

PUBLIC

AI Index: AFR 62/019/2001

19 June 2001

Further information on UA 143/01 (AFR 62/013/2001, 6 June 2001) and follow-ups (AFR 62/014/2001, 8 June 2001 and AFR 62/17/2001, 15 June 2001) - Arbitrary arrest / fear of torture / incommunicado detention

DEMOCRATIC REPUBLIC OF CONGON'sii Luanda Shandwe, human rights defender

New names: At least 50 detainees held at Kinshasa's central prison

Human rights defender N'sii Luanda Shandwe is now known to be detained at Kinshasa's central prison, following his earlier "disappearance" from a security service detention centre. He is being held incommunicado and remains at risk of torture and ill-treatment.

N'sii Luanda was apparently transferred directly from security service custody to the *Centre pénitentiaire et de rééducation de Kinshasa* (CPRK), Kinshasa Penitentiary and Reeducation Centre, on 14 June 2001. He is currently being held in a cell-block known as *pavillon 1*, where over 50 other detainees, including at least four women, are reportedly held incommunicado. All are believed to be detained on suspicion of having played a role in the 16 January assassination of President Laurent-Désiré Kabila, although no-one is known to have been formally charged.

In general, detainees held at the CPRK are allowed to receive visits from relatives, lawyers and human rights groups. However, *pavillon 1* is being heavily guarded and gaining access to the detainees is for the most part impossible. Many of those arrested in connection with the assassination, as well as their relatives, have been tortured or ill-treated in detention (a number of such cases are highlighted in a forthcoming Amnesty International report to be published on 26 June 2001).

A Commission of Inquiry, set up by the new president Joseph Kabila to investigate the assassination of his father, is continuing its investigations and appears to have unrestricted powers to detain suspects without charge, and to hold them incommunicado. The Commission has yet to make public the identities of any of those it believes were involved in the assassination or are guilty of related offences, or to bring any suspects before the courts.

N'sii Luanda was arrested on 5 June, apparently on suspicion of being in telephone contact with suspected government opponents. It seems likely, however, that his arrest was the result of his work as president of the human rights groups *Comité des observateurs des droits de l'homme* (Committee of Human Rights Observers).

FURTHER RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express/airmail letters in French or English or in your own language:

- expressing concern that N'sii Luanda and at least 50 other people are being held incommunicado in *pavillon 1* of the *Centre pénitentiaire et de rééducation de Kinshasa*;
- urging the authorities to guarantee that they are not tortured or ill-treated;
- calling for them to be granted immediate access to lawyers, family and any necessary medical treatment;

- expressing concern at the extensive powers accorded to the Commission of Inquiry, which appear to contravene both Congolese and international human rights law;
- asking what charges, if any, N'sii Luanda and the other detainees face, asking that if they are to be charged with a recognizably criminal offence, they be given the opportunity promptly to answer any charge before a court of law;
- expressing concern that N'sii Luanda may have been arrested as a consequence of his human rights work, and calling for his immediate and unconditional release if he is not to be charged with a recognizably criminal offence.

APPEALS TO: (It can be difficult to reach the fax numbers below - please be patient and keep trying)

1. President

Président Joseph Kabila
Président de la République, Présidence de la République
Kinshasa-Ngaliema

Democratic Republic of Congo

e-mails: UPP@ic.cd

Fax: + 243 88 02120

Salutation: Monsieur le Président de la République / Dear President

2. Minister of Justice

M. Antoine Deogratias Ngele Masudi
Ministre de la Justice et des Affaires parlementaires
Ministère de la Justice

BP 3137, Kinshasa-Gombe

Democratic Republic of Congo

Fax: + 243 12 20 843

Salutation: Monsieur le Ministre / Dear Minister

3. Chief State Prosecutor and President of the Commission of Inquiry

Luhonge Kabinda Ngoy
Procureur Général de la République
Palais de Justice

BP 7016, Kinshasa-Gombe

Democratic Republic of Congo

Fax: + 243 12 20 843 (c/o Ministry of Justice)

Salutation: Monsieur le Procureur Général / Dear Chief State Prosecutor

4. Minister for Human Rights

Professeur Ntumba Luaba
Ministre des Droits humains
Ministère des Droits humains

33/C Boulevard du 30 juin

Kinshasa-Gombe

Democratic Republic of Congo

Fax: + 243 12 20 664

Salutation: Monsieur le Ministre / Dear Minister

COPIES TO: diplomatic representatives of the 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 31 July 2001.