

URGENT ACTION

THREE DETAINEES RISK DEATH

Three men are known to have been subjected to enforced disappearance after they were secretly removed from military detention in the Democratic Republic of Congo's capital, Kinshasa, on 22 June. Their lives are in danger.

Jean-Pierre Sido Yambanu was arrested on 17 April at his home in the Ngaliema district of Kinshasa by plainclothes and uniformed police. He was held overnight at the General Inspectorate of the National Police (IG-PNC) police station and then transferred to military police custody in Camp Kokolo, in Kinshasa. He was admitted to Kokolo Military Hospital on 18 May to undergo surgery for a tumour, but was forcibly taken back to his cell on 20 June, apparently before he had fully recovered.

Church pastor Rémy Bongongo Lumunu was arrested on 29 April in the Gombe district of Kinshasa and taken to the IG-PNC; a week later he was transferred to the military police detention facility in Camp Kokolo. Security guard Loth Loota L'Anongo, who is a cousin of Rémy Bongongo Lumunu, was arrested by a group of soldiers at his home in Ngaliema district during the night of 29 April and also taken to the IG-PNC. According to an eyewitness, police and soldiers at the IG-PNC beat him with rifle-butts and threatened him with execution. He too was transferred to Camp Kokolo, where he was later described as having his face disfigured, swollen and covered in blood.

The men were apparently suspected of plotting to overthrow the government, but were never charged or brought before a court. They were removed from military police holding cells in camp Kokolo on the night of 22/23 June to an unknown destination. Efforts by their relatives and human rights activists to find them have been without success.

PLEASE WRITE IMMEDIATELY in French, English or your own language:

- demanding that the authorities disclose, immediately and publicly, the whereabouts of Jean-Pierre Sido Yambanu, Rémy Bongongo Lumuna and Loth Loota L'Anongo, who were taken secretly from military detention in Camp Kokolo, Kinshasa, on the night of 22 June.
- calling on the authorities to allow the men immediate visits from their families and legal representatives. And any medical attention they may require;
- urging them to ensure that the three men are brought promptly before a civilian judge to determine the legality of their arrest.

PLEASE SEND APPEALS BEFORE 24 AUGUST 2009 TO:

President
 Son Excellence Joseph Kabila
 Président de la République
 Palais de la Nation
 Avenue de Lemera
 Kinshasa-Gombe
 Democratic Republic of Congo
E-mail: presipp@yahoo.fr
Salutation: Dear President/
Son Excellence Monsieur le Président

National Police General Inspector
 General John Numbi Banza
 Nsambo
 Inspecteur Général de la Police
 Nationale Congolaise
 Kinshasa-Gombe
 Democratic Republic of Congo
E-mail: igpncrdc@micronet.cd
Salutation: Dear Inspector
General/
Monsieur l'Inspecteur Général

Chief Military Prosecutor
 General Joseph Ponde
 Isambwa
 Auditeur Général des FARDC
 Auditorat Général des FARDC
 Kinshasa
 Democratic Republic of Congo
Salutation: Dear Auditor
General/
Monsieur l'Auditeur Général

Also send copies to diplomatic representatives accredited to your country.

Please check with your section office if sending appeals after the above date.



URGENT ACTION

THREE DETAINEES RISK DEATH

ADDITIONAL INFORMATION

The three men all come from Equateur province, the home of opposition politician and former armed opposition group leader Jean-Pierre Bemba, who is now in International Criminal Court custody. Amnesty International and Congolese human rights NGOs have documented numerous cases of arbitrary arrest, torture and other ill-treatment, including rape in custody, extrajudicial executions, suspicious deaths in custody and enforced disappearance of people from this province, accused often solely on the basis of their geographic and ethnic origins of being Bemba supporters and of plotting to overthrow the government.

Under Article 18 of the 200/6 Constitution of the DRC, all people detained have the right to immediate contact with their families and legal representatives, and should be told immediately why they have been arrested. The initial period of detention (*garde à vue*) must not exceed 48 hours, after which the detainee must be brought before a judge or be released. All detainees must be treated so as to preserve their life, physical and mental health and dignity.

Article 156 of the Constitution states that military jurisdictions are empowered to deal only with offences committed by members of the DRC's armed forces and police. The military continue, however, to arrest and detain civilians for a range of offences on the basis of an outdated 2002 Military Penal Code.

UA: 187/09, Index: AFR 62/012/2009, Issue Date: 13 July 2009

