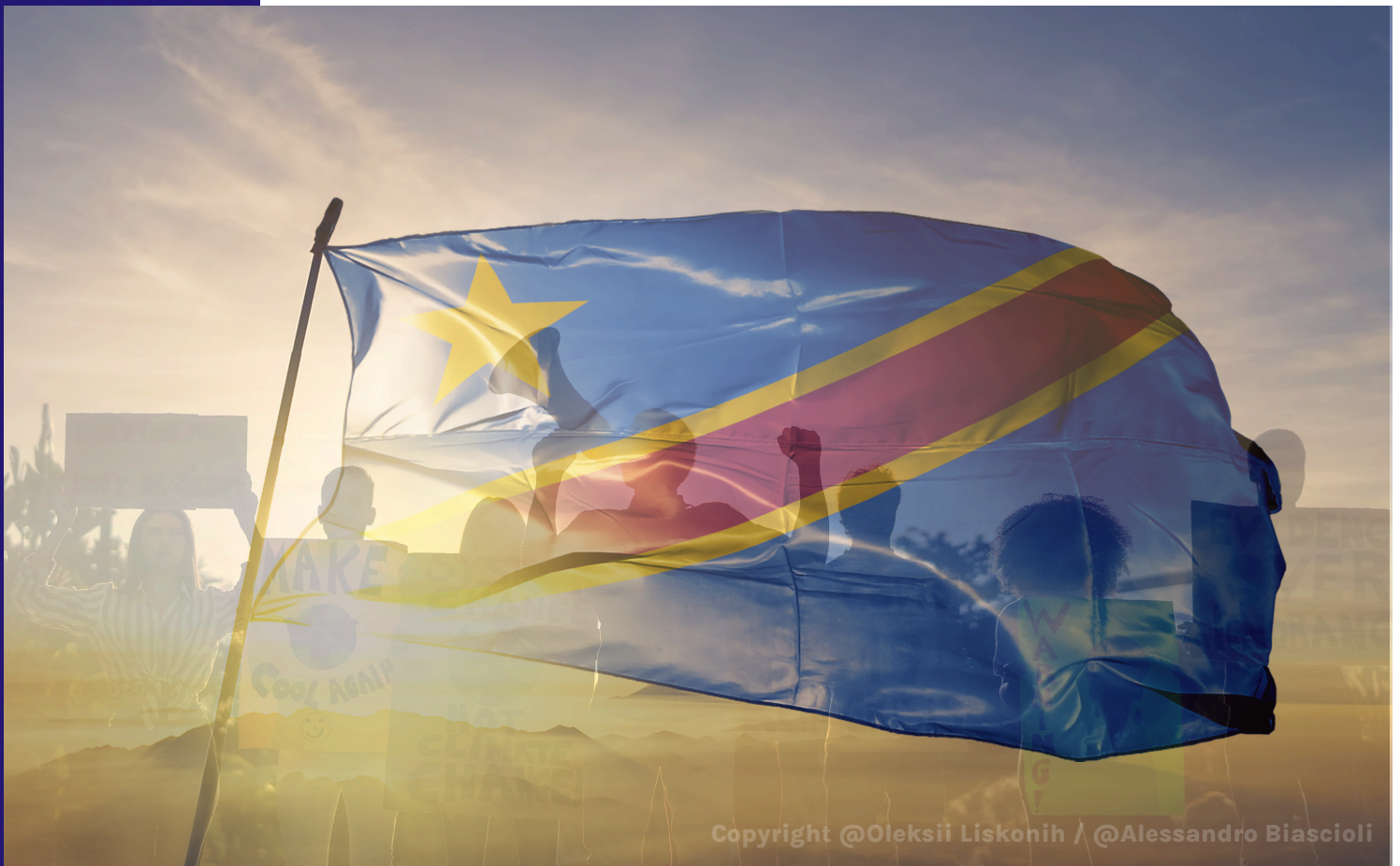


October 10, 2024

Analysis of the situation of human rights defenders who have criticised the lifting of the moratorium on the death penalty



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EXECUTIVE SUMMARY

On February 9, 2024, the government of the Democratic Republic of Congo (DRC) lifted the moratorium on executions that had been in place since 2003. This decision comes amid a deteriorating security situation in the eastern part of the country and increasing restrictions on civic space. Since the moratorium was lifted, human rights defenders who publicly oppose this decision have faced heightened repression from Congolese authorities. This note documents the violations suffered by these defenders in several provinces of the country, including:

- death threats and acts of physical violence;
- arbitrary arrests and detentions;
- baseless accusations and fabricated judicial proceedings;
- violations of property rights and freedom of movement;
- harassment targeting their relatives and collaborators.

