

@Zairian human rights activists under threat

Amnesty International is concerned that members of the security forces are carrying out a policy of repression against human rights activists, including arrests, death threats and other forms of harassment. The victims are targeted because of their public criticism of the government's record of human rights violations and its failure to implement political reforms.

In January 1995, the Zairian government announced administrative measures apparently intending to make it difficult for human rights groups to operate. The measures include a requirement that they can only be legally recognized by presidential decree, ordonnance, authorizing their activities in accordance with the decree-law of 18 September 1965, relating to non-profit-making associations, associations sans but lucratif (asbl). Amnesty International is concerned that the Zairian authorities may adopt a policy to outlaw human rights groups altogether.

For many years human rights groups and independent publications which were critical of the government were prohibited in Zaire. This changed on 24 April 1990 when President Mobutu Sese Seko announced political reforms. These included an end to the one-party state, the legalization of political parties, greater press freedom and the release of political prisoners. In the aftermath of these announcements, human rights groups which had existed clandestinely came into the open and new groups were established. A pattern of attacks against human rights workers only started as they reported more and more actively on human rights violations.

However, the implementation of political reforms, particularly multi-party elections which were supposed to take place within two years, have been repeatedly delayed. Elections were most recently scheduled for 9 July 1995. However, as prerequisites such as voter registration had not yet been fulfilled by late June 1995, elections have again been postponed for two years. Repression against those critical of the government, such as opposition politicians, journalists, trade-unionists and human rights activists, has become endemic.

In January 1995, the Zairian association for the Defense of Human Rights, Association zairoise de défense des droits de l'homme (AZADHO), published its annual report entitled, 1994: Où est passée la justice ?, 1994: Where has Justice gone ? The report, which was written before the September 1965 law was revived, highlighted numerous extrajudicial executions and other deliberate and arbitrary killings by the Zairian army, paramilitary groups and other armed groups. AZADHO stated that its inquiries in Kinshasa and in three regional towns of Goma, Lubumbashi and Kisangani had revealed 154 extrajudicial executions and other deliberate and arbitrary killings, most of which were

committed by the security forces who act with virtual impunity. This report received much attention in Zaire.

On 4 April 1995, AZADHO received an official statement from the Procurator General, Procureur général, of the Supreme Court of Justice, Cour Suprême de Justice, declaring its activities outside the law. The statement followed measures announced by the Zairian Government on 27 January 1995 after AZADHO's annual report was discussed by the Zairian cabinet Conseil des ministres.

The measures included the enforcement of the 1965 decree-law dealing with non-profit-making associations, demanding that all human rights groups only obtain legal recognition under this 1965 decree-law. The decree-law empowers the authorities to approve the composition, administration and finances of non-profit-making associations. These powers contravene the freedom of association and assembly, embodied in the Constitutional Act of the Transition, Acte constitutionnel de la transition, and in international instruments signed by Zaire. AZADHO agreed to fully comply with the decree-law but challenged it. The Procurator General has since decided that AZADHO is deprived of its legal existence, dépourvu de la personnalité juridique, and declared its activities outside the law.

In a joint statement, submitted to the 51st session of the United Nations Human Rights Commission, five Zairian human rights groups protested at the reintroduction of the 18 September 1965 decree-law, which suppressed freedom of assembly and association and which was therefore at variance with the political reforms introduced in April 1990. The human rights groups warned that implementation of the 18 September 1965 decree-law would allow the authorities to curtail their activities and threaten their independence.

Amnesty International has since received reports that AZADHO members in all parts of Zaire have been threatened and attacked by both local authorities and the military. For example, the mayor, Commissaire urbain (maire), of Kindu, the capital of the Maniema region, ordered the closure of AZADHO's local branch office. Other human rights groups have indicated that these measures had not yet been imposed on them, but said they felt under constant threat.

In early June 1995, M. Amuri bin Mastaki, AZADHO's representative in Kabambare district, Maniema region, was reportedly arrested by members of the National Gendarmerie, Gendarmerie nationale, and held for 48 hours in a cell, cachot, where he was stripped naked and allegedly tortured. His house was ransacked. The reason for his arrest was apparently because he had accused the head of the local administration as well as the commander of the local police (National Gendarmerie) of being personally involved in corruption.

On 20 June, the chief of the Wazamaza collective in Kabambare district, Maniema region, announced that all activities of the local human rights organizations

were to be suspended on the orders of the governor of the region. The AZADHO activists strongly protested against the announced suspension saying that they would ignore it. No new repressive measures against AZADHO members in Maniema region are since known to have been taken.

