

EXTERNAL

AI Index: AFR 62/05/97

EXTRA 18/97

Death penalty

13 February 1997

**ZAIRESergeant Eboka Makusa
Corporal Mozoi Ramazani**

On 7 February 1997, a court martial (*conseil de guerre*) in the northern town of Kisangani sentenced Sergeant Eboka Makusa and Corporal Mozoi Ramazani to death for the murder of a woman shopkeeper at her home. The two have admitted breaking into the woman's home and stealing US\$1,600. They were given 24 hours to appeal against the sentence. It is not known whether or not appeals were lodged on their behalf or if the appeal process has been completed.

Amnesty International recognizes the responsibility of governments to bring the perpetrators of violent crime to justice, but opposes the use of the death penalty in all cases as a violation of the right to life.

BACKGROUND INFORMATION

Fighting in eastern Zaire since October 1996, and the subsequent takeover of parts of Zairian territory by the armed group *Alliance des forces démocratiques pour la libération du Congo-Zaire* (AFDL), 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 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. (See EXTRA 08/97, AFR 62/01/97, 22 January 1997.)

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

- expressing concern at the death sentences imposed by a court-martial in Kisangani on Sergeant Eboka Makusa and Corporal Mozoi Ramazani;
- urging that the soldiers be given adequate opportunity to exercise their right to appeal to an independent and impartial higher appeal court;
- acknowledging the seriousness of the crime of which they are accused, but explaining Amnesty International's 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 other 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 Mandjeku

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 13 March 1997.