These violations are mainly perpetrated by agents of the National Intelligence Agency (ANR), the Military Detection of Unpatriotic Activities (Démiap), and security forces. The impunity enjoyed by the perpetrators allows this repression to continue.

This note also highlights the considerable impact that the criminalization of defenders has on their living conditions and those of their families, including:

- the inability to continue their activities due to fear of reprisals;
- economic and social consequences (loss of employment, marginalization);
- disruption of family life (forced relocations, separations);
- forced exile for some particularly threatened defenders.

The growing phenomenon of repression described in this note is part of a broader context of civic space restrictions in the DRC, exacerbated by the state of siege in place in some eastern provinces. This repression risks having a significant deterrent effect on the entire abolitionist movement and, more broadly, on any form of opposition to the government.

CO-SIGNATORY ORGANIZATIONS AND INSTITUTIONS

The report was co-signed by 56 organizations and institutions from 24 countries.

1. ACAT Allemagne
2. ACAT Belgique
3. ACAT Canada
4. ACAT Congo
5. ACAT Espagne-Catalogne
6. ACAT France
7. ACAT Ghana
8. ACAT Luxembourg
9. ACAT RCA
10. ACAT RDC
11. ACAT Suisse
12. ACAT UK
13. Adala « pour le droit à un procès équitable »
14. Agir ensemble pour les droits humains
15. Amis des victimes des violations des droits humains (AVVDH)
16. Association Haki Zangu
17. Avocats sans frontières (ASF) Belgique
18. Avocats sans frontières (ASF) France
19. Barreau de Paris
20. Coalition congolaise contre la peine de mort
21. Coalition marocaine contre la peine de mort
22. Coalition mondiale contre la peine de mort
23. Coalition Tunisienne Contre la Peine de Mort (CTCPM)
24. Comité Vietnam pour la Défense des Droits de l'Homme
25. Cornell Center on the Death Penalty Worldwide
26. Culture pour la Paix
27. Death Penalty Focus
28. Dynamo International – Street Workers Network
29. Ensemble contre la peine de mort (ECPM)
30. Europe-Central Africa network (EurAc)
31. Fédération des Femmes pour le Développement Intégral au Congo (FEDICONGO)
32. Fédération Internationale des ACAT (FIACAT)
33. Foundation for Human Rights Initiative (FHRI)
34. Hands Off Cain
35. International Service for Human Rights (ISHR)
36. International Rehabilitation Council for Torture Victims (IRCT)
37. JusticeMakers Bangladesh en France (JMBF)
38. Kenya Human Rights Commission
39. Kurdistan without Genocide
40. Lawyers for human rights international India
41. Le Groupe LOTUS
42. Observatoire international des avocats en danger
43. Observatoire marocain des prisons
44. Organisation Contre la Torture en Tunisie (OCTT)
45. Organisation mondiale contre la torture (OMCT)
46. Pax Christi Uvira
47. Protection internationale

48. Regroupement des Mamans de Kamituga (REMAK)
49. Relais Prison-Société
50. Réseau Ouest Africain des Défenseurs des Droits Humains (ROADDH)
51. SIL LGBTQI+
52. Solidarité avec les Victimes et pour la Paix (SOVIP)
53. SOS Africaines en Danger
54. Union internationale des avocats
55. Vivere
56. Women and Children Protection (WCP)

