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PUBLIC STATEMENT

Scores of executions in the Democratic Republic of Congo

Amnesty International is deeply concerned and shocked by the relentless brutalization of Congolese society by the Democratic Republic of Congo (DRC) authorities' carrying out of large numbers of executions ordered by the *Cour d'ordre militaire*, Military Order Court, after unfair trials. At least 46 people have been executed since April 1999.

More than 100 people sentenced to death by the military court were executed in 1998 alone. According to Amnesty International's statistics of judicial executions around the world, the DRC was only second to China in the number of known executions during the year. Eleven people found guilty of violent offences, including armed robbery and murder, were reportedly executed on 13 April 1999 in Mbuji-Mayi, the capital of Kasai Oriental province. On 6 May, 20 soldiers found guilty of military offences, including defection to or complicity with the armed opposition, were executed in Lubumbashi, the capital of Katanga province. On 13 May, 15 people found guilty of violent crime were executed in the capital, Kinshasa.

Dozens of other prisoners have reportedly been sentenced to death, and many more are awaiting trial. Amnesty International fears that more executions may take place in the near future and is calling on the DRC government to suspend the use of the death penalty and stop any further executions, with a view to abolishing this form of punishment.

On the occasion of the second anniversary (17 May) of his government coming to power, the organization is appealing to President Laurent-Désiré Kabila to set an example to the rest of the DRC by showing respect for the right to life. Tens or even hundreds or thousands of people, most of them unarmed civilians, have been deliberately and arbitrarily killed by government forces and armed opponents during the past three years of armed conflict.

“The people of the DRC are being subjected to extreme brutality and disregard for human life. It is incumbent on their government to show that the death penalty, murder and other forms of cruel, inhuman or degrading treatment by the state or others is unacceptable in all circumstances,” Amnesty International said.

Amnesty International is also concerned about unfair trials by the military court, which was set up in August 1997 to try soldiers accused of disciplinary and other offences. The court has increasingly been used for trials of civilians and political repression, including for non-violent opposition to the government. On several occasions during 1998 the Minister of Justice reportedly announced that anyone sabotaging the new Congolese franc or the economy would be tried by the military court and sentenced to death.

In many cases, defendants have no access to legal counsel, and when they do lawyers do not have sufficient time to examine the evidence, interview witnesses or adequately prepare the defence. The decree setting up the military court specifically denies defendants the right to appeal to a higher jurisdiction, in contravention of international standards.

Although those convicted by the court can theoretically appeal for clemency to the head of state, so far only one death sentence imposed on a 15-year-old child soldier has been commuted, in April 1998. It is unclear how many of those sentenced to death have actually had their appeals for clemency considered by President Kabila. In some cases those sentenced to death have been executed within a few days, or even hours, of the end of their trial. This raises doubts about whether President Kabila had the opportunity to consider their appeals for clemency.

The *Rassemblement congolais pour la démocratie* (RCD) armed opposition group is also reported to have set up a court similar to the Military Order Court, known as the *Conseil de guerre opérationnel*, Operational Court-Martial. The RCD's court is also reported to have sentenced a number of people to death in eastern DRC, including as many as 12 in February 1999. It is unclear whether any executions ordered by the court-martial have occurred.

Amnesty International regrets that the DRC government has not responded to urgent appeals sent in 1998 by the UN Special Rapporteur on Extrajudicial, Summary and Arbitrary Executions, concerning prisoners sentenced to death by military courts. The organization has called on the Burundi, DRC, Rwanda and Uganda governments to stop executions in line with a UN Commission on Human Rights resolution adopted on 28 April 1999, calling on states "to establish a moratorium on executions, with a view to completely abolishing the death penalty".

In his 8 February 1999 report to the UN Commission on Human Rights, the UN Special Rapporteur on the situation of human rights in the DRC recommended to the DRC Government the immediate cessation of operations of the military court and the restoration of fair trial. "The death penalty must be abolished and, in any event, no longer carried out", he said.

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