



PART 2

World-wide Harassment and Repression of Human Rights Defenders (November 1999 - February 2001)



AFRICA - WORLD-WIDE HARASSMENT AND REPRESSION





AFRICA





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Burkina-Faso

▷ Retaliation against members of the Collective involved in the fight against impunity

Legal proceedings¹

In December 1999, several members of the Collective of Mass Democratic Organisations and Political Parties ("Collectif des organisations démocratiques de masse et des partis politiques") were taken in for questioning. The Collective was created after the suspicious death of a journalist, Norbert Zongo, on 13 December 1998. Its main objective is the fight against impunity and more generally the fight for the respect of fundamental freedoms. Since its creation, its members have been regularly harassed (death threats, beatings, close surveillance, arrests, physical assaults, etc.)².

On 1 December, the following were summoned to the offices of the National Security: **Halidou Ouédraogo**, President of the Collective, of the UIDH (the Interafrican Union for Human Rights or "Union Interafricaine des droits de l'Homme"), and of the Burkina-Faso Movement for Human and People's Rights (MBDHP, or "Mouvement burkinabé des droits de l'Homme et des peuples"); **Tolé Sagnon**, Secretary-General of the General Confederation of Work in Burkina

(CGTB, or "Confédération générale du travail du Burkina"); **André Tibiri**, President of the General Union of Students in Burkina (UGEB, or "Union générale des étudiants du Burkina"); **Benewende Sankara**, Representative of the Union of Young Lawyers of Burkina ("Union des jeunes avocats du Burkina"); and **Norbert Tiendrébéogo**, President of the Sankarist Forces Front ("Front des Forces Sankaristes"). They were questioned particularly about an appeal that the Collective had made to the national armed forces of Burkina Faso to "Guarantee the safety of demonstrators and defend the people's freedom to demonstrate against impunity". Affiliates were also taken in for questioning, including **Paulin Yameogo**, Editor of *San Finna* newspaper, and **Boureima Sigue**, Managing Director of *Le Pays* newspaper, charged with allegedly publishing the appeal, or offering analyses and comments that were in agreement with the Collective.

The day after, these same people were summoned to the National Security offices, except Paulin Yameogo, who was detained overnight at the National Security Office.

On 3 December, Halidou Ouédraogo, Tolé Sagnon, André Tibiri, Benewende Sankara and Paulin Yameogo were placed before the County Court of Ouagadougou. They were charged with offences against national security, and incitement to both civil disobedience and mutiny within the Army. They were summoned again on 7 December 1999, together with **Jean-Claude Medah**, the representative of the Association of

1 See urgent appeals of BFA 001/0001/OBS 077 to BFA 001/0001/OBS 077.3

2 See the Observatory Annual Report 1999



Journalists in Burkina ("Association des journalistes du Burkina"), who was heard the day before by the Public Prosecutor. During this hearing, the leaders of the Collective were informed that the first charges against them had been dropped, but that they were liable to the sentences provided by articles 106 of the Criminal Code and 104 of the Information Code, on the grounds that the appeal launched by the Collective was likely to "sap the troops' morale". On 15 December, Halidou Ouédraogo, Tolé Sagnon, André Tibiri, Benewende Sankara, Norbert Tiendrébéogo, Jean-Claude Medah, and Paulin Yaméogo were charged with demoralising the army and inciting dissidence within the army. They were all discharged on 27 December 1999 by Ouagadougou's Magistrates' Court, which called off all proceedings on the grounds of technical and procedural errors and lack of respect for the constituting of facts.

For the trial, the Observatory commissioned Mr. Sidiki Kaba, Vice-President of the FIDH and President of the National Organisation of Human Rights (Senegal), to act as defence lawyer jointly with the Pan African Alliance for the Protection of Human Rights Defenders ("Alliance panafricaine pour la protection des défenseurs des droits de l'Homme"). The Observatory also commissioned Mrs. Dominique de la Garanderie, President of the Paris Appeal Court Bar, to act as an observer during the trial.

A collective of about forty Burkina lawyers, and a collective of African lawyers, were both formed. The exceptional national, regional and international mobilisation during the trial successfully thwarted any attempt to use the judicial system as a means of neutralising the members of the Collective.

Arrests³

On 8 April 2000, the police violently repressed a peaceful march organised by the Collective. Several demonstrators were arrested and many were injured. On 10 April, the police moved into the Labour Exchange (Bourse du Travail) of Ouagadougou - the meeting point of the Collective militants - as well as the headquarters of the Ouagadougou section of the MBDHP where eighty people were attending a meeting of the Collective; thirty-three were arrested and remanded in custody for a week before being released.

Messers **Halidou Ouédraogo**, **Tolé Sagnon** and **Norbert Tiendrébéogo** were arrested on the morning of 13 April 2000 in their homes, and were taken to the Management of the Rapid Action Company (DCIR, or "Direction de la compagnie d'action rapide") of the police.

On 15 April 2000, the following were released unconditionally: Messers Halidou Ouédraogo; Tolé Sagnon; Norbert Tiendrébéogo, the Young Lawyers' representative; **Benewende Sankara**; and **Mr. Pierre Bidima**, whose arrest had not been previously mentioned to the Observatory. We have information confirming that they have been subjected to degrading and humiliating treatment, as well as poor conditions of detention.

