

PUBLIC

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Imminent executions

29 April 1998

DEMOCRATIC REPUBLIC OF CONGO

Matabaro

Ngonga

Musema Gatabazi

Mungonderwa

Kale Muhoza, alias Sankara, and  
four other unnamed people

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Nine people who were sentenced to death by a military tribunal earlier this month in Bukavu, South Kivu province, could be executed shortly.

Six of them, including Matabaro, Ngonga, Musema Gatabazi and Mungonderwa are civilians convicted of armed robbery. The other three are members of the security forces found guilty of "rebellion"; one of them is Kale Muhoza, alias Sankara.

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. Although the court was established to try soldiers, it is increasingly being used to try civilians.

Only President Kabila, the commander-in-chief and Minister of Defence, has the power to commute death sentences. The proceedings of military tribunals in DR Congo are therefore inconsistent with international norms for a fair trial.

#### **BACKGROUND INFORMATION**

Over the last months, military tribunals in the Democratic Republic of Congo have sentenced dozens of people to death, many of them civilians. Since January 1998, at least 56 people have been executed within days of being sentenced to death by the *Cour d'ordre militaire*, Military Order Court, which was set up in 1997 by President Laurent-Désiré Kabila. The competence of the country's judges is unknown.

On 18 April 1998, President Kabila granted presidential clemency to Malume Mudherwa, a 15 year-old boy sentenced to death on 28 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 sentences of the nine people sentenced to death in Bukavu, South-Kivu, in April 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

**APPEALS TO: (Please note: It is sometimes difficult to get faxes through to the DRC. 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

Kinshasa-Ngaliema

Democratic Republic of Congo

**Telegrams: President Kabila, Kinshasa, DR Congo**

**Fax: + 243 88 02120**

**Salutation: Monsieur le Président de la République**

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**

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

**Salutation: Monsieur le Président de la Cour Militaire**

**COPIES 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 10 June 1998.