

PUBLIC

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EXTRA 03/03

Death penalty / fear of imminent execution

10 January 2003

DEMOCRATIC  
REPUBLIC  
OF CONGO (DRC)

All death row prisoners in the DRC

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In the first known executions since December 2000, fifteen people were reportedly executed in secret earlier this week in the capital Kinshasa. Amnesty International is greatly concerned that dozens of death row prisoners throughout the DRC, including those recently convicted of involvement in the assassination of President Laurent-Désiré Kabila, are also now facing imminent execution.

The current president, Joseph Kabila, had personally committed himself to respecting a moratorium on executions in an address to the UN Human Rights Commission in Geneva in March 2001. These are the first known executions to have taken place since the unexplained lifting of that moratorium on 23 September 2002.

The 15 individuals had been on death row at Kinshasa's main prison, the *Centre pénitentiaire et de rééducation de Kinshasa* (CPRK), Kinshasa Penitentiary and Reeducation Centre. They were taken from their cells during the night of 5 to 6 January to a military camp close to Kinshasa's Ndjili airport on the outskirts of the city. The executions took place, by firing squad, on the morning of 7 January and the bodies were buried in a common grave nearby.

The executions took place just hours before 30 people were sentenced to death (10 *in absentia*) by a military tribunal known as *Cour d'ordre militaire* (COM), Military Order Court, for their alleged role in the assassination of Laurent-Désiré Kabila in January 2001. Although Amnesty International does not yet have information on the crimes for which the 15 executed on 7 January were convicted, it is understood that some, if not all, of them were also sentenced to death by the COM.

Since its creation in 1997, the COM, which has consistently failed to meet standards of fairness set out by international law, has been responsible for the execution of some 200 individuals. The 15 people executed this week will not have had the right to appeal against their death sentences and will have been entirely reliant on President Joseph Kabila exercising his prerogative to commute their sentences. It is not known if any formal petition for clemency was submitted to, or considered by, the president, as is required under Congolese law.

## BACKGROUND INFORMATION

The trial of 135 individuals accused of involvement in the assassination of President Kabila began on 15 March 2002 and came to an end on 7 January 2003. The defendants were not given adequate time to prepare their defence. They were notified only two to three days beforehand of the start date of the trial and were only able to meet their lawyers for the first time on the opening day of the trial itself. From May to September 2002 independent observers were denied access to the court hearings. The presiding judges were all members of the military or the security services with little or no legal training, whose status as members of the executive put in question their independence and impartiality. The defendants, including the 30 sentenced to death, have no right to appeal against their sentences and must therefore rely on a measure of presidential clemency. (For further information on the trial and the sentencing, please refer to the Amnesty

International report *From assassination to state murder?* (AFR 62/023/02) and the press release of 7 January (AFR 62/001/03) entitled *DRC – Thirty sentenced to death after unfair trial.*)

Some 60 people remain on death row at the CPRK. Many dozens of others are thought to be on death row in other prisons throughout the country.

**RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in French or English or your own language:**

- expressing profound dismay at the secret execution of 15 individuals at a military camp in Kinshasa on the morning of 7 January;
- urging that the relatives of those executed are immediately informed of the circumstances of these executions and that the necessary arrangements are made for the bodies of the dead to be handed over to their relatives;
- recalling President Kabila's publicly stated commitment to the UN Human Rights Commission in March 2001 to maintaining a moratorium on state executions and urging the President to honour this commitment by immediately reimposing the moratorium;
- seeking assurances that there will be no further executions of any individuals currently on death row;
- urging the President to exercise his prerogative to commute all existing death sentences, including the 30 death sentences handed down on 7 January 2003 against those convicted of involvement in the assassination of President Laurent-Désiré Kabila.

**APPEALS TO:**

President of the DRC

President Joseph Kabila  
Président de la République  
Présidence de la République  
Kinshasa-Ngaliema  
République démocratique du Congo

**Salutation : Monsieur le Président / Dear President**

**COPIES TO:**

Minister of Human Rights

Professeur Ntumba Luaba  
Ministre des Droits humains  
Ministère des Droits humains  
33/C Boulevard du 30 juin  
Kinshasa-Gombe  
République démocratique du Congo

**Email: [ntumbaluaba@yahoo.fr](mailto:ntumbaluaba@yahoo.fr)**

**Fax: + 243 12 20 664 (this number can be very difficult to get through to)**

**Salutation: Monsieur le Ministre / Dear Minister**

and to diplomatic representatives of Democratic Republic of Congo accredited to your country.

**PLEASE SEND APPEALS IMMEDIATELY.** Check with the International Secretariat, or your section office, if sending appeals after 21 February 2003.