³ See urgent appeal BRA 001/0004/OBS 026 to BRA 001/0004/OBS 026.02



The UIDH still under pressure

The authorities continue to question the 1995 legal agreement between Burkina Faso and the Interafrican Union for Human Rights ("Union Interafricaine des droits de l'Homme"), which

they officially denounced on 31 March 1999⁴. It was officially denounced because "Mr. Halidou Ouédraogo, President of UIDH, has on several occasions committed acts which are incompatible with the status of UIDH under said agreement".

⁴ See the Observatory Annual Report 1999



Cameroon

Harassment of local NGOs¹

In December 2000, the Observatory was informed, by several sources, of a campaign of intimidation against several sectors of civil society; these sectors had accused the government of being responsible for certain recent events that violated human rights.

Following a series of unsolved murders and disappearances, the local NGOs, as well as journalists and religious personalities, accused the Operational Command ("Commandement opérationnel") of Douala of being responsible for these acts. Since then, the members of civil society involved in these cases have been threatened, and are under surveillance.

This situation worsened considerably when mass graves were discovered in October 2000. As early as November, the publication of information by NGOs about these violations, together with the mobilisation of the local and international press, heightened the threats by the authorities against the human rights defenders.

Like the members of Christians' Action for the Abolition of Torture (ACAT, or « Action des Chrétiens pour l'Abolition de la Torture »), these human rights defenders are permanently watched by the agents of the Operational Command. Guards are posted in front of their offices in order to watch their movements permanently. In addi-

tion, the Governmental Commission for Human Rights ("Commission Gouvernementale pour les Droits de l'Homme") has paid many unannounced visits to the offices of the ACAT in Douala.

According to recent information, close surveillance of the offices of the ACAT in Douala is still going on; its members are constantly followed.

Continued harassment of the MDDHL²

The members of the **Movement for the Defence of Human Rights and Freedoms** (MDDHL, or « Mouvement pour la défense des droits de l'Homme et des libertés ») were harassed all through the year 2000, both by legal authorities and police. They are frequently summoned and questioned both on the information they publish and their actions.

In addition, the perpetrators and persons responsible for repeated aggressions, which took place in May 1999, against Mr. Math, President, and Mr. Soulaye, Treasurer, have not been identified. The investigation is at a standstill.

¹ See urgent appeal CMR 001/1200/OBS 122

² See Observatory Annual Report 1999



Chad

▶ Acts of intimidation against the President of the LTDH¹

The Observatory was informed of an attack against **Mr. Dobian Assingar**, President of the Chad League for Human Rights (LTDH, "Ligue tchadienne des droits de l'Homme") and of the Board of the Radio FM Liberté, as well as against members of his family.

On the night of the 2-3 September 2000, around 1 a.m., four armed men wearing military uniforms attacked Mr. Assingar's home, assaulted all of its occupants, and notably, his children. Facing resistance, the attackers had to flee.

Following a phone call from Mr. Assingar's son, members of the Police Company for Rapid Action (CARP) arrested the attackers soon after; they were found raiding a restaurant near Mr. Assingar's home, robbing its clients.

These events are most likely linked to Mr. Assingar's activities promoting and defending human rights.

An investigation has been opened, and the four men who attacked Mr. Assingar were arrested on 3 September 2000. One of them was immediately released by the prison director on the grounds of insanity. According to the Prosecutor, who was questioned in November 2000 by Mr. Assingar's lawyer, the other three men allegedly escaped. The Observatory points out that, in March 1998, Mr. Assingar had been directly threatened by soldiers who had broken through his house gates, an action which to this day remains unpunished despite an investigation having been opened².

▶ The Moyen Shari branch of the LTDH still being harassed³

The President of the **Moyen Shari/Salamat branch of the LTDH**, who had received verbal threats from the Prefect of Moyen Sari in August 1999, is still being harassed.

1 See urgent appeal TCH 001/0001/OBS 096

2 See Observatory Annual Report 1999

3 See Observatory Annual Report 1999



Congo

▶ Pressure on OCDH's members

The Congolese Observatory of Human Rights (OCDH, or "Observatoire congolais des droits de l'Homme"), was again targeted by authorities in 2000¹. On 2 April 2000, the offices of this NGO in Brazzaville were visited by an agent of the Information Services who had previously infiltrated it by becoming a member. The presence of a member of the staff of the OCDH, on a Sunday, prevented any property damage or information theft. This man said he was looking for information about the cases of people who had disappeared. These cases are linked to the investigation work led by the OCDH for several months on the issue of the « Brazzaville beach » disappearances, and of the other sites where people displaced from the Pool (1998/1999) had settled.

In addition, the freedom of circulation of the defenders is regularly hindered. In January 2000, the speakers at a seminar on human rights organised in Owando, in the North of the region of "La Cuvette", were harassed by police at control posts manned by ex-cobras who have recently been recruited by the army.

And finally, the OCDH, the main human rights organisation in Congo, has repeatedly - if not systematically - been subjected to slandering campaigns, and stands accused of being in political opposition to the government. In 2000, such campaigns were mainly orchestrated by the governmental delegation of Congo during meetings of international bodies like the U.N. Commission on Human Rights and the October meeting of the African Commission on Human and Peoples' Rights. The objective of the authorities is to discredit and slander the work of the militants of the OCDH.

