

AMNESTY INTERNATIONAL

Open Letter

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DEMOCRATIC REPUBLIC OF CONGO

OPEN LETTER TO THE MINISTER OF DEFENCE AND MINISTER OF JUSTICE AND HUMAN RIGHTS: DEATH IN DETENTION OF MAJOR YAWA GOMONZA

M. Chikez Diemu
Minister of Defence

M. Mutombo Bakafua Nsenda
Ministre de la Justice et Droits Humains

Dear Minister

I am writing to express Amnesty International's deep concern at the death on 26 April 2008 of Major Simon Yawa Gomonzza, a pre-trial detainee at the *Centre Pénitentiaire et de Rééducation de Kinshasa* (CPRK), Kinshasa Central Prison. Amnesty International believes that the Congolese government, military judicial and civil prison authorities must account for Major Yawa Gomonzza's death as well as for the recent deaths of other pre-trial detainees held on political charges at the CPRK.

Major Yawa Gomonzza died at the *Hôpital général de référence de Kinshasa*, Kinshasa General Hospital, in the early hours of 26 April. His death is especially disturbing in light of Amnesty International's public appeal of 2 November 2007 which drew attention to his critical state of health and called on the DRC authorities to ensure that he be given immediate and appropriate medical care (see <http://www.amnesty.org/en/library/info/AFR62/018/2007/en>). The appeal was communicated directly to the DRC government.

Following his arrest in December 2006, Major Yawa and his legal representative submitted at least two requests for his provisional release so that he could receive appropriate medical care. These requests were refused by the authorities. Amnesty International believes that Major Yawa Gomonzza's poor state of health was aggravated by injuries, including a broken leg, received allegedly through torture in police detention and by inhumane prison conditions at the CPRK, including insufficient food rations and inadequate medical supervision. The decision to transfer the Major to the *Hôpital général de référence* was made too late to save his life, according to information we have received.

Major Yawa Gomonzza's death follows recent deaths of other CPRK detainees, including of Corporal Saolona Denango, who died on 23 April 2008, of Sergeant Mombili Ekutshu, who died on 13 February 2008, and of Léonard Nyembo, who died on 30 January 2008. All these individuals were part of a group of mainly military detainees who were arrested in late 2006 or early 2007, charged with supporting an insurrectionary movement of Jean-Pierre Bemba's *Mouvement de Libération du Congo*

(MLC). Amnesty International believes that many of the detainees in this group are detained for no other reason than that they originate from Equateur province, Jean-Pierre Bemba's home province.

The deaths of Major Yawa Gomonzza and these three other men point, in Amnesty International's view, to a systematic neglect of this group of detainees by the authorities. With this in mind, Amnesty International is now particularly concerned for the safety and well-being of others in this group who are reported to be in need of urgent or specialist medical care. These include **Adjudants Folo Lotelu** and **Mokili Ngamo**, reported currently to be in a dangerously poor states of health following alleged torture and ill-treatment, **Colonel Paul Ndokayi**, **Captain Jean-Rémy Demodedo Kalagba**, **Captain Dieudonné Samba Koyagbia**. Amnesty International delegates interviewed Colonel Paul Ndokayi in the CPRK in March 2007, at which time he bore signs of apparent torture and reported pains across his body, restricted mobility in his arms and bleeding from his ears,

Amnesty International has followed the situation of this group of detainees closely since their arrests. Some of their cases are reported in Amnesty International's October 2007 report, *DRC: Torture and killings by state security agents* (AI Index: AFR 62/012/2007). Most of these detainees spent weeks or months in illegal police or military detention, during which time some were allegedly tortured and ill-treated, before being transferred to the CPRK. Very few have so far been brought to trial by the military judicial authorities or been given the opportunity to challenge the legality of their detention before a competent judicial authority.

In light of the above, Amnesty International urges the DRC authorities to:

- Open a prompt, impartial and independent investigation into the causes and circumstances of the deaths of Major Simon Yawa Gomonzza, Corporal Saolona Denango, Sergeant Mombili Ekutshu and Léonard Nyembo to determine whether their deaths resulted from criminal action or neglect, and to make the findings of this investigation public.
- Ensure that Adjudant Mokili Ngamo, Adjudant Folo Lotelu, Colonel Paul Ndokay, Captain Jean-Rémy Demodedo Kalagba, Captain Dieudonné Samba Koyagbia, receive immediate and appropriate medical care and ensure that no further deaths of CPRK detainees occur as a result of neglect by officials.
- Release these detainees and others in this group or bring them promptly to trial according to international standards of fair trial and without recourse to the death penalty.
- Launch independent investigations into the allegations of torture and ill-treatment.

I look forward to your early reply on these matters.

Yours sincerely,

Erwin van der Borght
Director
Africa Programme

Copies to:

Général de Brigade Joseph Ponde Isambwa, Chief Military Prosecutor
M. Kitungwa Killy Dido, Director, Centre Pénitentiaire et de Rééducation de Kinshasa (CPRK)