I. INTRODUCTION

1. On 5 February 2024, in a communiqué broadcast on the 8 p.m. national television (RTNC) news, the Supreme Defence Council (Conseil supérieur de la défense) asked the supreme commander of the armed forces of the Democratic Republic of the Congo (FARDC) and the President of the Democratic Republic of the Congo (DRC) to lift the moratorium on the execution of persons condemned to death for crimes of high treason. Although the death penalty is legally still in force in the DRC, the country had been observing a *de facto* moratorium since 2003, when the last death penalties were carried out.
2. On 9 February 2024, at the 124th ordinary meeting of the Council of Ministers, the Congolese government granted this request and decided to lift the moratorium on executions. This decision, which initially applied to crimes of high treason, was extended to common law crimes under Circular No 002 of 13 March 2024 of H.E. Rose Mutombo, Minister of Justice and Keeper of the Seals, addressed to prosecutors, “with a view to ridding our country’s army of traitors and stemming the increase in acts of urban terrorism which lead to loss of life”¹.
3. The lifting of the moratorium runs counter to Articles 16 and 61 of the Constitution of the Democratic Republic of the Congo, which enshrines the right to life “even when the state of siege or the state of emergency has been proclaimed in accordance with Articles 87 and 88 of this Constitution”. In this respect, Article 4 of the Order No 21/015 of 3 May 2021 proclaiming the state of siege on part of the territory of the DRC provides for several rights and fundamental principles from which no derogation is admissible during this period, including 1. “the right to life” and 7. “the freedom of thought, of conscience and religion”. Furthermore, this decision contradicts the National Plan of Action for Justice Reform 2017 – 2026, adopted by the Ministry of Justice in May 2017, focus (“axe”) 4 of which guarantees justice based on respect for human dignity, including, in particular, abolition of the death penalty². The country had thus embarked on the road to abolition, as is attested by the 2020 newspaper article of H.E. André Lité Aseba, Congolese Minister for Human Rights, in which he maintained that the DRC must make its moratorium official and progress towards abolition of the death penalty³.
4. Moreover, this decision opens up the possibility of serious violations of human rights, in particular the right to life guaranteed by Article 3 of the Universal Declaration of Human Rights (UDHR). Application of the death penalty is a protracted process causing physical and moral suffering at each stage, both for the condemned and for their friends and families, suffering which could be considered torture or cruel, inhuman or degrading treatment or punishment⁴. Furthermore, justice systems are not infallible and once the penalty has been carried out it is irreversible, which means that the victim is deprived of his or her right to demand reparation, thus negating the right to a fair trial. Finally, a great deal of information collected by our organisations and international human rights protection mechanisms such as the United Nations special procedures indicates that the death penalty is applied disproportionately to persons from underprivileged backgrounds or minorities who find it more

¹ Note circulaire n°002/MME/CAB/ ME/MIN/J&GS/2024 du 13 mars 2024 relative à la levée du moratoire sur l’exécution de la peine de mort en République démocratique du Congo (Circular No 002/MME/CAB/ ME/MIN/J&GS/2024 of 13 March 2024 on the lifting of the moratorium on execution of the death penalty in the Democratic Republic of the Congo).

² Ministère de la justice, *Politique Nationale de Réforme de la Justice 2017 – 2026*, mai 2017, para. 159 https://bice.org/app/uploads/2020/05/DRC_PNRJ_2017-2026.pdf (Ministry of Justice, Plan of Action for Justice Reform 2017 – 2026, May 2017, para. 159).

³ Le Monde, André Lité Aseba, Liévin Ngondji, Raphaël Chenuil-Hazan, *La DRC doit officialiser son moratoire et progresser vers l’abolition de la peine de mort* (The DRC must make its moratorium official and make progress towards abolition of the death penalty), 8 October 2020: https://www.lemonde.fr/afrique/article/2020/10/08/la-DRC-doit-officialiser-son-moratoire-et-progresser-vers-l-abolition-de-la-peine-de-mort_6055313_3212.html.

⁴ FIACAT, *The death penalty and the prohibition of torture and other cruel, inhuman or degrading treatment or punishment*, August 2023 <https://www.fiacat.org/en/publications-en/reports/thematic-reports/3003-the-death-penalty-and-the-prohibition-of-torture-and-other-cruel-inhuman-or-degrading-treatment-or-punishment>.

difficult to access legal assistance, thus violating the principle of equality before the law and protection against discrimination as provided for in Article 7 of the UDHR⁵.

