

PUBLIC

AI Index: AFR 62/005/2002

UA 120/02

Detention without charge/

22 April 2002

prisoner

DEMOCRATIC

REPUBLIC OF N'sii Luanda Shandwe (m), human rights defender  
CONGO (DRC)

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Human rights defender N'sii Luanda Shandwe is being held without charge in the Congolese capital Kinshasa, following his arrest on 19 April. The authorities have not yet specified the reason for his arrest, but Amnesty International fears that it may be connected to his human rights activism.

N'sii Luanda was arrested at around 7.40am at his home by two officials from a military tribunal known as the *Cour d'ordre militaire* (COM), Military Order Court. The two COM officials conducted a search of his home and seized a number of documents. N'sii Luanda was then taken into custody at the COM headquarters.

A lawyer from the human rights organisation of which N'sii Luanda is the president - the *Comité des observateurs des droits de l'homme* (CODHO), Committee of Human Rights Observers - has been able to visit him in detention and friends have been able to bring him food. However, although N'sii Luanda has twice been questioned by COM magistrates, the motive for his arrest has not yet been made clear to him.

N'sii Luanda has reportedly been questioned about the activities of CODHO. He has been asked about his recent trip to Geneva, where he attended sessions of the United Nations Commission on Human Rights. He has also been questioned about his links to a student whose surname is Bisimwa. The student had been lodging at N'sii Luanda's home and CODHO had provided him with legal assistance when he was charged earlier this year with endangering state security. Although the student was formally acquitted in court of this charge and released, he was rearrested on 8 April on the same charge and is currently detained at the central prison.

Given the apparent absence of any evidence of criminal wrongdoing against N'sii Luanda, Amnesty International is calling for his immediate and unconditional release.

#### BACKGROUND INFORMATION

N'sii Luanda spent three months as a prisoner of conscience between June and September 2001. He was never formally charged with any offence, but his arrest was believed to be linked to CODHO's activities on behalf of detainees who had been arrested in connection with the assassination of President Laurent-Désiré Kabila in January 2001. (See UA 143/01, AFR 62/013/2001, 6 June 2001 and follow-ups)

The *Cour d'ordre militaire* is a military tribunal set up in 1997 by the late Laurent-Désiré Kabila. It was initially supposed to hear only cases involving members of the military, but it soon began to hear civilian cases as well, despite not having the jurisdiction to do so. It has since become one of the government's key instruments of political repression. Dozens of political activists, journalists, and human rights activists have been imprisoned by the COM after manifestly unfair and politically motivated trials. There is no right of appeal against sentences handed down by the COM. Over 200 people have also been executed after being sentenced to death by the COM.

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

- expressing concern at the arrest and detention without charge of N'sii Luanda Shandwe;
- expressing your fear that he is a prisoner of conscience, arbitrarily detained on account of his human rights activism;
- urging his immediate and unconditional release;
- calling for an end to the persistent harassment of human rights defenders throughout the DRC.

**APPEALS TO:**

Minister of Human Rights

Professeur Ntumba Luaba  
Ministre de Droits humains  
Ministère de Droits humains  
33/C Boulevard du 30 juin  
Kinshasa-Gombe

République démocratique du Congo

**Email: ntumbaluaba@yahoo.fr**

**Min\_droitshumains@yahoo.fr**

**Fax: + 243 12 20 664 (this number can be very difficult to get through to)**

**Salutation: Monsieur le Ministre / Dear Minister**

Minister of Justice

Monsieur Antoine Deogratias Ngele Masudi  
Ministre de la justice et des Affaires parlementaires  
Ministère de la justice  
BP 3137 Kinshasa-Gombe

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**Fax: + 243 12 20 843 (If someone answers ask for the fax "Pourriez- vous brancher le fax s'il vous plaît?" - this number can be very difficult to get through to)**

**Salutation: Monsieur le Ministre / Dear Minister**

COM Prosecutor

Colonel Charles Alamba Mongako  
Procureur général près la Cour d'ordre militaire  
Palais de Justice, BP 7016  
Kinshasa-Gombe

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**Salutation: Monsieur le Procureur général / Dear Prosecutor**

**COPIES 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 3 June 2002.