

PUBLIC

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UA 292/99 Fear of execution / Further death sentences / Unfair trials
8 November 1999

DEMOCRATIC REPUBLIC OF CONGO

Bukasa Musenga, employee of Elf Congo]
Gaby Ngimbi Kiamba, businessman] sentenced
Muzaliwa Maroy, Director of petrol, Military headquarters] to death
Issa Yuba, Commander of fuel depot, Military headquarters] on 19 October
Onza Kanda, Commander of fuel depot, Military headquarters]

Lambert Djunga Shango, lawyer] ongoing trial
Pierre Risasi, lawyer] on capital
Okumbo, former employee of state mining company] charge
Dada Feza Rukeratabaro (f), former employer of state mining co.]

Amnesty International is concerned that the five men named above who were sentenced to death by the *Cour d'ordre Militaire* (COM), Military Order Court on 19 October 1999, may soon be executed.

The COM found them guilty of stealing fuel from the military. Trials carried out by the COM do not conform to international standards and do not allow for any appeals to a higher jurisdiction. Their last chance now lies with a presidential pardon. If this is not given they could be executed by firing squad.

The organization is very concerned that death sentences are still being handed out by COM after unfair trials. This is despite a public declaration by the government that it would abolish the COM and the death penalty.

The four civilians named above are also likely to be given death sentences at the end of their trial by the COM in connection with their alleged role in a mining concession dispute between the DRC Government and Banro American Resources mining company.

An Amnesty International delegation visiting the country in August 1999 was told that there is currently a moratorium on executions.

BACKGROUND INFORMATION

Hundreds of death sentences have been passed by the COM, and over 100 executions carried out, since its creation in 1997.

Although the COM was established to administer tough military discipline it is often used to try civilians, many of whom are political prisoners and prisoners of conscience.

The court's proceedings have consistently contravened international standards for fair trial. Its statute prohibits appeal to a higher jurisdiction, leaving defendants with no opportunity to challenge convictions and sentences.

Amnesty International opposes the death penalty in 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/e-mails/express/airmail letters in French or your own language:

- urging President Kabila to spare the lives of Bukasa Musenga, Gaby Ngimbi Kiamba, Muzaliwa Maroy, Issa Yuba and Onza Kanda and to order a halt to further sentences of death;
- expressing concern that four civilians, Lambert Djunga Shango, Pierre Risasi, Okumbo and Dada Feza Rukeratabaro (f), being tried by the Cour d'ordre Militaire for treason may be given the death sentence;
- asking the authorities to respect their assurances to abolish the Cour d'ordre militaire and the death penalty.

APPEALS TO:

President

Président Laurent-Désiré KABILA
Président de la République, Présidence de la République
Kinshasa-Ngaliema, Democratic Republic of Congo

Telegrams: Président, Kinshasa, DR Congo

e-mails: UPP@ic.cd

Salutation: Monsieur le Président de la République / Dear Président

President of COM

Le Commandant Charles ALAMBA
Président de la Cour d'ordre militaire
Palais de Justice, BP 7016
Kinshasa Gombe, Democratic Republic of Congo

Telegrams:Président, COM, Kinshasa, DR Congo

Salutation:Monsieur le Président / Dear President

COPIES TO:

Minister of Human Rights

Monsieur SHE OKITUNDU
Ministre de Droits humains
Ministère de Droits humain
Kinshasa-Gombe
République Démocratique du Congo

Minister of Justice

Monsieur Mwenze KONGOLO
Ministre de la justice
Ministere de la justice
BP 3137 Kinshasa-Gombe, Democratic Republic of Congo

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 20 December 1999.