

PUBLIC

AI Index: AFR 62/007/2002

29 April 2002

Further information on UA 120/02 (AFR 62/005/02, 22 April 2002) - Arbitrary arrest / prisoner of conscience

DEMOCRATIC

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

Human rights defender N'sii Luanda Shandwe is facing charges of treason, following his arrest at home on 19 April. Amnesty International considers the charges to be unfounded and an attempt to censure his human rights work.

N'sii Luanda was transferred to Kinshasa's main prison the *Centre pénitentiaire et de rééducation de Kinshasa* (CPRK), Kinshasa Penitentiary and Reeducation Centre on 26 April. He has been questioned four times since his arrest, particularly about his links with a student known as Bisimwa. The student, who had been lodging at N'sii Luanda's home, was arrested on 8 April and charged with espionage. Bisimwa was apparently found in possession of a list of detainees which had been published by the human rights organisation of which N'sii Luanda is the president: *Comité des observateurs des droits de l'homme* (CODHO), the Committee of Human Rights Observers.

N'sii Luanda is currently detained in the cell-block known as *pavillon 7* at the CPRK. Conditions in this cell-block are better than those at the headquarters of the military tribunal known as the *Cour d'ordre militaire* (COM), Military Order Court, where he was held for the first week of his detention. At the CPRK he is allowed visits from friends and relatives and has access to legal representation.

On 26 April, a *mandat d'arrêt provisoire*, provisional arrest warrant was issued against N'sii Luanda. Under Congolese law, he can be detained for a further 15 days, after which the authorities must provide justification for his continuing detention and seek a court date, or else release him. It is unclear whether his case is still being investigated by the COM or whether it has been transferred to another jurisdiction. The COM has no legal jurisdiction in civilian cases, but frequently brings charges such as treason against detainees in an attempt to justify trying civilians before a military tribunal. Dozens of political activists, journalists, and human rights activists have been imprisoned by the COM after manifestly unfair and politically motivated trials.

BACKGROUND INFORMATION

Last year, N'sii Luanda spent three months as prisoner of conscience at the CPRK. He was held incommunicado in appalling conditions in *pavillon 1* along with some 60 other detainees, who were held for their alleged involvement in the assassination of President Laurent-Désiré Kabila in January 2001. N'sii Luanda was never formally charged throughout his detention and received no explanation, apology or compensation from the authorities after his release.

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

- expressing concern at the continuing detention of N'sii Luanda Shandwe;
- expressing dismay that he has been charged with treason, despite the apparent absence of any evidence of criminal wrongdoing against him;

- stating that you consider him to be a prisoner of conscience, detained because of his human rights activities;
- urging his immediate and unconditional release.

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

COM Prosecutor

Colonel Charles Alamba Mongako

Procureur général près la Cour d'ordre militaire

Palais de Justice, BP 7016

Kinshasa-Gombe

République démocratique du Congo

Salutation: Monsieur le Procureur général / Dear Prosecutor

Director of the Kinshasa Penitentiary and Reeducation Centre

Monsieur Kitunga Killy Dido

Directeur du CPRK

Centre pénitentiaire et de rééducation de Kinshasa

Makala district, Kinshasa

Democratic Republic of Congo

Salutation: Monsieur le Directeur / Dear Director

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 10 June 2002.