

EXTRA 67/01

Death Pen

Democratic Wozango Lele Kongbo (m), army major (commandant)
Republic of Congo Kesangana Mafu (m), army major
Gerengbo Ngakola (m), army second lieutenant
Iluku Isofa (m), army warrant officer (adjutant)
Kpakasa Ngazali (m), army major
Kayekwe Ngoysu (m), army major
Jean Ngato (m), army major
Yangba Samuluma (m), civilian

The eight people named above, were sentenced to death on 13 September, after being convicted of plotting to overthrow the government of the Democratic Republic of Congo (DRC) in early 2001. Amnesty International is concerned that they may soon be executed if they are not granted a presidential pardon. Virtually all those tried are known to have been tortured in order to force them to implicate themselves or other co-defendants. They were also denied access to lawyers before their trial.

The men were tried and convicted by the *Cour d'ordre militaire* (COM), Military Order Court, in Likasi, Katanga province. Eighteen others, who were charged with a similar offence were sentenced to between five and 20 years' imprisonment.

In 2000, the COM had found at least eight other people guilty of plotting to overthrow the government following secret and unfair trials. The eight, were summarily executed in Katanga on 24 November 2000.

Since 1999, and most recently in March 2001, the DRC Government has given a declaration to the United Nations and Amnesty International that it would abolish the COM or prevent it from trying civilians. It has also announced a moratorium not to implement the death penalty. However, Amnesty International is very concerned that death sentences are still being imposed after unfair trials. The DRC authorities told an Amnesty International delegation in August 1999 and the UN Commission on Human Rights in March 2001, that a moratorium on executions was in place. Despite these promises a number of prisoners were executed in January, February and November 2000 and there are fears in the DRC that executions of those sentenced on 13 September may be imminent.

BACKGROUND INFORMATION

Since the COM was set up in 1997 it has sentenced hundreds of people to death, of whom up to 200 have been executed.

Although it was set up to try soldiers accused of military offences, the COM has also tried civilians accused of political and economic offences, 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, except to appeal for presidential clemency.

Amnesty International opposes the death penalty in all circumstances, as 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 appeals English, French or your own language:

- urging President Joseph Kabila to commute the death sentences passed on the eight prisoners (naming them) sentenced to death on 13 September;
- expressing sadness at the execution of more than 200 people since October 1997;
- asking the authorities to fulfil their undertaking to abolish the *Cour d'ordre militaire*;
- calling for an end to the use of death sentences and an immediate moratorium on executions.

APPEALS TO:

1. President

Président Laurent-Désiré KABILA
Président de la République, Présidence de la République
Kinshasa-Ngaliema, Democratic Republic of Congo
Telegrams: President, Kinshasa, DR Congo
e-mails: UPP@ic.cd
Salutation: Monsieur le Président de la République / Dear Président

2. 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: COM President, Kinshasa, DR Congo
Salutation: Monsieur le Président / Dear President

3. Minister of Human Rights

Professeur Ntumba Luaba
Ministre de Droits humains
Ministère de Droits humains
33/C Boulevard du 30 juin
Kinshasa-Gombe
République Démocratique du Congo
Telegrams: Human Rights Minister, Kinshasa, DR Congo
Fax: + 243 12 20 664
Salutation: Monsieur le Ministre / Dear Minister

4. Minister of Justice

Monsieur Antoine Deogratias Ngele Masudi
Ministre de la justice et des Affaires parlementaires
Ministère de la justice
BP 3137 Kinshasa-Gombe, Democratic Republic of Congo
Telegrams: Justice Minister, Kinshasa, DR Congo
Fax: + 243 12 20 843
Salutation: Monsieur le Ministre / Dear Minister

COPIES TO: diplomatic representatives of the 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 15 October 2001.