¹ See Observatory Annual Report 1999



Democratic Republic of Congo

Repression organised by the authorities of the Democratic Republic of Congo (DRC)

▷ Detention of a militant¹

On 22 October 1999, **Mr. Charles Mfwamba Mukendi**, Director of the Centre of Studies and of Popular Education Kasayi (CEFOP, or "Centre d'études et de formation populaires Kasayi"), and one of his colleagues, **Mr. Polycarpe Mpoyi Ngongo**, were taken in for questioning by the security services of Mbuji-Mayi. Both their home and the Secretariat of the CEFOP were searched. They were released on bail over the weekend, but on 25 October, Mr. Charles Mfwamba Mukendi was again arrested for being in possession of and disseminating seditious documents, in particular the CEFOP's publication of a report on human rights violations in Eastern Kasai. He was then transferred to the Kinshasa National Information Agency (ANR) on 2 November 1999. Mr. Charles Mfwamba Mukendi was released on 6 January 2000.

¹ See Observatory Annual Report 1999 and urgent appeal RDC 006/9909/OBS 069.01

▷ Harassment of the Voice of the Voiceless

Intimidation²

The Observatory was informed that the association **Voice of the Voiceless** (VSV or "Voix des Sans Voix") and its President, **Mr. Floribert Chebeya**, were targeted by the Kinshasa authorities following the publication of a quarterly report.

On 22 May 2000, in the Grand Hotel of Kinshasa, the VSV made public a report on the situation of human rights from January to April 2000. The national and independent press, and especially private television channels, gave wide coverage of the report.

That evening and the following day, 23 May, the Ministry of Human Rights asked VSV to send it the report.

Later on 23 May, Mr. Floribert Chebeya learned that he was sought by the police, and immediately went into hiding.

In view of the risks they were facing, the members of the VSV decided to close their office.

The week before these events, the land phone line of the VSV office had been tapped by the Military Security Services.

² See urgent appeal RDC 003/0005/OBS 045



The Observatory would like to point out that during the summer of 1999, this organisation and its President were victims of a harassment campaign that included temporary arrests, questionings, detentions, acts of intimidation, etc. .

Threats⁴

Mr. Chebeya, President of the VSV, was "invited" to the offices of the Committee for State Security (CSE, or "Comité de Sécurité de l'Etat") on 12 October 2000. However, this "invitation", under the reference No. 00901/CSE/2000 and signed by Director of Operations Monsieur Lumbu Mukubo, was only received by VSV on 31 October. In the absence of Mr. Chebeya, Mr. Dolly Ibefo Mbunga and Mlle. Eguyna Khady Mangiau, respectively Program Officer and Secretary of VSV, went to the CSE offices.

They were informed that the Director of Operations of the CSE only wished to see Mr. Floribert Chebeya, and no one else.

Following this, Lieutenant-Colonel Charles Alamba Mongako, Military Prosecutor of the Cour d'Ordre Militaire (COM), gave the same court instructions to start proceedings against VSV.

This harassment is allegedly motivated by the VSV support of Commanders Germain Ndaba Meya and Ambroise Kusa Kpolo, respectively Assistant Public Prosecutor of the Military Court (COM), and Assistant Legal Inspector of the COM. These two were arrested and ill treated after testifying before a Committee of Inquiry instituted by the Ministry of Justice (on the Head of State's orders) into the accusations against the Military

Prosecutor of the COM, Lieutenant-Colonel Charles Alamba Mongako.

The Observatory notes that, in August 2000, Mr. Chebeya was summoned first to the Provincial Inspection of the Kinshasa Police (IPK, ex Circo), and then to the CSE offices to give explanations on the content of a VSV letter about the security of journalists and staff working on the satirical publication "Pot-Pourri", as well as their families, following threats of arrests and harassment coming from agents of the CSE.

▶ Arrest of an activist⁵

Mrs. Jeanine Mukanirwa, a member of the National Campaign for Sustainable Peace (CNPd, "Campagne nationale pour la paix durable") and of an NGO working for the defence of women's rights in North Kivu (PAIF), was arrested on 12 December 2000 as she was about to cross the river Congo towards Brazzaville to collect her suitcase in the Air Afrique office.

A week before, her home had been visited by State agents, and all her documents had been stolen.

Mrs. Jeanine Mukanirwa was placed in detention at the Military Detection of Activities Against the State (DEMIAP, or "Détection militaire des activités anti-patrie"). This arrest is probably part of the worsening repression campaign that has been going on for weeks by the Security Services of Mr. Kabila against officers from Kivu accused of plotting a coup against the President. These were recently executed.

Mrs. Mukanirwa was temporarily released on 14 January 2001, before being arrested again

³ See Observatory Annual Report 1999

⁴ See urgent appeal RDC 009/0011/OBS 115

⁵ See urgent appeal RDC 012/0012/OBS 132



on 26 January and being taken again to the DEMIAP.

▶ Legal proceedings⁶ against two defenders

On 23 June 2000, the Observatory was informed of the arrests of **Pastor Placide Tshisumpa**, President of the International Society for Human Rights (ISHR)/RDC of the FNPC, and **Mr. Jonas Mukamba Kadiata Nzemba**, member of the ISHR and of the FNPC, and his wife.

All three, and many other guests, were arrested at Mr. Mukamba Kadiata Nzemba's home during a dinner in honour of the members of the ISHR. They were allegedly accused of holding political meetings, which are outlawed by the government. Mr. Mukamba Kadiata Nzemba was also suspected of inciting the people from Kasai to revolt.

