

£ZAIRE

@Appeal by Amnesty International to the new Prime Minister

Dear Prime Minister

In September 1993 Amnesty International published a report, *Zaire: Violence against democracy*, in which it drew the attention of the international community to the disturbing human rights situation in Zaire, calling on it take urgent steps to put an end to this situation. This report was followed in February 1994 by an update, *Zaire: Collapsing under crisis*, in which the organization noted that the international community had not responded adequately to this appeal and that the government of President Mobutu Sese Seko had failed both to prevent the complete collapse of law and order and to establish the rule of law.

On the contrary, despite repeated appeals to the Zairian Government by Amnesty International and other human rights organizations, further violations occurred during the early months of this year; in particular, journalists and opponents of President Mobutu were the targets of threats, imprisonment and killings. In addition, the Zairian security forces, which have been responsible for arbitrary arrests, illegal detention, torture and extrajudicial executions, have remained unpunished; no inquiries have been undertaken into the violations committed.

A new government

Amnesty International learned that on 11 July 1994 a new government had been installed in Zaire. The coming to power of this new government was accompanied by a commitment on your part concerning the crisis that has gripped Zaire for several years.

In your speech of 9 July before the *Haut Conseil de la République - Parlement de transition* (HCR-PT), High Council of the Republic - Transitional Parliament, you announced, among other things, measures to end the state of insecurity, the defective working of the judicial system, the indiscipline of the army, the carrying of arms and the widespread and uncontrolled use of weapons.

Amnesty International welcomes the announcement of these measures. Nevertheless, the organization remains concerned by the human rights situation in Zaire. Human rights violations continued during the early months of this year: government opponents have been attacked, imprisoned, tortured and even killed or have "disappeared". Amnesty International

fears that the proposed measures will remain ineffective unless they are applied rigorously and complemented by the implementation of the recommendations submitted to you by the organization in this letter.

Human rights violations continue

Since February 1994 Zaire has seen further human rights violations. The military, who are clearly implicated in the majority of cases, seem to be operating with complete impunity. The Zairian authorities have ordered no official inquiries either into those cases where the complicity of the security forces is obvious, or into those where it is suspected. In particular, there is the case of **Pierre Kabeya**, a journalist working for the weekly *Kin-Matin*, who was found dead on the night of 8-9 June 1994 in a street near the Loano military camp in the Kintambo district of Kinshasa. His death appeared to be linked to an article that he had just filed with *Kin-Matin*. The article is reported to have dealt with the 1991 trial that followed an attack in May 1990 on the Lubumbashi University campus, in which several students lost their lives and in which the security forces were allegedly implicated. Pierre Kabeya's body bore several traces of knife wounds and other mutilation. In addition, a copy of *Kin-Matin* had been placed conspicuously near the body. No independent investigation seems to have been conducted into the death of Pierre Kabeya in order to identify those responsible and bring them to justice. Despite many appeals by Amnesty International in the past few years, the Zairian Government has never investigated killings of its political opponents.

Soldiers were reported to be implicated in the incidents which occurred on 27 June 1994 at Mbuji-Mayi, capital of East Kasai region, when an opposition meeting at the headquarters of the *Union pour la démocratie et le progrès social* (UDPS), Union for Democracy and Social Progress, attended by **Lambert Mende**, a member of the opposition, was violently broken up. Three people are reported to have been killed and others to have received bullet wounds. Lambert Mende, who was giving a press conference, was arrested and then released shortly afterwards.

Six soldiers in civilian clothes, reported to be members of the Civil Guard, arrested **Léon Muntuntu Kadima** at his home on 5 July 1994. Léon Kadima, who is a member of the UDPS and responsible for external relations in the office of Etienne Tshisekedi, one of the leaders of the UDPS - which belongs to the *Union sacrée de l'opposition radicale, Alliés et Société civile* (USORAS), Sacred Union of the Radical Opposition, Allies and Civil Society - was arrested with his nephew, Corporal **Muamba Kazadi**, a member of the *Service d'action et de renseignements militaires* (SARM), Military Action and Intelligence Service. According to information received by Amnesty International, they were taken in a Pajero jeep to the buildings of the *Institut supérieur des bâtiments et travaux publics*, Higher Institute of Building and Public Works, used by the Civil Guard as a secret detention centre. Amnesty

International is seriously concerned about the fate of Léon Kadima, as some sources report that he has been tortured, in particular by electric shocks.