Amnesty International is concerned that if human rights groups are declared illegal by the government in violation of the rights to freedom of expression and association, the lives of human rights activists may be at risk. Reports received by Amnesty International during 1994 indicate that human rights activists had already been singled out for harassment by the security forces. For example, on 14 June 1994, William Kalume Lualaba, member of Voice of the Voiceless, La voix des sans voix, another human rights group, was reportedly arrested and held for 48 hours in a cell at the Kinshasa headquarters of the National Gendarmerie, known as the "CIRCO", circonscription militaire. At the time of his arrest, he was carrying out an inquiry into the detention conditions of Joseph Olenga Nkoy, President of the Forces novatrices de l'Union sacrée (FONUS), Innovating Forces of the Sacred Union of the radical opposition, (see also Amnesty report Zaire: Appeal by Amnesty International to the new Prime Minister, 14 September 1994. AI Index: AFR 62/03/94).

On 12 November 1994, Floribert Chebeya Bahizire, president of La voix des sans voix, was arrested when returning from the Congolese capital, Brazzaville and held by agents of the National Intelligence and Protection Service, Service national d'intelligence et de protection, (SNIP), a civilian security service, together with William Kalume Lualaba. They were interrogated for more than three hours and then released. The reason for their arrest was reportedly linked to contacts with the UN Special Rapporteur for Zaire, Roberto Garretón, who visited Zaire from 6 to 20 November 1994. Human rights groups had informed him about ongoing human rights violations in Zaire.

A representative of AZADHO in Kwamouth, Bandundu region, David Sombete-e-Bhinji Ikbango, has reportedly received death threats. In December 1994 he was charged with "injurious accusations", imputation dommageable, because he published reports denouncing extortion and intimidation of peasants by the local authorities. It was unclear whether he was tried although there were fears that any trial would be unfair due to lack of impartiality of the court. The Zairian judiciary's independence and impartiality is undermined by widespread corruption - instead of fulfilling its role as a protector of human rights it is complicit in the violation of human rights.

Amongst those who live under permanent threat is Reverend Mukendi Mulaya, president of the Fraternité des Prisons au Zaïre, Prison Fellowship Zaire. On the night of 19 to 20 December 1994 six soldiers belonging to the Civil Guard, Garde civile, a branch of the army, forced their way into his house and threatened to kill him and members of his family. Later the same evening, Civil Guard soldiers held members of his family, his wife, his adult son and 15 year-old daughter, for several hours in a cell, cachot, and subjected them to

severe beatings and other forms of degrading treatment in the office of the Civil Guard at Kianza Avenue in the capital, Kinshasa. His wife and son had come to the Civil Guard office to claim the release of the 15 year-old daughter, kidnapped earlier the same evening by two Civil Guard officers allegedly with the intention to rape her. Reverend Mukendi lodged a complaint against the Civil Guard officer who had ordered the detention and ill-treatment of members of his family. In a rare development, the officer was suspended for three months.

Reverend Mukendi says that he continues to receive anonymous death threats, apparently because he publishes information about cases of human rights violations and because of his connections with the international human rights movement. In October 1994, Prison Fellowship Zaire published a report denouncing the appalling prison conditions leading to scores of deaths in prisons around the country. In early January 1995, Prison Fellowship Zaire publicized in the *Compatriote*, a newspaper, the case of five people summarily killed by the security forces during December 1994 and January 1995.

Another member of the Prison Fellowship Zaire was prohibited by the Governor of Haut-Zaïre region from visiting detention centres in the region. The prohibition came after 1 September 1994, when *UMOJA*, another newspaper, had published an article based on information collected by Prison Fellowship Zaire on the plight of 27 political prisoners, held since 1991 in Isiro, Haut-Zaïre region, without charge or trial. After the publication, the prisoners are said to have been transferred to an unknown place.

Amnesty International believes that the increasing repression against human rights groups and activists is part of a broader escalation of persecution of people who are speaking out against the human rights crisis in Zaire. Since 1990, Zairian human rights groups have played a crucial role in monitoring the deteriorating human rights and the political situation. These groups have denounced publicly the country's poor human rights record, the widespread insecurity caused by the government's failure to control possession of firearms, the impunity enjoyed by the security forces and widespread corruption. Human rights groups have investigated cases of individual victims of human rights violations, provided them with medical or legal assistance, visited prisons and submitted reports to the Zairian Government. In preparation for forthcoming elections, some of the human rights groups have taken up political education programs, including writing and distributing materials such as leaflets in Lingala, the main language spoken in Zaire.

Amnesty International is urging the Zairian authorities to respect and ensure freedom of association and expression throughout Zaire, and particularly to allow human rights groups to operate independently without fear of reprisals or intimidation. Human rights activists should be protected against attacks and other forms of persecution. Amnesty International is also appealing to the international community to put pressure on the Zairian authorities to protect human rights activists in Zaire.

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