

AMNESTY INTERNATIONAL PUBLIC STATEMENT

22 January 2025 Index Number: **AFR 62/8938/2025**

DEMOCRATIC REPUBLIC OF THE CONGO: ALARMING INCREASE IN DEATH SENTENCES AS GOVERNMENT THREATENS TO RESUME EXECUTIONS

Amnesty International is deeply alarmed at the soaring number of death sentences imposed in the Democratic Republic of the Congo (DRC), with at least 300 death sentences handed down by military courts since the government announced their intention in March 2024 to resume executions.¹ This includes 25 soldiers accused of “fleeing the enemy” sentenced by a military court in the eastern city of Butembo,² 26 people accused of being members of a Rwandan-backed armed group sentenced by military courts in the capital Kinshasa,³ 37 individuals, including citizens from the USA, Canada, Belgium and the UK, accused of “attempting to overthrow the government”⁴, and more than 170 alleged members of gangs commonly known as “kuluna” in Kinshasa.⁵

The DRC authorities must immediately halt any plans to carry out executions and address the increasing use of death sentences, including by establishing an official moratorium on the use of the death penalty and taking concrete steps to advance the ongoing legislative process to fully abolish the death penalty.

Amnesty International has not recorded any execution of a death sentence in the DRC since 2003. Since the March 2024 announcement, however, death sentences have increased ten folds compared to the 33 Amnesty recorded at the end of 2023.⁶

The DRC government justified its declared intention to resume executions by the need to combat “treason” within the army at a time when the DRC is facing an escalation of armed conflicts, particularly the resurgence of the armed group March 23 Movement (M23) supported by Rwanda, and the need to end deadly gang violence in several cities, including the capital Kinshasa.⁷ This reflects the misconception that capital punishment is necessary to ensure national security and make people and communities safer. However, there is no convincing evidence that the death penalty has a unique deterrent effect.⁸ Governments that retain the death penalty often invoke this cruel punishment as a ‘quick fix’ to crime or other social ills, but its use is a symptom of a culture of violence that is rarely effective in addressing concerns over public security and crime.

¹ Note circulaire n°002/MME/CAB/ ME/MIN/J&GS/2024 du 13 mars 2024 relative à la levée du moratoire sur l'exécution de la peine de mort en République démocratique du Congo (Circular No 002/MME/CAB/ ME/MIN/J&GS/2024 of 13 March 2024 on the lifting of the moratorium on execution of the death penalty in the Democratic Republic of the Congo), <https://www.peinedemort.org/document/12106/Note-Circulaire-relative-a-la-levée-du-moratoire-sur-l-execution-de-la-peine-de-mort-en-Republique-democratique-du-Congo>

² Aljazeera, DRC tribunal sentences 25 soldiers to death for ‘fleeing the enemy’, 4 July 2024, <https://www.aljazeera.com/news/2024/7/4/dr-congo-sentences-25-soldiers-to-death-military>

³ Aljazeera, DR Congo military court sentences 26 armed group members to death, 9 August 2024, <https://www.aljazeera.com/news/2024/8/9/dr-congo-military-court-sentences-26-armed-group-members-to-death>

⁴ Aljazeera, DR Congo military court sentences 37 to death in coup trial, 13 September 2024, DR Congo military court sentences 37 to death in coup trial | News | Al Jazeera

⁵ See Amnesty International, “DRC: President Tshisekedi must halt plans to carry out mass executions”, 7 January 2025, <https://www.amnesty.org/en/latest/news/2025/01/drc-president-tshisekedi-must-halt-plans-to-carry-out-mass-executions/>

⁶ Amnesty International, Death sentences and executions in 2023, 29 May 2024, <https://www.amnesty.org/en/documents/act50/7952/2024/en/>

⁷ Note circulaire n°002/MME/CAB/ ME/MIN/J&GS/2024 (previously cited).

⁸ Amnesty International, Not making us safer: Crime, public safety and the death penalty, 10 October 2013, <https://www.amnesty.org/en/documents/ACT51/002/2013/en/>

International law and standards have long established abolition as the goal for countries that retain the death penalty.⁹ The UN Human Rights Committee, the independent expert body tasked with the interpretation of the International Covenant on Civil and Political Rights (ICCPR) to which the DRC is a party, has noted that the death penalty cannot be reconciled with full respect for the right to life.¹⁰ The Committee has further stressed that abolition of the death penalty is both desirable and necessary to enhance human dignity and human rights.¹¹

Under international human rights law, States that have not yet abolished the death penalty can only apply it in a manner that is not arbitrary. The UN Human Rights Committee has clarified that this must be interpreted broadly to include elements of inappropriateness, injustice, lack of predictability and due process of law, as well as elements of reasonableness, necessity and proportionality.¹²

Amnesty International has previously expressed concern over numerous problems affecting the administration of justice in the DRC, including serious violations of the right to a fair trial.¹³ President Tshisekedi himself has on several occasions complained publicly about the malfunctioning of the country's justice system, including describing it as "sick".¹⁴ In particular, the authorities have continued to use military courts to try civilians and prosecute offenses that are not of a purely military nature.