On 22 June 1994 members of the *Division spéciale présidentielle* (DSP), Special Presidential Division, arrested another journalist, **Wilfried Owandjankoi**, a columnist on the newspaper *La Tempête des tropiques*, for exercising his right to freedom of expression. He was detained for several hours, apparently because of two articles about President Mobutu Sese Seko which had appeared the previous day in *La Tempête des tropiques*. Wilfried Owandjankoi is said to have been taken to DSP headquarters where he was questioned about the identity of the author of these two articles. He was released after several hours without being formally charged.

The most recent incidents that have been brought to the attention of Amnesty International seem to be linked to your nomination as Prime Minister and to the coming to power of your new government. On 7 July 1994, the opposition, known as “radical” after challenging your nomination to the office of Prime Minister, called for a one-day strike known as “*ville-morte*”, “ghost town”. The following night, soldiers attacked one of Etienne Tshisekedi’s residences with grenades.

Several days later, on 11 July 1994, a DSP commando attacked Etienne Tshisekedi’s residence at Limete, causing the death of a member of the UDPS called **Tshamala**, and wounding at least five people, including **Patrice Kambi Maloba**, deputy director of Etienne Tshisekedi’s office, Professor **Camille Ntombolo** and **José Kadima**, respectively an aide and chauffeur of Etienne Tshisekedi, and **Kabongo Kadila**, who received serious head injuries. Some people, including Professor Camille Ntombolo and Patrice Kambi Maloba, were arrested by the soldiers and taken to hospital or removed to an unknown location. Amnesty International is concerned that at least six people, including Kabongo Kadila, may have been taken to Makala Central Prison in Kinshasa, despite their poor state of health as a result of their injuries. This would appear to have been a punitive raid in reprisal for a confrontation which had occurred on the morning of the same day between soldiers and UDPS activists who are said to have been suspicious of the presence of soldiers around Etienne Tshisekedi’s house, and during which four soldiers were seriously injured. In a televised statement on the incident, on 15 July 1994, the Minister of Information said that the Minister of Justice, Kamanda wa Kamanda, had already investigated the 11 July 1994 incident and concluded that there had been no fatalities. Although the Minister of Information announced that the investigation would be continued, no results have been made public. According to some reports, legal proceedings have since commenced against eight detainees, but the exact nature of the charges against them is unknown. Five of them were granted bail but, following an appeal by the public prosecutor’s office, were not released. The date of their trial is not known. Amnesty International fears that they may not receive a prompt and fair trial.

The two attacks on his residences follow other acts of intimidation by the military against Etienne Tshisekedi and his entourage. A month earlier, on 12 June 1994, Etienne Tshisekedi had been arrested by the DSP, near the DSP's Kibomango camp, with his bodyguards and one of his chauffeurs. The soldiers reportedly justified his arrest on the grounds that his bodyguards were carrying arms and ammunition. Etienne Tshisekedi was released after nine hours' detention but his bodyguards and chauffeur are reportedly still being held. Two days earlier, soldiers had arrested one of his aides, **Joseph Olengha Nkoy**, president of the *Forces novatrices de l'Union sacrée* (FONUS), Innovating Forces of the Sacred Union of the radical opposition, and had handed him over to the public prosecutor's office at the request of the public prosecutor. He is reported to have been charged with breach of the peace but his arrest seems more likely to be linked with the organization of a one-day "*ville-morte*" strike and other political activities. Following intervention by his lawyers, he is reported to have been released on 21 June 1994.

