

URGENT ACTION

MEN CONVICTED, FACE EXPULSION AND TORTURE

Nine men, most of whom are originally from the Democratic Republic of Congo (DRC), face being sent from Angola to the DRC where they could be tortured or sentenced to death.

On 16 April, eight men tried on charges in connection with allegedly attempting to destabilise the DRC government were convicted. There are fears that at least some of these individuals may be sent to the DRC where there is a real risk that they will face further torture, other ill-treatment or the death penalty. A ninth man, **Akanza Toto** from the DRC, who was arrested along with the eight men, was acquitted of all charges. There are fears that he may have already been sent back to the DRC.

Kadate Lekumu, Faustino Mananga Gomes, Ilunga Mukendi Cianda, Richard Nsabwa Mukendi, Boyeye Marc Eyoku and Mbuasi Kitunta François, all of whom are originally from the DRC, were convicted of provocation of war or retaliation against Angola and illegally staying in Angola. They were sentenced to one year and six months imprisonment. Two other men, **David Bucur** and **Eduardo Pongo Muaca**, who are Angolan nationals, were convicted of provocation of war or retaliation against Angola and promotion of and accessory to illegal entry into the country. They were sentenced to imprisonment of two years and eight months. Akanza Toto was acquitted. The men's lawyer appealed the conviction, but an application for bail pending the determination of the appeal was rejected. Eight men remain in detention pending appeal. The risk that some of them will be sent to the DRC remains.

Akanza Toto was acquitted of the same charges. He has reportedly not been seen since the court decision. His lawyer fears he may have been sent to the DRC on 17 April, the day after the sentencing. All nine men were arrested in the early hours of the morning on 22 November 2012 in Cabinda. They were reportedly initially held incommunicado for a month; beaten with firearms; kicked with military boots; slapped and punched.

Please write immediately in English, Portuguese or your own language:

- Expressing concern that the men might still be sent to the DRC where they could be at risk of torture, ill-treatment or the death penalty and calling on the authorities not to send them to the DRC;
- Expressing concern that Akanza Toto may have already been sent to the DRC and requesting information of his whereabouts;
- Expressing concern that there apparently still has been no investigations into the allegations that the men were held incommunicado and tortured after being arrested in November 2012 and calling on the Angolan authorities to investigate these allegations.

PLEASE SEND APPEALS BEFORE 15 JULY 2014 TO:

Ministro das Relações Exteriores
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Ministério das Relações Exteriores
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Salutation: A sua Excelencia

Ministro da Justiça e dos Direitos Humanos
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Procurador-Geral da República
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Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

**AMNESTY
INTERNATIONAL**



Please check with your section office if sending appeals after the above date. This is the first update of UA 80/14. Further information:
<http://www.amnesty.org/en/library/info/AFR12/002/2014/en>

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ADDITIONAL INFORMATION

Angola's constitution prohibits the extradition of foreign citizens for political motives, if they face the death penalty or in cases where it is recognised that extradition may lead to the torture, inhumane or cruel treatment of the individual concerned. While the DRC has not carried out executions in recent years, it retains the death penalty, including for crimes against state security. Amnesty International opposes the death penalty in all cases without exception regardless of the nature of the crime, the characteristics of the offender, or the method used by the state to kill the prisoner. Despite the fact that torture is criminalised in the DRC since 2011, Amnesty International continues to receive information on torture practises occurring. Persons held on political grounds are believed to be at the highest risk of being submitted to torture, inhumane or cruel treatment.

All nine men were arrested in the early hours of the morning on 22 November 2012 in the Angolan province of Cabinda. They were initially held incommunicado in military barracks. Their families were not told where they were and they did not have access to a lawyer until 22 December. While they were held in the military barracks, they were reportedly beaten with firearms, kicked with military boots, slapped and punched. They were then held in pre-trial detention until 24 March 2014 when their trial started in the Cabinda Provincial Court. Ilunga Mukendi Cianda and Richard Nsabwa Mukendi hold French citizenship while Kadate Lekumu has Belgian citizenship. All the men, except these three were reportedly Angolan residents at the time of their arrest.

Sending these individuals to the DRC may put them at risk of further torture, other ill-treatment or the death penalty. Such a measure would violate international human rights law which absolutely prohibits torture and other ill-treatment. The prohibition applies to all states irrespective of their specific treaty obligations. It also prohibits states from sending any person against their will to another country where there is a real risk that they will be subjected to torture or other ill-treatment.

Name: Kadate Lekumu, Faustino Mananga Gomes, Ilunga Mukendi Cianda, Eduardo Pongo Muaca, Richard Nsabwa Mukendi, Boyeye Marc Eyoku, Akanza Toto, Mbuasi Kitunta François and David Bucur
Gender m/f: m

Further information on UA: 80/14 Index: AFR 12/003/2014 Issue Date: 3 June 2014