

PUBLIC

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Medical concern / Unlawful detention/  
Possible Prisoner of Conscience

1 April 1999

REPUBLIC OF CONGO

Hervé-Ambroise Malonga, a lawyer

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Hervé-Ambroise Malonga was arrested in late November 1998 and is being detained in conditions amounting to cruel, inhuman and degrading treatment in a Brazzaville police station. Amnesty International is concerned that his health is deteriorating due to the harsh conditions of his detention, and that he is not being allowed access to proper medical care.

He is being detained in a small room in the police station, which has no light. He is suffering from a cyst on his left eyelid, which has reportedly become infected and swollen, preventing him from seeing with that eye.

Hervé-Ambroise Malonga is President of the Brazzaville Bar Association and former member of the Constitutional Council under former President Lissouba. He was first arrested and detained, apparently on the orders of the Director General of the National Police, for some hours on 20 November 1998. He was rearrested the following day by armed members of the security forces in Brazzaville's Makélékélé district and detained at the central police station.

On 26 November 1998, Hervé-Ambroise Malonga was reportedly interrogated by an examining magistrate of Brazzaville's *Tribunal de grande instance*, High Court, and charged with "abuse of authority by prolonging for an indefinite period the presidential mandate of Pascal Lissouba" (*forfaiture pour avoir prorogé indéfiniment le mandat présidentiel de Pascal Lissouba*). In June 1997 he and his colleagues on the Council had been asked by the government of the time to prolong the President's mandate because elections due to take place in July and August 1997 could not be held because of the civil war between supporters of the government and those of Denis Sassou Nguesso, who is now President.

Amnesty International is concerned that Hervé-Ambroise Malonga may be held solely for fulfilling his legitimate role as a member of the former Constitutional Council and therefore appears to be a prisoner of conscience. Under the 1992 Constitution, members of the Council had powers to oversee the constitutionality of laws, treaties and international agreements in the Republic of Congo.

#### **BACKGROUND INFORMATION**

Human rights violations have continued on a large scale since President Sassou Nguesso returned to power in a coup d'état in October 1997, ousting President Lissouba.

Thousands of unarmed civilians and captured combatants have been deliberately and arbitrarily killed by government forces and armed groups loyal to former President Lissouba and others loyal to current President Denis Sassou Nguesso. After a lull in early 1998, there has been heavier and more widespread fighting between government and armed opposition forces since August 1998. Several hundred thousand civilians have been forced to flee their homes and seek refuge in the forests or in the neighbouring Democratic Republic of Congo (DRC).

Several dozen suspected government opponents, many of whom appear to be prisoners of conscience, have been detained without charge or trial. Cases of torture, ill-treatment and 'disappearance' by government forces have also been reported. Some detainees have been extrajudicially executed in custody by forces loyal to the government.

During the 1997 civil war, the main prison in Brazzaville was rendered unusable. As a result, all Brazzaville detainees are held in cramped and harsh conditions in a number of police stations in the capital.

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

- expressing concern at the deteriorating health of Hervé-Ambroise Malonga, due to the harsh conditions in which he is being detained;
- urging the authorities to ensure that Hervé-Ambroise Malonga receives proper medical attention and is allowed visits by his family and legal counsel;
- calling on the authorities to take immediate steps to ensure there is appropriate hygiene and lighting in the place of detention of Hervé-Ambroise Malonga and all other detainees;
- asking the reasons for his detention and calling for his immediate release if he is being held as a prisoner of conscience, solely for his role as a member of the Constitutional Council, or if he has not been charged with a recognizable criminal offence.

**APPEALS TO:**

President of the Republic

Son Excellence M. Denis Sassou NGUESSO

Président de la République

BP 2006, Brazzaville

République du Congo

**Fax: 242 81 32 55**

**Salutation: Monsieur le Président de la République / Dear President**

Minister of Justice

Maître Jean-Martin MBEMBA

Ministre de la Justice, Garde des Sceaux

Ministère de la Justice

Brazzaville

République du Congo

**Fax: 242 61 41 67**

**Salutation: Monsieur le Ministre / Dear Minister**

Minister of the Interior, Security and Territorial Administration

Général de Brigade Pierre OBA

Ministre de l'Intérieur, de la Sécurité et

de l'Administration du territoire

Brazzaville

République du Congo

Fax: +242 81 32 55

**Salutation: Monsieur le Ministre / Dear Minister**

Director General of the Police

Colonel Jean-François NDENGUÉ

Directeur général de la Police nationale

Ministère de l'Intérieur

Brazzaville  
République du Congo

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

**COPIES TO:**

La Semaine Africaine, BP 2080, Brazzaville, Republic of Congo

and to diplomatic representatives of the Republic of Congo accredited to your country.

**PLEASE SEND APPEALS IMMEDIATELY.** Check with the International Secretariat, or your section office, if sending appeals after 13 May 1999.