5. Since the beginning of 2024, at least 185 persons, including 3 women, have been condemned to death (cf. annex 2 on the situation of death penalty cases in the DRC).
6. The lifting of the moratorium has been criticised by several regional and international bodies. The Working Group on the Death Penalty of the African Commission for Human and Peoples' Rights has expressed its serious concerns about this decision which "represents a step backwards in the protection of the right to life as enshrined in Article 4 of the African Charter on Human and Peoples' Rights"⁶. The United Nations' High Commissioner for Human Rights said he was "concerned that the Government has lifted the moratorium on the death penalty" and urged the authorities "to revisit their position, building on the pledges made at the Human Rights 75 high-level event last year" during the enhanced interactive dialogue on the DRC of April 2024 at the 55th session of the Human Rights Council⁷. This statement was reaffirmed during the interactive dialogue on the DRC on October 8, 2024, as part of the 57th session of the Human Rights Council. The European Union, in a communiqué of 9 August 2024, also referred to its "total opposition to the death penalty, in all circumstances. The death penalty is incompatible with the inalienable right to life and is cruel, inhuman and degrading. It represents the ultimate denial of human dignity, it is failing to act as a deterrent to criminal acts and makes legal errors irreversible. We have firmly stated this in these terms to all the appropriate interlocutors in the DRC, including recently in talks with various members of the Government and high-level officials in Kinshasa" (unofficial translation)⁸.
7. Today, over 900 persons condemned to death are being held in Congolese jails. Several questions have been raised as to the scope of the lifting of the moratorium, as set out in the circular of 13 March 2024. Firstly, as regards the period covered. There is no indication of whether the decision applies retroactively to death sentences handed down prior to the decision. Secondly, as regards the extension to 28 crimes⁹ to which the death penalty applies in national legislation (Criminal Code and Military Criminal Code). This uncertainty leads to fear that, in the worst-case scenario, the majority of those condemned to death could be executed¹⁰.
8. In this context, human rights defenders ("defenders") have mobilised throughout the country and in various ways to criticise the lifting of the moratorium and appeal to the government to reverse this decision. This mobilisation has been repressed by the State institutions, in particular the "Détection militaire des activités anti-patrie" (Démiap) (Military Detection of Anti-Patriotic Activities)¹¹, the

⁵ Communication from the United Nations High Commission for Human Rights 6 October 2017 <https://www.ohchr.org/fr/press-releases/2017/10/death-penalty-disproportionately-affects-poor-un-rights-experts-warn>; Amnesty international, *Arguments contre la peine de mort (The case against the death penalty)*, <https://www.amnesty.ch/fr/themes/peine-de-mort/arguments-contre-la-peine-de-mort/arguments-contre-peine-de-mort>; Le Monde, « Pauvreté et peine de mort sont inextricablement liées (Poverty and the death penalty are inextricably linked), 10 October 2017 https://www.lemonde.fr/idees/article/2017/10/10/pauvrete-et-peine-de-mort-sont-inextricablement-liees_5198946_3232.html;

⁶ Press release on the lifting of the moratorium on the death penalty in the Democratic Republic of the Congo (DRC) 15 March 2024, African Commission on Human and Peoples' Rights: <https://achpr.au.int/index.php/en/news/press-releases/2024-03-15/lifting-moratorium-death-penalty>

⁷ United Nations High Commissioner for Human Rights (UNHCHR) *In DRC, insecurity is at alarming levels* 2 April 2024 <https://www.ohchr.org/en/statements-and-speeches/2024/04/drc-insecurity-alarming-levels-turk-reports>.

⁸ Communiqué from the European External Action Service (EEAS): *Déclaration de la porte-parole sur les condamnations à la peine de mort*, 09.08.2024 https://www.eeas.europa.eu/eeas/rdc-déclaration-de-la-porte-parole-sur-les-condamnations-à-la-peine-de-mort_und_en

⁹ Cf. Annex No. 2 on the situation of death penalty cases in the DRC

¹⁰ Press release *Lifting of the moratorium in the DRC: ECPM and CPJ call for the non-instrumentalisation of the death penalty*, March 2024, <https://www.ecpm.org/en/lifting-of-the-moratorium-in-the-drc-ecpm-and-cpj-call-for-the-non-instrumentalisation-of-the-death-penalty/>.

¹¹ Military information service of the armed forces of the Democratic Republic of the Congo.