All those arrested were taken to the cell of the Military Detection of Activities Against the State (DEMIAP, or "Détection militaire des activités anti-patrie"), in Kinshasa.

The Pastor Placide Tshisumpa and Mr. Jonas Mukamba Kadiata Nzemba were charged with offences against national security, and transferred to the Penitentiary and Re-education Centre of Kinshasa (CPRK, or "Centre pénitentiaire et de rééducation de Kinshasa") during the week-end of 12 and 13 August 2000. Their case was transferred to the State Security Court ("Cour de sûreté de l'Etat").

Mr. Mukamba Kadiata Nzemba was released on 8 December 2000, and has allegedly been abroad since.

⁶ See urgent appeal RDC 007/0006/OBS 063

As for Placide Tshisumpa, he was released on 12 December, but is obliged to appear regularly before the Military Court of Kinshasa.

▶ Legal proceedings⁷ against Mr. Kakese Vinalu

The Observatory was informed of the arrest of **Mr. Aimé-Emile Kakese Vinalu**, President of the human rights NGO Action for Human Dignity ("Action pour la Dignité Humaine") and a journalist, on 24 June 2000, in Kinshasa.

Mr. Kakese Vinalu was taken to the cells of the Special Services of the Kin-Maziere National Police in Kinshasa-Gombe. He was then taken to a place that the commander in charge of his transfer refused to divulge.

On 12 September, Mr. Kakese Vinalu was condemned by the Military Court of Kinshasa to two years in prison for being guilty of offences against national security by propagating false rumours likely to incite the population to revolt against those in power.

▶ Acts of intimidation against the members of the ASADHO⁸

People taken in for questioning⁹

Mr. Golden Misabiko, President of the Katanga section of the ASADHO, was summoned on different occasions by the Director of the National Information Agency of Katanga (ANR/KAT),

⁷ ibid

⁸ See also interview with the ASADHO President Dave Banza, which appears in this report

⁹ See urgent appeal RDC 008/0007/OBS 073



Mr. Pascal Katuta Kapela. On 7 July, Mr. Misabiko went to the office of the ANR, on 2180 Avenue Kapenda in the village of Lumumbashi, and was questioned for the entire day. Afterwards, he was ordered to report in again on 10 and 11 July 2000. He was mainly questioned on the activities of the ASADHO and how it functions.

In addition Mr. Golden Misabiko¹⁰ was arrested on Monday 5 February 2001 around noon local time. He was abducted on his way to collect his daughter from school in the village of Lubumbashi. A car stopped, and two men in civilian clothes forced him into a car.

According to information received, the two people who abducted him belonged to the National Intelligence Agency (ANR, or "Agence Nationale de Renseignements").

Mr. Misabiko was transferred to Kinshasa and placed in the detention centre GLM.

On 15 July, **Mr. Freddy Kitoko**, a member of the Katanga section of the ASADHO, denounced Mr. Misabiko's questioning in an interview with the RFI (Radio France International). The following day, agents of the ANR went to the office of the Human Rights Centre ("Centre des Droits de l'Homme"), with a summons for Mr. Kitoko. However, they mistakenly took in and questioned the Executive Secretary of the Human Rights Centre, Mr. Been Masudi. Since then, Mr. Kitoko has been actively sought.

The Observatory would like to point out that the offices of the ASADHO have been sealed since April 1998, despite the general amnesty measures taken by the Kinshasa authorities in 1999¹¹.

10 See urgent appeal RDC 002/0102/OBS 010

11 See Observatory Annual Report 1999

Libel campaign¹²

In December 2000, a ferocious libel campaign was launched, following the public intervention of the **ASADHO** concerning the arrest of Commandant Masasu and approximately 250 soldiers, demanding an immediate investigation.

The Congolese Armed Forces (FAC, or "Forces Armées Congolaises") published a press release denying all of the ASADHO's allegations. In particular, the staff captain accused the ASADHO of tarnishing the image of the FAC and their chief in the eyes of the South Kivu population, and of serving foreign powers by making defamatory remarks for financial retribution.

The remarks of the staff captain have since been relayed by the government-linked media, which stirs up hatred against the ASADHO by portraying its members as enemies of the people.

In addition, security agents keep a tight watch on the activities of the members and directors of the ASADHO.



Detention of Kantu Lumpugu: developments¹³

Mr. Laurent Kantu Lumpugu, President of the Association of Penitentiary Workers ("Association des cadres pénitentiaires"), was arrested on 29 May 1999 while visiting the central prison of Kinshasa, and released on 29 December 1999. Since then, he has been abroad.

12 See urgent appeal RDC 012/0012/OBS 133

13 See Observatory Annual Report 1999



▶ The League of Electors and its members still being harassed¹⁴

The members of the **League of Electors** ("Ligue des Electeurs") are still systematically harassed by the police during their travels within and outside the country. They were harassed upon their return from Cotonou where they attended the 27th session of the African Commission of Human Rights and People's Rights. In addition, the League has had to face many infiltration attempts.

▶ Arrests¹⁵

The following were arrested, on 10 January 2001 at 1:15 p.m., in the main offices of the CNPD in Kinshasa: **Mr. Bertin Salumu**, Coordinator of the National Campaign for Sustainable Peace ("Campagne Nationale pour la Paix Durable") in DRC; **Mr Albert Kawumbu**, President of the League for the Awareness of Electors (LICE, or "Ligue de conscientisation des électeurs"); a member of the Orientation Committee of the CNPD ("Conseil d'orientation"), and **Prof. Muteba Tshitenge**, Consultant for the CNPD.

