

EXTERNAL

AI Index: AFR 62/01/96

EXTRA 29/96

Fear of Execution

26 February 1996

ZAIRE Sergeant Nussy Ngungasa)
Sergeant Nkass Mbimbi)
Sergeant Yakobi ma Mpasi) soldiers

There is concern at reports that the three soldiers named above have been sentenced to death by a military court in Mbanza - Ngungu in Bas-Zaire region and may be executed in the near future. The three had been found guilty of murdering a Belgian nun at Kimpangu, near the Angolan border, in December 1995. The exact date of their sentencing is not known.

It is believed that the soldiers have a right of appeal to a General Court Martial (*Conseil de Guerre Général*) or a higher court martial (*Conseil de Guerre Supérieur*).

Amnesty International is concerned that the soldiers may be executed if the convictions and sentences are confirmed. Amnesty International has not yet established whether or not the soldiers were represented by legal counsel at their trial, or whether they have lodged an appeal.

BACKGROUND INFORMATION

Zaire is in a state of political and economic crisis, where violent crime, sometimes carried out by soldiers or other members of the security forces, is common. The last death sentence passed there was also passed by a military court, on two soldiers convicted of offences against refugees, in 1994. It is not known whether these sentences have been carried out or not.

The last known executions in Zaire took place in 1989. In the 1980s, the death penalty was frequently applied.

RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express/airmail letters in French and English or your own language:

- expressing concern that the three soldiers were sentenced to death, with a risk that they may be executed in the near future;
- asking the Zairian authorities whether or not the accused soldiers were represented by legal counsel at their trial and whether or not they have lodged an appeal against their conviction;
- stating that, while Amnesty International does not in any way condone the crime of which the accused were convicted, it is unconditionally opposed to the death penalty, as this is a violation of a fundamental human right, the right to life;
- asking the Zairian authorities to request President Mobutu Sese Seko to exercise his prerogative of mercy and commute the death sentences passed on the three soldiers to a humane punishment.

APPEALS TO:

President of the Republic of Zaire
Son Excellence Monsieur Maréchal MOBUTU Sese Seko
President de la République
Mont Ngaliema
Kinshasa, ZAIRE
Telegrams: President MOBUTU, Kinshasa, ZAIRE

Telexes: 21368

Salutation: Monsieur le Président

Prime Minister

Monsieur KENGO Wa Dondo
Hôtel de Conseil Exécutif
Avenue des 3Z
Kinshasa - Gombe, ZAIRE

Telegrams: Prime Minister Kengo Wa Dondo, Kinshasa, Zaire.

Salutation: Monsieur le Premier Ministre

Minister of Justice

Monsieur Joseph Nsinga Udgu
BP 3137
Kinshasa - Gombe, ZAIRE

Telegrams: Justice Minister Nsinga Udgu, Kinshasa, Zaire

Salutation: Monsieur le Ministre

COPIES TO:

Ambassade de la République du Zaire

30 Rue Marie de Bourgogne
1040 Bruxelles
Belgium

and to diplomatic representatives of Zaire accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 25 March 1996.