

EXTERNAL

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UA 332/97

Execution/Legal Concern/Fear of
Imminent Executions

23 October 1997

**DEMOCRATIC REPUBLIC OF CONGO (DRC) Kanyongo Kisase
eight soldiers sentenced to death**

On 22 October 1997 Kanyongo Kisase was executed. This is the first judicial execution to be carried out since the *Alliance des forces démocratiques pour la libération du Congo* (AFDL), Alliance of Democratic Forces for the Liberation of Congo, the Congolese national army, took power in Kinshasa, the capital, on 17 May 1997.

There is subsequent concern that eight soldiers, convicted and sentenced to death on 27 September, after being tried for attempted mutiny, now face imminent execution.

On the night of 20 September, soldiers at the Badiadingi military camp, east of Kinshasa, reportedly staged a protest about unpaid wages. The subsequent conviction of the eight, above-mentioned soldiers, for attempted mutiny was arrived at by a military tribunal which fell short of internationally recognized standards of fairness. There is no right to appeal against the sentence or conviction though the men have appealed for clemency from President Laurent-Désiré Kabila. A further 42 soldiers were reportedly sentenced to life imprisonment with hard labour.

On 25 September 1997, Kanyongo Kisase was standing guard outside the house of the Minister of Health in Kinshasa when he reportedly opened fire on a group of students from a school opposite who were taunting him. He was tried and sentenced to death only hours after the killing by an impromptu military tribunal set up within the school. Although he was provided with legal representation at his trial Amnesty International is concerned that he and his legal counsel were not given adequate time to prepare his defence. Furthermore, his trial took place in an atmosphere of hostility in which it was difficult to expect a fair trial. He was not given an opportunity to appeal to a higher court against his conviction and sentence.

BACKGROUND INFORMATION

AFDL members, now in their capacity as government forces, continue to commit severe human rights violations across the country, including dozens of extrajudicial executions in Kinshasa. Amnesty International has urged the authorities to investigate such allegations and bring the perpetrators to justice in accordance with international standards of fairness and without recourse to the death penalty.

Amnesty International recognizes the rights and responsibilities of governments to bring to justice those suspected of criminal offences, but opposes the death penalty in all countries and all circumstances, because it is a state-sanctioned violation of the right to life and the right not to be subjected to cruel, inhuman or degrading punishment. The situation is of special concern when people may be sentenced to death after unfair trials.

RECOMMENDED ACTION: Please send express/airmail letters in French or in your own language:

- condemning the execution of Kanyongo Kisase after an unfair trial before a military tribunal which does not provide for the right to appeal;

- expressing concern that eight other soldiers, also convicted and sentenced to death after unfair trials before a military tribunal, may be at imminent risk of execution if presidential clemency is not granted;
- appealing to the authorities not to carry out any further executions and for President Kabila to grant presidential clemency when clemency appeals come before him;
- appealing to the authorities to take all measures necessary to ensure that all trials taking place in the Democratic Republic of Congo conform to international standards of fairness as required by international human rights treaties to which the Democratic Republic of Congo is party, including the International Covenant on Civil and Political Rights. In particular, all defendants should be given an opportunity to prepare their defence and appeal against their conviction or sentence.

APPEALS TO:

Head of State

Son Excellence

Laurent-Désiré KABILA

Président de la République

Présidence de la République

Kinshasa-Ngaliema

Democratic Republic of Congo

Telegrams: President Kabila, Kinshasa, DR Congo

Salutation: Monsieur le Président de la République/Dear President

Minister of Justice

M. Célestin LWANGI

Ministre de la Justice

Ministère de la Justice

BP 3137

Kinshasa-Gombe

Democratic Republic of Congo

Telegrams: Ministre Justice, Kinshasa, DR Congo

Salutation: Monsieur le Ministre/Dear Minister

Minister of the Interior

M. Mwenze KONGOLO

Ministre de l'Intérieur

Hôtel du Conseil exécutif

Kinshasa-Gombe

Democratic Republic of Congo

Telegrams: Ministre Intérieur, Kinshasa, DR Congo

Salutation: Monsieur le Ministre/Dear Minister

COPIES TO:

Commandant Anselme Masasu NINDAGA

Chef d'Etat-Major de l'AFDL

Ministère de la Défense

BP 4734

Kinshasa-Gombe

Democratic Republic of Congo

and to diplomatic representatives of the Democratic Republic of Congo accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 5 December 1997.