

AMNESTY INTERNATIONAL PRESS RELEASE

AI Index: AFR 62/025/2002 (Public)
News Service No: 229
12 December 2002

Embargo Date: 12 December 2002 00:01 GMT

Democratic Republic of Congo: 115 people face imminent execution

Amnesty International is gravely concerned that up to 115 people face imminent execution in the Democratic Republic of Congo if they are convicted for their alleged role in the assassination of President Laurent Desiré Kabila in January 2001.

"President Joseph Kabila should demonstrate his personal commitment to human rights by making it clear that no death sentences will be passed as a result of the assassination trial," Amnesty International urged today in a new report, *Democratic Republic of Congo: From assassination to murder?*

Their trial, before a military tribunal called the *Cour d'ordre militaire* (COM), Military Order Court, appears to be entering its final stages and the court which is trying the case is due to be abolished on 18 December. The defendants will have no right of appeal, even if they are sentenced to death. In the past, people have been executed hours or even minutes after being sentenced to death by the same court.

At least 200 people have been executed in the DRC since 1997 after being sentenced to death by the *Cour d'ordre militaire* after unfair trials. They have included children as young as 14, civilians as well as members of the security services. Some were executed just minutes or hours after their trial, when clearly there had been no time to appeal for presidential clemency - the only recourse open to those convicted.

The trial of the assassination suspects has been ongoing since March 2002. From May to September independent observers were denied access to the trial. None of the defendants were given adequate time to prepare their defence and were only allowed to meet their lawyers for the first time on the opening day of the trial itself. Additionally, the statutes of the *Cour d'ordre militaire* do not meet international standards of fair trial, and the judges and prosecutors are generally members of the armed forces with little or no legal training.

The defendants in the assassination trial include members of the armed forces and security services, as well as many civilians. The majority have been in detention since early 2001. Many have reportedly been ill-treated or tortured in detention. Amnesty International is not in a position to ascertain the guilt or innocence of the defendants, but fears that a number of the female defendants may be prisoners of conscience, detained simply because they are related or married to suspects in the assassination who are still at large.

"All the defendants should be accorded their right to a fair trial in line with international standards

and should have the right to appeal against their sentences," the organization said.

On 11 October the prosecution called for death sentences against 115 of the 135 defendants. Ominously, this request followed an official announcement by the DRC government on 23 September that a moratorium on executions had been lifted. This goes against a personal commitment to retain the moratorium expressed by President Joseph Kabila in an address to the UN Commission for Human Rights in Geneva in March 2001. No executions are known to have taken place in government-controlled DRC since December 2000.

On 19 November the DRC government announced that the *Cour d'ordre militaire* was to be abolished on 18 December 2002. While the abolition of the *Cour d'ordre militaire* is to be welcomed, Amnesty International fears that any sentences pronounced by the tribunal before its dissolution will be considered valid and implemented, including any death sentences passed in the assassination trial may be imminent.

"Executing people will simply serve to further brutalise a society already deeply traumatised by a conflict which is estimated to have claimed over three million lives," Amnesty International said.

Amnesty International is opposed to the death penalty in all circumstances, considering it to be a violation of the right to life and the right not to be subjected to cruel, inhuman and degrading treatment or punishment.

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