

# AMNESTY INTERNATIONAL PRESS RELEASE

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## **Democratic Republic of Congo: Thirty sentenced to death after unfair trial**

Amnesty International is urging President Joseph Kabila of the Democratic Republic of Congo (DRC) to use his prerogative to immediately commute the death sentences passed today on some 30 defendants for their alleged role in the assassination of President Laurent-Desiré Kabila in January 2001.

"The defendants clearly did not receive a fair trial, and to execute them in these circumstances would be in violation of the International Covenant on Civil and Political Rights to which the DRC is a state party," Amnesty International said.

The trial of a total of 135 defendants, which began in March 2002, was held before a military tribunal called the *Cour d'Ordre Militaire* (COM), Military Order Court, the statutes of which do not meet international fair trial standards. The defendants were not given adequate time to prepare their defence: they were notified only 2-3 days before the start of the trial, and were only able to meet their lawyers for the first time on the opening day of the trial. The presiding judges were all members of the military or the security services with little or no legal training, whose status as members of the executive put in question their independence and impartiality. The defendants, including those sentenced to death, will have no right to appeal against their sentences and are therefore entirely reliant on a measure of presidential clemency.

Today's death sentences violate a personal commitment made by President Kabila to the UN Commission for Human Rights in March 2001 to retain the moratorium until parliament had had time to debate abolition of the death penalty. Although no such debate has yet taken place, the moratorium was nevertheless lifted on 23 September 2002. Shortly afterwards, the prosecution called for death sentences for 115 of the 135 defendants.

"Following the peace accord signed in Pretoria, South Africa, on 17 December 2002 between the main belligerents in the conflict which has ravaged the DRC since 1998, the time has surely come for peace and reconciliation in the DRC. Commuting death sentences and joining the worldwide trend towards the abolition of the death penalty would provide a much-needed boost for the respect of human rights in the DRC and thereby serve to foster a climate for reconciliation," Amnesty International said.

"But executing people will simply serve to further brutalise an already deeply traumatised society," the organization added.

Amnesty International recognizes the right to bring to justice all those suspected of involvement in

the assassination of President Laurent-Desiré Kabila, but insists that defendants must receive a fair trial which conforms to international standards, including the right to appeal against their sentences. The organization opposes the death penalty in all circumstances, considering it to be a violation of the right to life and the right not to be subjected to cruel, inhuman or degrading treatment or punishment.

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