

LETTER SENT BY THE LAWYERS COMMITTEE ON APRIL 16 2003 TO THE  
PRESIDENT OF THE DEMOCRATIC REPUBLIC OF THE CONGO, AND TO THE  
MINISTERS OF JUSTICE, FOREIGN AFFAIRS, HUMAN RIGHTS

Dear Minister,

The Lawyers Committee for Human Rights is deeply concerned to learn of the arrest of two human rights defenders by the Cour d'ordre militaire (the Military Court of DRC), the COM, on Wednesday April 16, in Lubumbashi, Democratic Republic of the Congo. We urge the relevant Congolese authorities to intervene in order to ensure the immediate release of these two individuals.

Reliable reports received by the Lawyers Committee indicate that Prince KUMWAMBA NSAPU, Deputy Director of Finance and Administration of the African Association for the Defence of Human Rights (ASADHO/KATANGA) and Grégoire MULAMBA TSHISAKAMBA, Secretary General of the Human Rights and Humanitarian Law Center (CDH), two organizations based in Lubumbashi with which we work closely, were arrested under orders of the Prosecutor of the COM. We are informed that after their arrest they were transported to the Kassapa Prison in Lubumbashi and are due to face charges of "incitement to rebellion" in the COM today.

We understand that at the time of their arrest Mr. Kumwamba Nsapu and Mr. Mulamba Tshisakamba were on their way to the COM on behalf of their human rights organizations in order to verify information they had received that eight people had been detained. Their organizations had issued a press release on April 15 together with a third human rights organization, the Commission to Advance Human Rights and Development (CVDHO). It appears that the COM military officials who had arrested these eight people then proceeded to arrest Mr. Kumwamba Nsapu and Mr. Mulamba Tshisakamba, solely on the basis that they were human rights activists. We are informed that the two were subsequently charged with incitement to rebellion. We understand that the arrests were made on the orders of the COM Prosecutor.

The Lawyers Committee is extremely concerned about the arrest of these two activists and the charges that have been brought against them. We do not see how circulating the press release issued by the three human rights organizations, which was a publicly available document, could constitute an "incitement to rebellion." The content of the joint press release was a recommendation that the eight detainees exercise their right to silence, an internationally recognized right, and a call to the COM to stop organizing trials and issuing indictments given that it has been legally abolished since March 25, 2003.

The Lawyers Committee considers the actions of the COM to be in violation of the right to freedom of expression, as well as the rights to freedom of association and assembly. We would remind the Government of the DRC that it is bound to respect these international human rights, notably under the International Covenant on Civil and Political Rights to which it is a party. We also believe that these arrests constitute an

unacceptable attack on the work of human rights defenders in the Democratic Republic of Congo and urge the authorities to act in accordance with the 1998 UN Declaration on Human Rights Defenders, which recognizes the importance of the role played by human rights defenders in any society and calls on national authorities to ensure their protection.

The Lawyers Committee is also concerned that Mr. Kumwamba Nsapu and Mr. Mulamba Tshisakamba have been detained and charged by the Court of Military Order despite the fact that they are civilians. We question the COM's role in this case given that the Court was abolished by presidential decree no. 032/2003 and law no. 023/2003, which provides for a new code of military justice and new military courts.

We thank you for your attention to this matter, which we will continue to monitor closely. We would very much appreciate it if you would let us know what steps you take in relation to the matters raised in this letter.

Sincerely,

Neil Hicks  
Director, Human Rights Defenders Project  
Lawyers Committee for Human Rights

New York, April 16, 2003