

EXTERNAL

AI Index: AFR 62/03/97

EXTRA 11/97

Death penalty

29 January 1997

ZAIRE Dr Joseph Kanku Pinganay, medical doctor

On 28 January 1997 a court-martial (*conseil de guerre*) sitting in the northern Zairian town of Kisangani sentenced Dr Joseph Kanku Pinganay to death. The tribunal found him guilty of espionage by revealing the positions of Zairian government forces to members of the Tutsi-led armed group known as the *Alliance des forces démocratiques pour la libération du Congo-Zaire* (AFDL), Alliance of Democratic Forces for the Liberation of Congo-Zaire. Dr Pinganay, who was given 24 hours in which to appeal, is reported to have been represented by legal counsel during the trial.

Dr Pinganay is a leader of a political party known as the *Mouvement pour le redressement national et la radiation du chômage* (MRNRC), Movement for National Recovery and Ending Unemployment. Before his arrest on 28 December 1996, Dr Pinganay owned a dispensary at Nia-Nia, a town to the northeast of Kisangani.

Due to communication problems with Kisangani, Amnesty International has not yet been able to obtain sufficient information to establish the fairness of the trial. It is unclear whether Dr Pinganay has been able to appeal against his sentence and conviction, and if so, when and where the appeal will be heard. Amnesty International is concerned that Dr Pinganay could be executed if the sentence is confirmed by the appeal court. Amnesty International is unconditionally opposed to the death penalty on the grounds that it is cruel, inhuman or degrading punishment and violates the ultimate right to life.

BACKGROUND INFORMATION

Fighting in eastern Zaire since October 1996, and the subsequent takeover of parts of Zairian territory by the AFDL armed group, has served to heighten tensions in much of the country. Thousands of soldiers fleeing from advancing AFDL combatants have carried out human rights violations, including extrajudicial executions, rape, torture and looting. In late October 1996 dozens of arrests of civilians and soldiers accused of being accomplices of the AFDL took place. Many of those arrested are believed to be still detained in the capital, Kinshasa, and Kisangani.

In a bid to recapture territory lost to the AFDL, the Zairian Government has since December 1996 been carrying out a reshuffle in the leadership of the Zairian security forces. In early January 1997 the new Minister of Defence, General Likulia Bolongo, announced that the army would carry out a counter-offensive which would spare no Zairian or foreign national supporting the AFDL. He also announced that the armed forces must rid themselves of criminals, runaways, pillagers and vagabonds who must be punished by court-martials in a severe and spectacular manner. At least 20 officers of the armed forces accused of unspecified criminal activities are reported to be in custody awaiting trial.

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

- expressing concern at the death sentence imposed by a court-martial in Kisangani on Dr Joseph Kanku Pinganay;
- urging that he be given adequate opportunity to exercise his right to appeal to an independent and impartial higher appeal court;

- explaining your unconditional opposition to the death penalty in all cases and urging that the death sentences, if confirmed by an appeal court, be commuted to a more humane punishment;
- seeking assurances that any defendants convicted in future trials will not be sentenced to death or executed.

APPEALS TO:

Prime Minister

Monsieur Léon KENGO WA DONDO

Premier Ministre

Hôtel du Conseil exécutif

Kinshasa-Gombe

République du Zaïre

Telegrams: Premier Ministre, Kinshasa, Zaire

Faxes: +243 88 42062

Salutation: Monsieur le Premier Ministre / Dear Prime Minister

Minister of Defence

Général LIKULIA Bolongo

Ministre de la Défense nationale

et des anciens combattants

Ministère de la Défense

BP 4734, Kinshasa-Gombe

République du Zaïre

Telegrams: Ministre Defense, Kinshasa, Zaire

Salutation: Monsieur le Ministre / Dear Minister

Military Procurator General

Colonel ABONGO a Mandjoku

Auditeur Général des Forces Armées Zaïroises

Auditorat des FAZ

Ministère de la Défense nationale

BP 4734, Kinshasa-Ngaliema

République du Zaïre

Telegrams: Auditeur General FAZ, Kinshasa, Zaire

Salutation: Monsieur l'Auditeur Général / Dear Military Procurator General

COPIES TO:

Monsieur THIBWABWA Ashila Pashi

Ministre de la Justice

des réformes institutionnelles

et Garde des Sceaux

Ministère de la Justice

BP 3137, Kinshasa-Gombe

République du Zaïre

Général MAHELE Lieko Bokungu

Chef d'Etat-major général des

Forces armées zairoises (FAZ)

Ministère de la Défense nationale

Kinshasa-Ngaliema, République du Zaïre

and to diplomatic representatives of Zaire accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 3 March 1997.