

EXTRA 49/98

Fear of imminent execution / Legal concern

24 July 1998

DEMOCRATIC REPUBLIC OF CONGO	Mukobo Putu] In Detention
	Kiavedisa Kisita]
	Mbweyi Sanga Frédéric] Tried in
	Kwimbanza] absentia
	Arthur Mabilia]
	Joseph Kumbu]
	Nzinga Kovatandi]
	Nzayilu Malengo]

Mukobo Puto is at risk of imminent execution after being sentenced to death by the *Cour d'ordre militaire*, Military Order Court, in Kinshasa, on 22 July 1998.

A further seven men, who are in hiding, were also sentenced to death after being tried in absentia in the same affair. If found, they are also at risk of execution.

The condemned people, supporters of Bernard Mizele Nsemi, populist King of the secessionist political-religious organization "*Royaume Uni de Kongo*," United Kingdom of Kongo, were arrested on charges implicating them in the shootings on 2 July in Kinshasa, which resulted in the death of at least six civilians and two members of the Congolese security forces. They were subsequently found guilty of murder and of plotting to overthrow President Laurent-Désiré Kabila.

Around 135 people appeared before the Court in hearings which took place between 9 and 22 July -- of these 61 were acquitted, the remaining receiving prison terms of various lengths. Bernard Mizele Nsemi himself was sentenced to 20 years imprisonment.

Although the defendants were reportedly allowed legal counsel during the trial, the Court's proceedings have consistently contravened international norms for fair trial; defendants and their counsel were not allowed sufficient time or resources to prepare their defence, nor were they given the opportunity to introduce key psychiatric evidence. All the defendants, including those acquitted, were required to pay 50 Congolese Francs (approximately 35 USD) in costs, failing which they would be physically restrained for 30 days. Additionally, the military court's statute prohibits appeal to a higher jurisdiction, leaving defendants with no opportunity to challenge convictions and sentences handed down by the court. Only President Kabila may grant clemency for those sentenced to death.

BACKGROUND INFORMATION

Over the last months, military tribunals in the Democratic Republic of Congo have sentenced dozens of people to death, an increasing number of these civilians.

Since January 1998, at least 56 people have been executed, only days after being sentenced to death by the *Cour d'ordre militaire*. The competence of the judges at the court, established in 1997 by President Kabila, is not known.

On 18 April, President Kabila granted presidential clemency to Malume Mudherwa, a 15 year-old boy sentenced to death in March, following an international campaign against his execution.

Amnesty International opposes the death penalty in all countries and all circumstances, because it is a state-sanctioned violation of the right to life and the right not to be subjected to cruel, inhuman or degrading punishment.

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

- urging President Laurent-Désiré Kabila to commute the death sentences of Mukobo Putu and others sentenced to death in Kinshasa in July 1998;
- urging the Congolese authorities to grant them a fair trial conforming to international standards, including the right to appeal against their conviction and sentence;
- urging the Congolese authorities to abolish the death penalty, which is a violation of the right to life and the right not to be subjected to cruel, inhuman or degrading punishment;
- reminding the Congolese authorities of their commitment to the Universal Declaration of Human Rights, in particular Article 3: "Everyone has the right to life, liberty and security of the person."

APPEALS TO: (please note: It can be difficult to obtain fax tones. As a minimum, please send a letter to the DRC embassy in your country.)

Head of State

Son Excellence

Laurent-Désiré KABILA

Président de la République

Présidence de la République

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Democratic Republic of Congo

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Salutation: Monsieur le Président de la République / Dear President

Minister of Justice

M. Mwenze KONGOLO

Ministre de la Justice

Ministère de la Justice

BP 3137, Kinshasa-Gombe

Democratic Republic of Congo

Telegrams: Ministre Justice, Kinshasa, DR Congo

Salutation: Monsieur le Ministre / Dear Minister

President of the Military Order Court

M. Kiyana MINKUNTU

Président de la Cour d'ordre militaire

Palais de Justice

BP 7016

Kinshasa-Gombe

République Démocratique du Congo

Telegrams: Président, Cour Militaire, Kinshasa, DR Congo

Salutation: Monsieur le Président de la Cour Militaire / Dear President of the Military Order Court

COPIES TO: diplomatic representatives of Democratic Republic of Congo accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY.