

PUBLIC
AFR 62/005/2007

AI Index:

2007

22 February

UA 043/07 **Death threat/fear for safety/fear of arbitrary arrest**

DEMOCRATIC REPUBLIC
Dunia Ruyenzi (m), lawyer and human rights activist
OF CONGO (DRC)

Joseph

Lawyer Joseph Dunia Ruyenzi has been threatened with death after he angered a judge by calling for him to be removed from a case in which he had a clear conflict of interest. Amnesty International fears that his life is in danger.

On the morning of 20 February Maître ("lawyer") Dunia was visited at his office in Goma, capital of North Kivu province, eastern DRC, by a man in plain clothes who claimed he was an agent of the security services. The man told Maître Dunia to leave the country "for his own safety" and that he should not "make trouble for judges".

On 8 February Maître Dunia had been defending a man accused of fraud in a case involving the sale of state property and had mounted a court challenge (*récusation*) against the fitness of the presiding judge to hear the case. The judge, Matthieu Besembe Wangela, had already ruled on the same matter in an earlier trial and should, under Congolese law, have excused himself from further hearings.

The judge reacted by summarily ordering, again in contravention of Congolese law, that Maître Dunia be arrested for contempt of court ("*outrage à la magistrature*") and sentenced him to six months' imprisonment. Amnesty International considers the arrest order illegal and arbitrary. Court officials refused to enforce the arrest order, and Goma lawyers went on a one-day strike in protest.

The provincial state prosecutor has launched an appeal against the judge's decision. The next hearing of the appeal is scheduled to take place on 23 February. For the time being, Maître Dunia is free on bail (*liberté provisoire*). Should the arrest order be enforced, Amnesty International would consider him a prisoner of conscience, detained solely for exercising the right to freedom of expression in the course of his professional duties.

Maître Dunia is a passionate and longstanding defender of human rights. His human rights organization, *La Promotion de la Démocratie et Protection des Droits Humains*, routinely undertakes investigations into human rights violations, provides human rights training for police and other officials, and conducts visits to prisons and detention centres. He has been threatened on previous occasions for his human rights work.

BACKGROUND INFORMATION

The authorities are making some efforts to rehabilitate and reform the DRC's justice system after years of conflict and a culture of political interference in judicial matters. However, corruption, influence-peddling and abuse of power remain rife in some quarters of the judiciary. These lead to many people facing arbitrary arrest, prosecutions based on inadmissible evidence and unfair trials.

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

- calling on the authorities to ensure that the order to arrest Maître Joseph Dunia Ruyenzi is withdrawn, as it is illegal and arbitrary;
- calling on them to ensure that Maître Dunia is protected against further threats and harassment;
- pointing out that if the order to arrest Maître Dunia is carried out, Amnesty International would consider him a prisoner of conscience detained solely for pursuing his legitimate professional activities, and would campaign for him to be released immediately and unconditionally;
- calling on the authorities to uphold the rule of law in this case and to ensure that Congolese lawyers and human rights activists are able to pursue their legitimate professional activities free from fear of intimidation, arbitrary arrest or other human rights violations.

APPEALS TO:

President

S.E. Joseph Kabila, Président de la République, Palais de la Nation, Kinshasa-Gombe, République Démocratique du Congo

Fax: +243 81 346 4116
Email: pr@presidentrdc.cd
Salutation: Dear President Kabila

Minister of Justice

Georges MINSAY BOOKA, Ministre de la Justice, Ministère de la Justice, Place de l'Indépendance, Kinshasa-Gombe, République démocratique du Congo

Salutation: Dear Minister

Head of the DRC Supreme Court

Benoît LWAMBA

Premier Président de la Cour Suprême de Justice, Benoît LWAMBA, Cour Suprême de Justice, Kinshasa, République démocratique du Congo

Salutation: Dear First President

State Public Prosecutor

M. Tshimanga Mukeba, Procureur Général de la République, Cour Suprême de Justice, Kinshasa, République démocratique du Congo

Salutation: Dear State Prosecutor-General

COPIES TO:

Minister for Human Rights

Eugène LOKWA ILWALOMA, Ministre des Droits humains, Ministère des Droits humains, 33/C Boulevard du 30 juin, Kinshasa-Gombe, République Démocratique du Congo

Email: min_droitshumains@yahoo.fr

and to diplomatic representatives of the DRC accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 5 April 2007.
