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## Democratic Republic of Congo: Justice not served by government killings

The execution of 21 people on 27 January is contemptible and does not serve the interests of justice or crime prevention, Amnesty International stated today,

The human rights organization is urgently calling for the immediate suspension of the death penalty and ultimately its abolition by the Government of the Democratic Republic of Congo (DRC).

The 14 soldiers and seven civilians were executed in the Camp Tshatshi military barracks, in the capital, Kinshasa -- in flagrant violation of the DRC's obligations under the International Covenant on Civil and Political Rights (ICCPR). This is the third set of executions of people accused of violent crimes, including armed robbery and murder, since the start of this month. At least 15 people in the eastern DRC towns of Bukavu and Goma were executed in early January. The first judicial execution by the government was of a soldier convicted of murder by the military court and executed in October 1997.

"The DRC Government should set an example to the population that killing is unacceptable and will not be tolerated. It cannot do this by itself carrying out premeditated killings," Amnesty International declared. "We are also concerned that the unfairness of the trials could have led to the sentencing and execution of innocent people."

The victims of these executions were convicted by the *Cour d'ordre militaire*, Military Order Court, which was set up in 1997 by President Laurent-Désiré Kabila. The court's judges are not known to have any judicial training. Although the court was set up to try soldiers, it is increasingly handing down sentences on civilians in cases which should be tried by ordinary civilian courts. On 23 January it sentenced two government opponents to two years' imprisonment on the grounds that they spread false information against the government.

The military court's statute prohibits appeal to a higher jurisdiction and defendants have no opportunity to challenge convictions and sentences handed down by the court. Only President Kabila, who is commander-in-chief and Minister of Defence, has the power to commute the sentences.

The grossly unfair proceedings were also inconsistent with the international norms for a fair trial. United Nations standards have established that all possible fair trial safeguards should apply in death penalty cases and that anyone sentenced to death must have the right to appeal to a higher court, according to Amnesty International.

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