

PUBLIC

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Fear of imminent execution

13 July 1998

DEMOCRATIC REPUBLIC OF CONGO

Kyunga wa Mbuyu

Amisi Masimangu

Kwangwe Lwimbo

Zamba Wali

Ruaga Hungu

Tshibuabua Mukubayi

Bahati Birembano

Badibanga Kakonde

Bofamba Jean

Kenga Ngoy

Lemba Erick

Dianambo Mushakamba

Tshisola Piere Yiukilayi

Kabasele Tshiondo

The above named men are at risk of imminent execution after being sentenced to death by the *Cour d'ordre militaire*, Military Order Court, in Katanga province, formerly known as Shaba, in hearings which took place between 5 and 23 June 1998.

The condemned people, civilians and members of the military, were found guilty of murder, armed robbery, and criminal association.

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 are not allowed sufficient time and resources to prepare their defence. 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, and is being applied to ordinary crimes.

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 death sentences of the persons sentenced to death in Katanga in June 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: Président, Kinshasa, DR Congo

Faxes: + 243 88 02120

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

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.