

PUBLIC

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EXTRA 93/98

Unfair Trials/ Death Penalty/
Fear of imminent execution

1 December 1998

DEMOCRATIC REPUBLIC OF CONGO

Sentenced to death Tshikombo Mandjika
 Ngoie wa Mulango
 Beya Mulumba
 Mikobi Bope
 Kasongo Dibwe

Currently on Trial Leonard Fuka Unzola and three others

The first five men named above were sentenced to death by the *Cour d'ordre militaire* (Military Order Court) in Lubumbashi, Katanga province, and face imminent execution. Tshikombo Mandjika was found guilty of treason, apparently for circulating counterfeit currency. Ngoie wa Mulango, a Congolese soldier, was found guilty of the murder of two boys, and serious bodily harm of another, in Lubumbashi's Kenya district. Beya Mulumba, Mikobi Bope and Kasongo Dibwe were convicted of criminal association and armed robbery. They were among 43 defendants at the week-long trial, which ended on 24 November 1998.

People sentenced to death by the Military Order Court in Katanga province were executed as recently as 14 November, when 13 Congolese government soldiers were executed within days of being found guilty of treason and related offences. The executions were reportedly carried out to set an example, to ensure discipline in other soldiers.

Leonard Fuka Unzola, former governor of Bas-Congo province, is now on trial at the Military Order Court in the capital, Kinshasa. Together with a former cabinet director, an ex-provincial army commander and a former radio journalist, he is charged with siding with the armed opposition in the current conflict, which erupted in August 1998. All four face the death penalty if convicted.

BACKGROUND INFORMATION

The *Cour d'ordre militaire* (Military Order Court) was set up in 1997 by President Laurent-Désiré Kabila to try soldiers, but now frequently tries civilians. The court's proceedings have consistently contravened international standards for fair trial. Its statute prohibits appeal to a higher jurisdiction, leaving defendants with no opportunity to challenge convictions and sentences. Since January 1998, at least 75 people have been executed by firing squad within days of being sentenced to death by the court.

Amnesty International 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.

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

- urging President Laurent-Désiré Kabila to commute the death sentences of Tshikombo Mandjika, Ngoie wa Mulango, Beya Mulumba, Mikobi Bope, Kasongo Dibwe, and all other persons sentenced to death by the Military Order Court;
- urging the Congolese authorities to grant them a fair trial conforming to international standards, including the right to appeal to a higher court against their conviction and sentence;

- urging the Congolese authorities to suspend the use of the death penalty pending its abolition, as it is a violation of the right to life and the right not to be subjected to cruel, inhuman or degrading punishment;
- seeking assurances that further trials conform to international standards of fairness, including the trial of Leonard Fuka Unzola and three others.

APPEALS TO:

(Please note: It is sometimes difficult to get faxes through to the DRC. As a minimum, please send a letter to the DRC embassy in your country.)

Head of State

Son Excellence

Laurent-Désiré KABILA

Président de la République

Présidence de la République

Kinshasa-Ngaliema

Democratic Republic of Congo

Telegrams: Président, Kinshasa, DR Congo

Faxes: + 243 88 02120

Salutation: Monsieur le Président de la République / Dear President

Minister of Justice

M. Mwenze KONGOLO

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

President of the Military Order Court

M. Kiyana MINKUNTU

Président de la Cour d'ordre militaire

Palais de Justice

BP 7016

Kinshasa-Gombe

République Démocratique du Congo

Salutation: Monsieur le Président de la Cour Militaire / Dear President of the Military Order Court

COPIES TO: diplomatic representatives of Democratic Republic of Congo accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY.