

PUBLIC

AI Index: AFR 62/023/2001

13 July 2001

Further information on UA 143/00 (AFR 62/013/2001, 6 June 2001) and follow-ups (AFR 62/014/2001, 8 June 2001; AFR 62/17/2001, 15 June 2001, AFR 62/019/2001, 19 June 2001 and AFR 62/022/2001, 5 July 2001) - Arbitrary arrest / fear of torture

DEMOCRATIC REPUBLIC OF CONGON'sii Luanda Shandwe, human rights defender  
Anne-Marie Kamwanya Masumbuko (f)  
At least 50 other detainees held at Kinshasa's central prison

Human rights defender N'sii Luanda Shandwe is now being refused visits, amid increasing concerns for his health. He is now entering his sixth week of illegal detention without charge, and is reported to be considering going on hunger-strike in protest.

N'sii Luanda and the other detainees in the cell-block known as *pavillon 1* at the *Centre pénitentiaire et de rééducation de Kinshasa* (CPRK), Kinshasa Penitentiary and Reeducation Centre, had been allowed just one five-minute visit every Thursday. However, on Thursday 12 July the prison director refused to let his visitor in, and reportedly accused her of talking to the press about N'sii Luanda's detention.

N'sii Luanda and another human rights defender detained in *pavillon 1*, Golden Misabiko Baholelwa, were said to be intending to start a hunger-strike earlier this week. It is not clear whether they have gone ahead. Golden Misabiko, the President of the Katanga branch of the human rights group *Association africaine de défense des droits de l'homme* (ASADHO), African Association for the Defence of Human Rights, has been detained since February 2001 (see UA 118/01, AFR 62/007/2001, and follow-up).

All those held in *pavillon 1* are supposedly suspected of involvement in the assassination of President Laurent-Désiré Kabila on 16 January 2001. It seems likely, however, that N'sii Luanda and Golden Misabiko are in fact prisoners of conscience, detained because of their human rights activism. Some of the other *pavillon 1* detainees, including Anne-Marie Kamwanya Masumbuko, also appear to be prisoners of conscience, detained solely because they are related to suspects in the assassination.

*Pavillon 1* is reported to be under heavy guard by soldiers belonging to the Zimbabwe Defence Forces (ZDF), who have been military allies of the DRC Government since armed conflict broke out in the country in August 1998. The ZDF have severely restricted visits by relatives and have denied detainees access to doctors and lawyers altogether. The legal basis for the ZDF to assume the administration of a Congolese prison remains unclear.

The Commission of Inquiry into the assassination of President Kabila, which reportedly includes Zimbabwean military officials, operates largely outside the framework of Congolese law and has seemingly unlimited powers to detain suspects incommunicado and without charge. Many of those detained on the orders of the Commission of Inquiry have been ill-treated or tortured.

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

- expressing concern that N'sii Luanda, Golden Misabiko, Anne-Marie Kamwanya Masumbuko and at least 50 other people are still held without charge in *pavillon 1* of the CPRK;
- expressing concern that N'sii Luanda has been denied visits, and urging that he and all the other detainees be allowed adequate visits by their relatives, as well as access to lawyers, any necessary medical treatment and adequate food;
- asking whether these detainees have been charged with any recognizably criminal offence, and that they be given the opportunity promptly to answer any charges before a court of law that respects international standards for fair trial;
- expressing concern that N'sii Luanda, Anne-Marie Kamwanya Masumbuko, Golden Misabiko Baholelwa and some of the other detainees in *pavillon 1* appear to be prisoners of conscience, and urging that they are released immediately and unconditionally if they are not to be charged with a recognizably criminal offence;
- expressing concern at the illegal powers accorded to the Commission of Inquiry, and asking what right ZDF soldiers have to detain and impose restrictions on inmates in a Congolese prison, and to whom they are accountable, and expressing concern that they are violating the basic rights of these detainees.

**APPEALS TO:**

DRC 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 - this number is difficult to get through to)**

**Salutation: Monsieur le Procureur Général / Dear Chief State Prosecutor**

Director of the Kinshasa Penitentiary and Reeducation Centre  
 Monsieur le Directeur du CPRK  
 Centre pénitentiaire et de rééducation de Kinshasa  
 Makala district, Kinshasa  
 Democratic Republic of Congo

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

Zimbabwean Minister of Defence  
 (Mrs) Joyce Teurai Mujuru  
 Acting Minister of Defence  
 Ministry of Defence  
 1st Floor Munhumutapa Building  
 Private Bag 7713  
 Causeway, Harare  
 Zimbabwe

**Fax: + 263 4 796762**

**Telegram: Minister of Defense, Munhumutapa Building, Harare, Zimbabwe**

**Salutation: Dear Minister**

**COPIES TO:** diplomatic representatives of the Democratic Republic of Congo and Zimbabwe accredited to your country.

**PLEASE SEND APPEALS IMMEDIATELY.** Check with the International Secretariat, or your section office, if sending appeals after 24 August 2001.