They were arrested by six men, three wearing military uniforms, and then transferred to the National Information Agency. That same evening, they were described on television as being subversive elements.

On 2 February 2001, they were released.

Repression orchestrated by the authorities of the Congolese Rally for Democracy (RCD, or « Rassemblement Congolais pour la Démocratie »)

▶ Detention of an activist¹⁶

The Observatory was informed, on 20 June 2000, that **Mr. Bruno Bahati Barhalibiru**, a member of the collective of Organisations and Associations of the Youth of Southern Kivu (Cojeski) and of the Association The United Defence of

Human Rights (EDDH), was handed over by the Rwandan authorities to the RCD authorities. They then transferred him to the so-called "Mean Dog" or "Chien méchant" detention centre of the Security and Information Department ("Département de Sécurité et de Renseignement") in Goma, where he has not been allowed visits, and is kept in isolation.

Mr. Bruno Bahati Barhalibiru had already been arrested (April 2000) by the Rwandan authorities at the frontier post of Katuna while on his way to his home in Bukavu after participating in the National Consultation ("Consultation Nationale")

14 ibid, see also the interview given by the President, Paul Nsapu, in this report

15 See urgent appeals RDC 001/0101/OBS 005; RDC 001/0101/OBS 005.01

16 See urgent appeal RDC 006/0006/ OBS 056



organised by the Heads of the Religious Confessions ("Confessions Religieuses") in Kinshasa¹⁷.

According to information from Amnesty International, this transfer occurred in May.

He was released on 22 April 2000 and forced to leave the country for his own safety.

▶ The arrest of Kule Thatha¹⁸

The Observatory was informed by the Network of Associations for Human Rights of Lubero-Beni (RADDHO, or "Réseau des Associations des Droits de l'Homme de Lubero-Beni", local correspondent of the ASADHO) that **Mr. Kule Thatha** was abducted on 25 March 2000 around 10 p.m. by agents of the Congolese Intelligence Agency (ACR/Beni, security services of the RCD-Wamba or "Agence Congolaise des Renseignements Beni"), as he was investigating the situation of war refugees from Mutwanga, a town in the Collectivité Rwenzori, a territory of Beni (North Kivu).

He was kept in isolation in the cells of the ACR in Beni, deprived of food and outside contact. He was victim of ill treatments.

Mr. Kule Thatha was released on 15 June 2000.

▶ Questioning and withholding of passport¹⁹

The Observatory was informed that, on 8 May 2000, **Dr. Colette Kitoga**, coordinator of the

Psycho-Medial Centre (CMM, or "Centre psychomédical") was taken in for questioning by agents from the ANR, from the Congolese Rally for Democracy (RCD/Goma) in Bukavu. She had just been returning from Geneva, where she had attended the 56th session of the United Nations Commission on Human Rights.

According to information received by the Kinshasa Collective of Actions for the Development of Human Rights in Congo (CADDHOM, or "Kinshasa Collectif d'Actions pour le Développement des Droits de l'Homme au Congo"), on 8 May 2000 from 1 p.m. to 6:30 p.m., Doctor Colette Kitoga was interrogated by the security services of the RCD.

Dr. Colette Kitoga's passport was withheld by Mr. Serubuye, Division Manager of the National Intelligence Agency, on the day she crossed the frontier between Rwanda and Congo, for having allegedly left the territory without the authorisation of the RCD. Her passport is still being withheld, although Dr. Kitoga was released after five hours of questioning. Dr. Kitoga was to present herself to the ANR office on 10 May, for the follow-up and investigation of her case. On this occasion, she was allegedly interrogated, once again on the activities of her organisation, CMM, whose mission is to help victims of torture and ill treatment.

She was forced to pay the sum of US \$ 100 to get her passport back, and had to promise not to leave the territory without permission.

¹⁷ See urgent appeal RWA 001/0005/OBS 034.01

¹⁸ See urgent appeals RDC 001/0004/OBS 031 ; RDC 001/0004/OBS 031.01

¹⁹ See urgent appeal RDC 002/0005/OBS 038



▷ Arrest of two militants²⁰

The Observatory had been informed of the detention of **Mr. Georges Kazimbika**, Treasurer of the National Collective of the NGOs for Development (CNONG/Développement, "Collectif National des ONG de Développement"), and of **Mr. Félicien Malanda**, Executive Secretary of the CNONG/Développement.

Mr. Kazimbika was taken in for questioning on 29 May 2000 under the pretext that his name was in the diary of a woman who was allegedly linked to the rebels, although it seems that it was a mistake, as it is likely that the Manager of the CNONG/Développement was the true target. Mr. Félicien Malanda was arrested on 2 June, in his office, soon after his arrival in Kinshasa. They were released on 26 June 2000.

▷ Targeting of the Lotus Group²¹

Arrest²²

Mr. Valentin Baelongandi, a member of the Lotus Group²³ (an organisation based in Kisan-gani - Eastern Province), was arrested at Goma Airport, on 1 June 2000, by the security services of the Congolese Rally for Democracy/Goma (RCD) on his way to Kigali for business.

