

EXTERNAL

AI Index: AFR 62/01/97

EXTRA 08/97

Death penalty

22 January 1997

ZAIRECaptain Kange

Captain Mosolo

Captain Mboko

Second-Lieutenant Otongo

Warrant Officer I Kini

Warrant Officer Swangi

First Sergeant-Major Malibizi

Sergeant Eokongole

Sergeant Bokumu

Sergeant Mulelwa

Corporal Mwasa

Corporal Kikuna

Corporal Ngoma

Corporal Atolo

On 21 January 1997 a court-martial (*conseil de guerre*) sitting in the northern Zairian town of Kisangani sentenced the 14 soldiers named above to death. The tribunal found them guilty of cowardice during fighting in eastern Zaire between members of the Zairian armed forces and those 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. The soldiers, who were given 24 hours in which to appeal, are reported to have been represented by legal counsel during the trial.

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 the soldiers have been able to appeal against their sentences and convictions, and if so, when and where the appeals will be heard. Amnesty International is concerned that the soldiers could be executed if the sentences are 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 sentences imposed by a court-martial in Kisangani on 14 soldiers (naming some or all of them);
- urging that the soldiers be given adequate opportunity to exercise their right to appeal to an independent and impartial higher appeal court;
- 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 soldiers or 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 22 February 1997.