

PUBLIC

AI Index: AFR 62/053/2003

UA 329/03

Detention without charge / incommunicado detention /
Fear of ill-treatment

12 November 2003

DEMOCRATIC

REPUBLIC

OF CONGO (DRC)

Commander Dieudonné Amundala Kabengele (m)

Commander Dieudonné Amundala Kabengele is being detained incommunicado at the headquarters of the military security services known as the Military Detection of Anti-Patriotic Activities, *Département Intérieur de la Détection Militaire des Activités Anti-Parties (DEMIAP-DI)* in the capital Kinshasa. Amnesty International fears that he may be ill-treated in detention.

Commander Dieudonné Amundala Kabengele was reportedly arrested by men in military uniforms at Ndjili international airport in Kinshasa on 31 October. He was returning to the DRC after four years in exile. He is allegedly being questioned by the DEMIAP about the motives of his return to the DRC and his alleged collaboration with the Rwandese troops at the beginning of the conflict in 1998.

Until 1998, when he left the DRC, Commander Dieudonné Amundala Kabengele was a military adviser to the late President Laurent-Désiré Kabila, and commander of the Bas-Congo military region.

BACKGROUND INFORMATION

Rwanda, Uganda and Burundi invaded the DRC in August 1998 in an effort to bring down the government of Laurent-Désiré Kabila, whom they accused of supporting armed opponents based in the DRC. During the war, the DRC government received support from Zimbabwe, Angola, and Namibia and for a time Chad. This war is often referred to as the second war, to differentiate it from the earlier 1996 war that brought Laurent-Désiré Kabila to power. In 1996, Laurent-Désiré Kabila was supported by all the countries that sought to overthrow him in 1998. The second war quickly resulted in an impasse.

In the meantime, President Laurent-Désiré Kabila was assassinated in January 2001 and replaced at the presidency by his son Joseph Kabila.

In late 2002, Rwanda and Uganda signed peace deals with the DRC government to end a conflict that claimed over three million lives in five years. In December 2002, the DRC government, major armed political groups, unarmed political opposition in DRC and civil society signed a power-sharing accord.

As a result of that agreement, in early July 2003 the leaders of armed groups that have committed war crimes in eastern DRC took their seats in a new government of transition and national unity. Article 199 of the transitional constitution granted an amnesty for acts of war and political crimes. This led many rebels to come back to the DRC with the hope of participating in the reconstruction of the country

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

- expressing grave concern for the safety of Commander Dieudonné Amundala Kabengele, who has been held incommunicado at the military security services known as the Military Detection of Anti-Patriotic Activities, *Département Intérieur de la Détection Militaire des Activités Anti-Parties* since 31 October;
- urging the authorities to allow him immediate and unrestricted access to his relatives, legal counsel, and any medical aid he may need;
- calling on the authorities to give assurances that he will not be tortured or ill-treated;
- calling the authorities to abide by their commitments under Article 9 of the International Covenant on Civil and Political Rights (ICCPR) and either charge Commander Dieudonné Amundala Kabengele with

recognizably criminal offence and give him a prompt and fair trial in accordance with international standards or set him free immediately.

APPEALS TO:

Colonel Jean Claude YAV
Directeur de la DEMIAP DI
10, Avenue Basoko
Kinshasa-Kintambo
République Démocratique du Congo
Email: demiapint@yahoo.fr
Fax: +243 1262084
Salutation: Colonel / Dear Colonel

Joseph Kabila
Président de la République
Présidence de la République
Kinshasa-Ngaliema
République Démocratique du Congo
Salutation: Son Excellence / Your Excellency

M Kisimba Ngoy
Ministre de la Justice
Ministère de la Justice
BP 3137, Kinshasa-Gombe
République démocratique du Congo
Salutation: Monsieur le Ministre / Dear Minister

COPIES TO: Diplomatic representatives of 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 24 December 2003