20 See urgent appeals RDC 004/0006/OBS 048 ; RDC 004/0006/OBS 048.01

21 See interview given by M. Kalinde, in this report

22 See urgent appeals RDC 005/0006/OBS 052 ; RDC 005/0006/OBS 052.01

23 The Lotus Group and its members were victims of smear campaigns in 1999, see 1999 annual report of the Observatory.

He was carrying floppy disks containing the Lotus Group report on the latest events in Kisan-gani, which he was going to send to international NGOs. The security services seized the floppy disks and transmitted the report to the authorities of the RCD.

Mr. Valentin Baelongandi was detained in the "Mean Dog" cell of the Security and Information Department of the Goma city centre.

He was released in mid- June.

Harassment²⁴

Mr. Dismas Kitenge, President of the Lotus Group, has been under pressure from the political authorities of the Congolese Rally for Democracy/Goma of Kinshasa since autumn 2000.

On three separate occasions, Mr. Kitenge was "kindly asked" to accept his nomination as a deputy in the Provincial Assembly of the Eastern Province, which the Congolese Rally for Democracy is expecting to set up in the near future.

One evening in early October, one of the political executives of this movement went to Mr. Kitenge's home to offer him this nomination which would grant him credit and security in his work of defence of human rights.

Despite Mr. Kitenge's refusal based on the incompatibility of holding political office with his work as a human rights defender, pressure has been growing.

One month later, the Commander of the military brigade invited Mr. Kitenge to discuss the same suggestion once again. Again, Mr. Kitenge turned down the offer.

On 27 November 2000, as Mr. Kitenge was abroad, a security agent named Pierre went to

24 See urgent RDC 010/0012/OBS 121



his home. This agent asked Mr. Kitenge's wife to convince her husband to accept this proposition of the Congolese Rally for Democracy for his own safety.

▶ Enforced disappearance of Gallican Ntirivamunda²⁵

The body of **Mr. Gallican Ntirivamunda** from Grande Vision, who was arrested in February 1998 by the Congolese armed forces, has still not been found, and no investigation has been started. Mr. Ntirivamunda had been kept in a cell of the Ile Bureau of Goma until December 1998 before being declared missing; all evidence points to his execution.

²⁵ See Observatory Annual Report 1999



Mauritius

▶ Arrests¹

In December 1999, seven representatives of the Ad-Hoc Committee of the Conference of all Workers ("Comité Ad-Hoc de la Conférences de Tous les Travailleurs"), a coalition for the defence of human rights, were arrested, taken to a police station, and then released two or three hours later. On 17 December 1999, they were charged with participating in an illegal demonstration during a session at the National Assembly. They face possibly two years in prison. At the time of the events, they were peacefully demonstrating to call upon the Parliament to account for the new bill on public security.

The people targeted were: Alain Ah-Vee, Secretary of the Ledikasyon Pu Travayer, member of the Conference of All Workers and member of Lalit; Lindsey Collen, Ledikasyon Pu Travayer, member of the Conference of All Workers, Secretary of the Muvman Liberasyon Fam, and member of Lalit; Reeaz Chuttoo, member of the Federation of Progressist Unions, and member of the Conference of All Workers; Rajni Lallah, member of the Lediskasyon Pu Travayer, member of the Conference of All Workers, President of the Muvman Liberasyon Fam, and member of Lalit; Ram Seegobin, member of the Ledikasyon Pu Travayer, member of the Conference of All

Workers, and member of Lalit; Atma Shanto, President of the United Workers' Federation, and member of the Conference of All Workers; and Ashok Subron, member of the Ledikasyon Pu Travayer, member of Conference of All Workers, and member of Lalit.

Following these arrests, the parliamentary opposition left the Parliament as a sign of protest, and the government passed the bill with a straight majority.

According to the Ad-Hoc Committee, this bill is in contradiction with the norms and principles of human rights and fundamental freedoms, such as the rights of association, free movement and freedom of speech.

The law provides the police with wide-reaching powers in situations of extreme emergency, which may infringe upon the rights and freedoms guaranteed under the Constitution. The law gives the police powers which normally fall within the remit of the judicial system. In particular, they will be able to set minimum sentences. Also, it introduces the concept of the ability of the police superintendent to "ban" an organisation.

This bill was adopted. The arrested persons have all been freed. The opposition movement which voted against the bill, which has since come into power, has not rescinded the law.

¹ See urgent appeal MRS 001/0012/OBS 083



Namibia

▶ Defenders as targets in the province of Caprivi¹

The Observatory was informed by the National Society for Human Rights (NSHR) of the harassment of **Mr. Moses Nasilele**, head of NSHR Regional Monitoring Office (RMO) at Katima Mulilo, Caprivi region.

On 28 February 2000, Mr. Moses Nasilele was temporarily held for questioning by alleged members of the National Central Intelligence Service (NCIS), who accused him of holding "a meeting" at his office. Immediately following his arrest, he was expelled to Zambia. He later travelled to Botswana in order to request refugee status.

Following the imposition of a state of emergency in the region last year, on 2 August 1999, human rights defender **Mr. Gabriel Mwilima** was arrested in the Caprivi strip and allegedly severely beaten. Since then, he has been held in Grootfontein Prison on charges of high treason. **Mr. Joseph Muchali**, another NSHR activist from Caprivi region, disappeared after Namibian security forces allegedly detained him on 6 August 1999. He has allegedly fled to neighbouring Botswana to seek refugee status.

