

Action Contre l'Impunité pour les Droits Humains (ACIDH)
Association africaine de défense des droits de l'homme (ASADHO)
Global Witness
Rights and Accountability in Development (RAID)

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Human rights defenders prevented from meeting victims of Kilwa massacre
Katanga governor stops activists from flying to Kilwa

ACIDH, ASADHO, Global Witness and RAID today condemned blatant tactics by government authorities in Katanga to prevent Congolese human rights defenders from pursuing their legitimate human rights work.

In the latest series of obstructions in the search for justice for the victims of the 2004 Kilwa massacre, the Governor of Katanga province, Moïse Katumbi, and the provincial Minister of Interior, Dikanga Kazadi, prohibited a group of Congolese human rights defenders from flying to Kilwa on 1 April 2008.

The Kilwa massacre – which claimed at least 73 civilian lives – was carried out in October 2004 by soldiers of the 62nd Brigade of the Congolese Armed Forces with logistical support from the Australian/Canadian mining company, Anvil Mining. Anvil Mining has stated that its support was requisitioned and that it had no choice in the matter.

The team planning to visit Kilwa included human rights activists Georges Kapiamba, Jonas Mulamba, Serge Lukunga and Prince Kumwamba, and Paulin Ulimwengu, a spokesperson for the victims of the 2004 Kilwa massacre. They were intending to visit victims of the Kilwa massacre on behalf of Australian lawyers Slater & Gordon, who are investigating possible compensation claims in the Australian courts against Perth-based Anvil Mining for 61 of the victims.

The activists were taken by surprise when, just before their leased plane was due to take off, staff from the control tower at Lubumbashi airport informed them that they had received instructions from the intelligence services (*Agence Nationale de Renseignements* – ANR) that their flight to Kilwa, Dikulushi and Pweto had not received official clearance. According to airport officials, the Minister of Interior of Katanga province had issued an order requiring the group to obtain prior authorization from the Ministry before they could land in Kilwa. Yet the airline had already made two flights that day to Kilwa without being asked for prior authorization.

On 2 April 2008, the activists were informed by the head of the Lubumbashi office of MONUC (the UN peacekeeping mission) that the Governor of Katanga had refused them permission to travel to Kilwa because of alleged insecurity in the area.

Later the same day, the activists were told that the Governor had met a representative of the airline, as well as the head of the UN Office for the Coordination of Humanitarian Affairs (OCHA), and told them that they should not transport the human rights team to Kilwa.

One of the activists also received a telephone call from a local administrative authority in Kilwa asking him if the team had already arrived in Kilwa and informing him that if they did not have “official documents”, there was no point in them going there.

“It is clear that all the authorities have been warned about our mission and instructed to prevent us from doing our work at all cost”, said human rights lawyer, Georges Kapiamba. “The government is in effect denying the Kilwa victims their right to receive assistance to obtain justice for the damages they suffered.”

The authorities’ attempts to prevent the activists from travelling to Kilwa is part of a well-documented pattern of obstructions and pressures by the Congolese authorities in the Kilwa case.

The latest events demonstrate an intensification of efforts by the authorities to stifle the truth; it is also the first time in this case that they have deployed such tactics to restrict the movements of human rights activists. “This reflects how desperate the authorities are to prevent the truth about the Kilwa incident from coming out. It sets a worrying precedent for independent human rights work in Congo”, said Prince Kumwamba, Executive Director of ACIDH.

ACIDH, ASADHO, Global Witness and RAID are calling on the Congolese authorities - at provincial and national level - to put an immediate end to the harassment and obstruction of human rights workers seeking to obtain justice for the victims of the grave human rights violations committed in Kilwa.

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Notes for Editors

In June 2007 the military court of Katanga acquitted nine Congolese soldiers and three expatriate employees of Anvil Mining for war crimes and complicity in war crimes committed in Kilwa. The charges included summary executions, torture, illegal detention and looting. The proceedings were widely condemned for extensive flaws and irregularities, including political interference and intimidation of witnesses. Louise

Arbour, the United Nations High Commissioner for Human Rights, criticised the conduct of the trial and the inappropriate use of a military court to try civilians. She expressed concern over the court's conclusions that the Kilwa events were the accidental results of fighting, despite significant contrary evidence and eye witness testimony. The military court of appeal then also succumbed to political pressure and denied the victims their right to a fair appeal hearing.

ACIDH, ASADHO, Global Witness and RAID have called on the governments of South Africa and Canada to pursue investigations and possible prosecutions against their nationals named in the Congolese trial. They also believe that the Australian Federal Police should pursue its own investigation into the role of Anvil Mining and its staff in the events of October 2004. As signatories to the Rome Statute, the governments of Australia, Canada and South Africa have confirmed their commitment to prosecuting nationals who commit or are complicit in international crimes committed in foreign jurisdictions.

In February 2008, Slater & Gordon filed a preliminary application to the Western Australian Supreme Court on behalf of the victims seeking disclosure of documents. The purpose of this application is to determine the precise circumstances under which Anvil Mining provided logistical assistance to the military in Kilwa. Anvil Mining is resisting this application.

For further information, please see the report "*Kilwa Trial: a Denial of Justice*" (July 2007), published by ACIDH, ASADHO/Katanga, Global Witness and RAID, and press release "*Military court of appeal succumbs to political interference in Kilwa trial*" (December 2007), published by Global Witness and RAID, both available at www.globalwitness.org
Further documentation on the Kilwa events is also available at <http://www.raid-uk.org/docs/Kilwa>