

UA 284/07

Health concern/ Detention without trial / Torture

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| DEMOCRATIC<br>REPUBLIC OF<br>CONGO (DRC) | Major Yawa Gomonza (m), aged 61 ] officers of<br>Colonel Paul Ndokayi (m), aged 61 ] Congolese army |
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Two high-ranking members of the national Congolese army are in need of urgent medical treatment for injuries they received when they were tortured by the "Special Services" police (*Direction des Renseignements Généraux et Services Spéciaux, DRGS*). They are being detained without trial at the Kinshasa Penitentiary and Re-education Centre (*Centre de Détention et Rééducation de Kinshasa, CPRK*), the main prison in Kinshasa, the capital of the Democratic Republic of Congo (DRC).

Major Yawa Gomonza was arrested on 1 December 2006, when a group of police officers forced their way into his home, tied his arms behind his back and chained him by the feet. His house was searched and his uniform, camera, mobile telephone and other objects were seized. He was taken to Kin-Mazière, the headquarters of the "Special Services" police in Kinshasa, where he was seriously beaten and accused of holding meetings with the armed guard of the opposition leader, Jean-Pierre Bemba, who eventually lost out to Joseph Kabila in the Presidential elections in late October 2006.

Local sources have said that Major Yawa Gomonza is disabled after the torture and is unable to walk. He can only move around the prison if carried by fellow prisoners. Major Yawa Gomonza is reportedly also suffering from high blood pressure, for which he needs urgent medical care. He has not received adequate medical attention since his arrest, and human rights defenders visiting the CPRK have expressed concern that his health is deteriorating. He is in need of specialist care.

He has been charged with "attempted participation in an insurrectionary movement ("*tentative de participation à un mouvement insurrectionnel*")", though he has not yet been tried. However, human rights organizations in the DRC say that he has recently appeared before a military court to request a provisional release on medical grounds. He has not yet received a response.

Colonel Paul Ndokayi was arrested on 27 November 2006 by the Rapid Intervention Police (*Police d'Intervention Rapide, PIR*). The next day, he was interviewed by a colonel from the PIR who beat him, calling him "a brother of (Jean-Pierre) Bemba". The colonel then returned with five police officers, handcuffed him, took him outside, and again began beating him. Colonel Ndokayi was then transferred to Kin-Mazière, where on 29 November, he was beaten and tortured for five hours: almost, as his lawyer put it, "to the point of death". He was tied and his ankles chained, and made to lie on the floor. He was beaten with belts, truncheons and sticks, as well as being kicked in the head. He was also stabbed in the foot with a knife. He eventually lost consciousness and had to be revived by his torturers. A piece of wood was then forced between his fingers and his hand was struck, breaking his hand in several places.

Colonel Paul Ndokayi is now suffering from pain across his body and poor mobility in his arms and hands. He complains of pain and bleeding from his ears, and had difficulty hearing. At no stage during his detention or in prison has he been given medical care for the serious injuries he sustained during torture.

**BACKGROUND INFORMATION**

Law enforcement in the DRC continues to be characterized by routine human rights violations by law enforcement agents, including extrajudicial executions, torture and ill-treatment, rape in custody, arbitrary arrest and unlawful detention, indiscriminate or excessive use of force in dealing with civil disturbances and peaceful political protests, and cruel or inhuman conditions of detention. Politically motivated arrests and abuses have become particularly common since the elections in 2006. Opposition party members and supporters, as well as journalists, are most at risk of being harassed, arbitrarily detained, ill-treated, tortured, or even killed.

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

- urging the authorities to provide immediate and appropriate medical care to Major Yawa Gomonza and Colonel Paul Ndokayi for injuries sustained as a result of torture by the Special Services police (*Direction des Renseignements Généraux et Services Spéciaux*);
- calling for guarantees that both men will not face further torture or cruel, inhuman or degrading treatment in detention;
- expressing concern that Major Yawa Gomonza and Colonel Paul Ndokayi have been detained without trial for almost a year, and calling on the authorities to provide both detainees with an immediate opportunity to challenge the lawfulness of their detention before a judge;
- urging them to release both detainees if they are unable to bring them promptly to trial before a court meeting international standards of fairness and which excludes the possibility of the death sentence;
- urging the authorities to investigate the reported torture of both detainees by "Special Services police" and to bring the

perpetrators to justice.

APPEALS TO:

**President**

Son Excellence Joseph KABILA

Président de la République, Présidence de la République

Palais de la Nation, Avenue de Lemera, Kinshasa-Ngaliema, République Démocratique du Congo

**Email:** [pr@presidentrdc.cd](mailto:pr@presidentrdc.cd), [pp@presidentrdc.cd](mailto:pp@presidentrdc.cd)

**Salutation:** **Dear President / Son Excellence Monsieur le Président**

**Director of Kinshasa Central Prison**

M. Kitungwa Killy Dido, Directeur Chef d'Etablissement

Centre Pénitentiaire et de Rééducation de Kinshasa, Kinshasa, République Démocratique du Congo

**Email :** [kitungwakilly@yahoo.fr](mailto:kitungwakilly@yahoo.fr)

**Salution :** **Dear Director/ Monsieur le Directeur**

**Chief Military Prosecutor**

General Joseph Ponde Isambwa

Auditeur Général

Auditorat Général des FARDC, Kinshasa, République Démocratique du Congo

**Salutation :** **Dear Chief Military Prosecutor/Monsieur l'Auditeur Général**

**Police Inspector General**

General Major John Numbi Banza Nsambo

Inspecteur General de la Police Nationale

Police Nationale Congolaise Inspection Générale, Kinshasa-Gombe, République Démocratique du Congo

**Email:** [igpncrdc@micronet.cd](mailto:igpncrdc@micronet.cd)

**Salutation:** **Dear General / Mon Général**

COPIES TO:

**Minister of Human Rights**

Eugène Lokwa – Ilwaloma

Ministre des Droits de l'Homme, Ministère des Droits de l'Homme

Bld du 30 juin , n. 33/C, Kinshasa Gombe, République Démocratique du Congo

**Email:** [min\\_droitshumains@yahoo.fr](mailto:min_droitshumains@yahoo.fr)

and to diplomatic representatives of Democratic Republic of Congo (DRC) accredited to your country.

**PLEASE SEND APPEALS IMMEDIATELY.** Check with the International Secretariat, or your section office, if sending appeals after 14 December 2007.\*\*\*\*\*