¹ See urgent appeal NAM 001/0003/OBS 013



Nigeria

Arrest of Ledum Mitee and legal proceedings¹

The Observatory had received information from the Movement for the Survival of the Ogoni People that armed policemen invaded the K-Dere community in Gokana Province, killing five persons, arresting eight others, and burning down houses (including that of **Mr. Ledum Mitee**, the leader of the Movement for the Survival of the Ogoni People (MOSOP))².

On 11 April 2000, at 5 a.m., some policemen, accompanied by a group of individuals whom witnesses believed to be members of the local government security forces, arrived in the village of K-Dere, and began entering houses and arresting people, apparently targeting men and youngsters. It turned out that they were seeking a list of people believed to be opposed to the Kira-Bean road project.

The first houses apparently started to be burnt down around 9 a.m. either by the police, a group

of youths acting under their orders, or by exiles from the K-Dere community. A witness also noted that the police ordered the houses of all community leaders to be set on fire. Petrol was poured around them; a total of twenty houses were burned down.

Another witness reported that three police vehicles entered the compound of Mr. Ledum Mitee. They set his house on fire, and returned one hour later to burn it again.

On 18 April 2000, Mr. Ledum Mitee was charged with arson and attempted arson in a Magistrate's Court in Port Harcourt, the capital of Rivers State, and released on bail to await trial. After a first hearing on 20 November 2000, the trial was adjourned. No new date has, as yet, been fixed. Arson and attempted arson are punishable by sentences of life imprisonment and 14 years imprisonment, respectively, in Nigeria.

¹ See urgent appeals NGA 001/0004/OBS 028 ; NGA 001/0004/OBS 028.01

² See also Observatory Annual Report 1999



Rwanda

▶ **Illegal detention and acts of torture¹**

The Observatory was informed by the Collective of Organisations and Associations of Youth from South Kivu (COJESKI, or "Collectif des Organisations et Associations des Jeunes du Sud-Kivu") of the arrest of **Mr. Bruno Bahati Barhalibiru**. Mr. Barhalibiru is a citizen of the Democratic Republic of Congo, and member of COJESKI, of the Association United Defence of Human Rights (EDDH, "Association Ensemble pour la Défense des Droits de l'Homme"), and other non-governmental organisations in South Kivu, Democratic Republic of Congo.

Mr. Bahati Barhalibiru was arrested on 22 April 2000 at the frontier point of Katuna (between

Rwanda and Uganda) while on his way to his home in Bukavu after participating in the National Consultation ("National Consultation") organised by the Heads of the Religious Confessions ("Confessions Religieuses") in Kinshasa. Mr. Bahati Barhalibiru was transferred to Kigali, Rwanda, to the detention centre of the Gikondo police station, where he was allegedly the victim of torture and other cruel, inhuman and degrading treatment. It seems that the name of Mr. Bahati Barhalibiru had been on a list of people to be arrested for several days. In June, he was handed over by the Rwandan authorities to the Congolese Rally for Democracy (RCD)².

¹ See urgent appeal RWA 001/0005/OBS 034

² See part on Democratic Republic of Congo and urgent appeal RDC 006/0006/OBS 056



Togo

▶ Arrest of two trade-unionists¹

The Observatory learned from various sources, including the International Confederation of Free Trade-Unions ("Confédération Internationale des Syndicats Libres"), of the arrest, on 28 January 2000, of trade-union leaders **Messers Tetevi Norbert Gbikpi-Benissan**, Secretary-General of the National Union of Independent Trade-Unions of Togo (UNSI, or "Union Nationale des Syndicats Indépendants du Togo"), and **Pierre Alaga-Kodegui**, Secretary-General of the Federation of Education Workers (FETREN, or "Fédération des Travailleurs de l'Enseignement").

These people were charged with propagating false information, and were immediately deferred to the Lomé Prison.

They were released on 4 February 2000.

▶ Harassment following the publication of a report by the LTDH²

The Observatory was informed by the Togolese League for Human Rights (LTDH, or "Ligue togolaise des droits de l'Homme") of the harassment of its President, **Kofimessa**

Devotsou, as well as four journalists, following the publication of the LTDH report on the human rights situation in Togo between January and July 2000.

On 31 July 2000, Mr. Devotsou was summoned by the Public Prosecutor, and then taken to the Home Secretary to account for the contents of the report, and notably to make him state in writing that he was not the source of an article published in the newspaper *Le Combat*, entitled, "Damning Report on the of Human Rights Situation in Togo". At the end of this meeting, he was threatened with arrest. Mr. Devotsou was summoned a second time by the Home Secretary, on 1 August 2000, for a meeting during which he was asked to justify in writing the facts mentioned in the report, and to decline his responsibility in the title of the *Le Combat* article. He refused, and was warned that he could be charged with libel. The author of the *Le Combat* article, **Mr. Lucien Messan**, was also summoned on 31 July, along with **Mr. Agboh**, a journalist working for the newspaper *Le Scorpion*, who also published the report. Both newspapers were seized within one day. Two more journalists from the newspaper *Le Regard*, **Messers Holonu Hunkpati** and **Saibou Abass**, were also summoned by the Home Secretary, on 1 August, for publishing an article about the report. Moreover, members of the police went to the LTDH headquarters on 31 July, and confiscated the floppy disk containing the report.

