo

Salutation: Dear Minister/Monsieur le Ministre

Minister of Interior

Denis Kalume Numbi
Ministre de l'Intérieur, Décentralisation et Sécurité
Ministère de l'Intérieur, Décentralisation et Sécurité
Kinshasa
République Démocratique du Congo

E-mail : mininterieur@yahoo.fr

Salutation : Dear Minister/ Monsieur le Ministre

Minister of Justice and Human Rights

Mr Mutombo Bakafwa Nsenda
Ministre de la Justice et Droits Humains
Ministère de la Justice
Kinshasa-Gombe
République Démocratique du Congo

Email: min_droitshumains@yahoo.fr

Salutation: Dear Minister/Monsieur le Ministre

COPIES TO: Diplomatic representatives of DRC accredited to your country. If you live in an EU member country, please also copy your embassy in Kinshasa, asking the EU to intervene to support these human rights defenders, in accordance with the European Union Guidelines on Human Rights Defenders.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 12 June 2008.