Since mid-July 1994, hundreds of thousands of Rwandans have crossed the Zairian border to seek refuge around the town of Goma. Amnesty International is extremely concerned by reports received concerning the behaviour of Zairian soldiers in this area. Instead of fulfilling their responsibility to ensure security in the refugee camps, they are reported to have harassed Rwandan refugees. At least one refugee is reported to have been killed and others to have been injured. Amnesty International fears that the measures announced may not be adequate to end the indiscipline which is rife among Zairian troops.

Amnesty International's recommendations

Amnesty International has, on previous occasions, submitted recommendations to the Zairian Government for the safeguarding of human rights and the establishment of the rule of law in Zaire. These recommendations were not followed and violations continue. Amnesty International calls on you and your government to take steps to implement the following recommendations in order to end human rights violations and the impunity enjoyed by the security forces.

- Free all prisoners of conscience

Amnesty International calls for the immediate and unconditional release of all prisoners of conscience and of all the detainees mentioned in this letter who have not been charged with a criminal offence.

- End secret and indefinite detention without charge or trial

Suspects should be allowed early access to their families, lawyers and independent doctors, and should be brought promptly before the judicial authorities in order to ensure a fair trial and avoid secret detention, which is known to facilitate to use of torture and ill-treatment of detainees.

- End torture and ill-treatment

The authorities should prohibit the security forces from harassing or ill-treating any citizen, including non-violent political opponents, and should investigate all allegations of such behaviour. Official silence on the brutality to which opponents of the government have been subjected has led many observers to believe that the authorities are implicated, there being no other explanation for their refusal to pursue the complaints lodged by victims of torture and ill-treatment. The government should also pay compensation to those who have suffered serious violations at the hands of security personnel. Those who have committed such abuses should be brought to justice.

The government should ensure that the security forces respect the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the United Nations General Assembly in 1984. In February 1989 the Zairian Government stated that it had ratified this convention. However, the United Nations Treaty Section has still not received Zaire's instrument of ratification. Amnesty International hopes that the ratification will be promptly confirmed and that the provisions of the Convention will become legally enforceable in practice. In particular, the Convention requires governments that are signatories to undertake to prevent torture, to investigate instances of it, and to punish the perpetrators.

- Place the security forces under effective judicial and administrative control

Amnesty International believes that the judiciary should ensure respect for the rights of all prisoners.

Amnesty International recommends that the powers of detention of all the security forces should be restricted to conform to internationally recognized human rights standards and to the requirements of international treaties ratified by Zaire. Pre-trial detention should only be authorized by an independent judicial authority. In addition, members of the security forces should receive training in international human rights standards and in the provisions of national legislation.

- End extrajudicial executions

With regard to the killings in which members of the security forces have been implicated, Amnesty International urges the government to take steps to avoid their recurrence. These

steps should include explicit instructions to all security personnel to the effect that the use of lethal force is unjustified and illegal except in the most compelling circumstances of self-defence. To end violent confrontations between members of the security forces and demonstrators, peaceful demonstrations should be permitted and the security forces should be given explicit instructions not to break them up. Members of the security forces responsible for unlawful killings should be prosecuted and punished.

In all cases in which security personnel have been reported to have carried out extrajudicial executions, the authorities should, as a matter of course, conduct an impartial, independent and thorough inquiry. The inquiry should establish the reasons for and circumstances of the killings, make its conclusions public and recommend action to be taken against the security personnel who have either ordered or carried out the killings. The fact that, in the past, the authorities have often refused to open an inquiry into killings of this sort has been interpreted by observers as indicating government approval or condonement of violence by security personnel against civilians.

Amnesty International recommends that the Zairian Government use the United Nations Code of Conduct for Law Enforcement Officials as a basic text for the training of security personnel in human rights. The Code stipulates that law enforcement officials should respect and protect human dignity and defend and safeguard human rights.

Conclusion

If the new Government of Zaire is sincere in its wish to respond to the crisis affecting human rights in Zaire and establish the rule of law as a matter of the utmost urgency, it must take immediate and effective steps to implement the recommendations set out in this letter.