¹ See urgent appeals TGO 001/0002/OBS 004 ; TGO 001/0002/OBS 004.01

² See urgent appeal TGO 001/0008/OBS 078



Continued harassment against members of the ATDPDH³

The Observatory was informed that the charges against **Messers Nestor Tengue** (deceased), **François Gayibor** and **Brice Santanna**, all from the Togo Association for the Defence and Promotion of Human Rights ("Association togolaise pour la défense et la promotion des droits

de l'Homme") were dropped. They had been accused of giving information on the violations of human rights in Togo to Amnesty International, described in this organisation's 1999 report. However, the ATDPDH is still being subjected to intimidation and discrediting campaigns that aim to cast doubt on the legitimacy of its activities.

³ See Observatory Annual Report 1999



Sudan

▷ Arbitrary detention¹

The Observatory learned of the arrest of two human rights activists, **Mr. Gazi Suliman** and **Mr. Mohmoud Ali Hassanein**, on 9 December 2000; both are members of the Sudanese Group of Torture Victims (SVTG).

At 1 a.m., the security forces raided the house of Mr. Gazi Suliman, a lawyer and Chairperson of the Sudanese Human Rights Group; they arrested him at gunpoint and terrified his family. Mr. Suliman demanded to see their search or arrest warrant, but the officers replied that they were unnecessary. They searched his house, and took his briefcase containing personal, academic and legal documents. He was subsequently taken to an unknown destination.

At 3:15 p.m. of the same day, Mr. Suliman was taken to his office. Six security forces officers searched his office; various documents, including those relating to his clients and the SHRO, were confiscated. At the office, Mr. Suliman stated to his colleagues that he had not been allowed to take his medicine for diabetes, nor to eat. After the office search, he was again taken to an unknown destination.

The reason for his arrest was that he sent, together with 19 other lawyers, a petition to the Ministry of Justice concerning the seven members of the National Democratic Alliance (NDA) who

were arrested, together with an American Diplomat in Khartoum, on 6 December at 4 p.m. The American diplomat was released shortly afterwards, declared persona non grata, and ordered to leave Sudan within 72 hours.

While the NDA members had been talking to the American diplomat in the NDA secretariat, the security forces burst in, confiscated the papers of the meeting, and arrested the participants. In the petition, Mr. Suliman asked either for the release of the seven NDA members, or that they be charged. Furthermore, he demanded that their whereabouts be made public, and that they receive permission to see their lawyers. He had also given an interview to a daily newspaper criticising the government for arresting the NDA leaders.

Mr. Mohmoud Ali Hassanein, another lawyer who signed the petition, was also arrested on 9 December at 7 a.m. Like Mr. Suliman, Mr. Hassanein had also made a statement to a newspaper criticising the arrests.

Mr. Gazi Suliman and Mr. Mohmoud Ali Hassanein were released on 17 February 2001 at 7 p.m. Mr. Gazi Suliman said he had been kept in appalling conditions, in isolation, and had been tortured. He was taken to hospital. Mr. Mohmoud Ali Hassanein has witnessed the torture of Mr. Suliman, and has himself been beaten.

The Observatory points out that it has already intervened in the case of Mr. Gazi Suliman in the past when he was arrested and sentenced to five months in prison in January 1998 for being a human rights activist. On that occasion, he was released after two weeks' imprisonment.

¹ See urgent appeals SDN/001/0012/OBS/27 ; SDN/001/0012/OBS/27.01



Uganda

Acts of Intimidation¹

On 27 June 2000, during the opening of a workshop on Female Genital Mutilation organised by United Nations Fund for Alimentation (UNFPA) in Kapchorwa town, **Mrs. Jane Frances Kika**, recognised for her work in support of women's rights and as Minister for Disaster Prevention, was publicly humiliated and physically assaulted by Mr. David Chebrot, member of Parliament for Tingey County,

Kapchorwa district. Mr. Chebrot called her "a stupid useless woman, who was not suited to be a minister". Just after this incident, Mr. Chebrot continued to criticise women's organisations, declaring that they were incapable of making a rational decision.

According to information received, Mr. Chebrot had harassed Mrs. Kika in the past, denigrating all work for women's rights.

Mrs. Kika lodged a complaint. The district court of Kapchorwa found the complaint justified.

¹ On this case, the Observatory addressed a letter to the Ugandan authorities.



Zimbabwe

Attacks on members of ZimRights¹

The Observatory has learned from the Zimbabwe Association for Human Rights ("ZimRights") that on the night of 7 February 2000, several of its members were attacked by a group of youths while they were holding a civic education meeting in the City Hall of Tafara n° 2, discussing the draft constitution and forthcoming referendum. Two members of the association were injured and treated at Parirenyatwa Hospital. The youths also smashed the rear window of the ZimRights car.

The aim of the meeting was to carry out a national programme to ensure that the citizens could make an informed choice in the coming

referendum. The attackers, who are believed to be ZANU (ruling party) youths, reportedly stated that they were not going to welcome anyone other than the commissioners from the Constitutional Commission to implement the programme.

Furthermore, a ZimRights member of staff received threats in the form of red paint "X" signs marked on his residence on Tuesday, 8 February 2000. The same threat was made to another attendee of the meeting.

The police was informed of the above facts, but have not followed-up on the case. The authors of these attacks have not yet been identified. Since then, the persons mentioned in this appeal, and all other ZimRights employees, have not been subjected to further intimidation.

¹ See urgent appeal ZWE 001/0002/OBS 006



AFRICA - WORLD-WIDE HARASSMENT AND REPRESSION