Under international and regional human rights laws and standards, the use of military courts must be restricted to trying military personnel for breaches of military discipline.¹⁵ Military trials of civilians are problematic because the prosecutors and judges are serving members of the military and subject to its hierarchy and therefore lack independence and impartiality.¹⁶ Human rights mechanisms have categorically stated that military courts should not have the authority to impose the death penalty.¹⁷

The death penalty is the ultimate denial of human rights and violates the rights to life and to be free from torture or other cruel, inhuman or degrading treatment or punishment, as reflected in the development of international human rights law and standards and protected by treaties to which the DRC is a party to.¹⁸

Amnesty International opposes the death penalty in all cases without exception, regardless of the nature or circumstances of the crime; guilt, innocence or other characteristics of the individual; or the method used by the state to carry out the execution.

⁹ Article 6(6) of the ICCPR.

¹⁰ UN Human Rights Committee, General comment No. 36 (2018) on article 6 ICCPR on the right to life, UN Doc. CCPR/C/GC/36, para. 50.

¹¹ UN Human Rights Committee, General comment No. 36 (2018), para. 50 (previously cited).

¹² UN Human Rights Committee, General comment No. 36 (2018), para. 12 (previously cited).

¹³ Amnesty International, *The State of the World's Human Rights*, 23 April 2024, para. 52, <https://www.amnesty.org/en/documents/pol10/7200/2024/en/>; Amnesty International, *Fair Trial Manual (Second Edition)*, Chapter 29.4, 9 April 2014, <https://www.amnesty.org/en/documents/pol30/002/2014/en/>; and Amnesty International, *DRC: Reinstating executions shows a callous disregard for human rights*, 15 March 2024, <https://www.amnesty.org/en/latest/news/2024/03/drc-reinstating-executions-shows-a-callous-disregard-for-human-rights/>

¹⁴ Amnesty International, *DRC: Reinstating executions shows a callous disregard for human rights* (previously cited).

¹⁵ UN Human Rights Committee, General comment No. 36 (2018), para. 45 (previously cited); African Commission on Human and Peoples' Rights, *Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa*, 29 May 2003, <https://achpr.au.int/index.php/en/node/879>,

¹⁶ Amnesty International, *Fair Trial Manual (Second Edition)*, Chapter 29.4, (previously cited).

¹⁷ UN Human Rights Committee, General comment No. 36 (2018).

¹⁸ The Universal Declaration of Human Rights, 10 December 1948, <https://www.amnesty.org/en/what-we-do/universal-declaration-of-human-rights/>; UN General Assembly Resolution 2200A (XXI), *International Covenant on Civil and Political Rights*, 16 December 1966, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>; General Assembly resolution 39/46, *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, 10 December 1984, <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-against-torture-and-other-cruel-inhuman-or-degrading>; and African Union, *African Charter on Human and Peoples' Rights*, 01 June 1981, <https://au.int/en/treaties/african-charter-human-and-peoples-rights>

In October, the UN General Assembly elected the DRC to become a member of the Human Rights Council for the term 2025-2027. In a statement to the Council, the DRC's Deputy Speaker said that the National Assembly was working to avoid any abuse of the government's decision to resume executions.¹⁹ In order to fulfil this promise and its commitment to protect and promote human rights as a member of the Council, Amnesty International calls on President Tshisekedi to immediately, publicly and unambiguously halt any plans to execute people. The DRC authorities must urgently consider an official moratorium on the use of the death penalty pending the ongoing legislative process for its abolition.

¹⁹ Jean Claude Tshilumbayi, First Vice-President of the National Assembly, La RDC s'explique au Conseil des droits de l'homme sur la levée du moratoire sur la peine de mort, 05/11/2024, https://actualite.cd/2024/11/06/la-rdc-sexplique-au-conseil-des-droits-de-lhomme-sur-la-la-leeve-du-moratoire-sur-la#google_vignette