Agence Nationale de Renseignements (National Information Agency) (ANR), special services and the “police judiciaire des parquets” (criminal police) in order to silence any person who might publicly express opposition to the government’s decision. Some defenders – including lawyers who have actively opposed the lifting of the moratorium and/or have represented defenders who have spoken out against it have also been accused of complicity with the armed group M23 and the urban bandits commonly known as the *Kuluna*.

II. OBJECTIVES AND METHODOLOGY

9. The purpose of this note is to describe the violations suffered by these human rights defenders as a result of their commitment to opposing the death penalty and, on the basis of the information provided by the victims and witnesses of these violations, the status of the perpetrators, their modus operandi and approach in order to produce an accurate picture of the plight of Congolese nationals who oppose the government’s decision to lift the moratorium and to describe the impact of this repression on their personal and professional circumstances.
10. It should first of all be noted that a “human rights defender” is understood to mean any person who, individually or in association with others, seeks to promote or protect human rights by peaceful means, whether at the national or international level¹².
11. The note is based on a series of conversations with a dozen or so defenders, including Congolese lawyers targeted because of their opposition to ending the moratorium. These conversations also include semi-structured interviews with members of Congolese civil society involved in the abolitionist movement and international non-governmental organisations operating in the country. The analysis also rests on a review of open-source documents, in particular the reports of intergovernmental organisations such as the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) and those of the UN Group of experts on the DRC, reports from civil society, legislative texts, press statements and official notes of the Congolese government and press and research articles.
12. In order to preserve the confidentiality of sources and to minimise the risk of identifying the defenders with whom our organisations spoke on the principle of “avoiding harm”, the identity and age of the victims are not indicated and some information on the incidents recounted is deliberately vague or unstated, in particular as regards dates and places.

¹² In accordance with Article 1 of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, Resolution 53/144 adopted by the General Assembly of the United Nations on 8 March 1999: <https://www.ohchr.org/sites/default/files/Documents/Issues/Defenders/Declaration/declaration.pdf>

III. CONTEXTUAL ANALYSIS

13. Article 16 of the Congolese constitution safeguards the right to life, even in exceptional circumstances such as a state of siege or a state of emergency¹³. The State has a duty to respect and protect the human person. However, capital punishment is still provided for in the Penal Code for at least 19 offences and the Military Penal Code for at least 74 offences¹⁴. Many of these do not satisfy the requirement of Article 6(2) of the International Covenant on Civil and Political Rights (ICCPR) of 16 December 1966 that they be the “most serious crimes”. Civilians and military personnel are prosecuted and condemned to death often by military courts empowered to prosecute and condemn military and civilian persons throughout the country¹⁵.
14. While the country has made commitments to abolishing the death penalty since 2017 (cf. paragraph 3), parliamentary and government opposition to abolition was observed as early as 2010. In November 2010, the Congolese parliament rejected a bill to abolish the death penalty, tabled by the Honourable André Mbata, national deputy. In August 2019, the deputy submitted a new bill for abolition to the Scrutiny Office of the National Assembly, but it has still not been considered. Moreover, on 13 September 2016, the Governor of the Province of North Kivu had already argued that the moratorium be lifted for two years because of the “recrudescence of criminality and the persistence of insecurity caused and aggravated, inter alia, by the failure to carry out the death penalty on the material and intellectual perpetrators of these ignoble actions which have irreversible consequences”¹⁶. This hostility to abolition is not unanimous, and a network of Congolese parliamentarians opposed to the death penalty was set up in 2007 at the instigation of Culture for Peace and Justice.
15. The reintroduction of the death penalty has become a more frequent topic of public debate in recent years owing, in particular, to the increasing activity of M23 in the east of the country since 2022 (cf. paragraph 17). Thus a bill dated 30 April 2022 proposing that the death penalty be carried out in the case of repeat offenders whose crimes violate human life and persons declared guilty of genocide, war crimes and crimes against humanity was introduced by the Honourable Mathieu Kambale. Similarly, at the 8th World Congress Against the Death Penalty on 18 November 2022, the Congolese minister responsible for human rights stated in his address that most States which had abolished the death penalty were living in peace [...], which was not the case with the DR Congo, which for more than three decades had been suffering from a war of aggression imposed by neighbouring States [...]”¹⁷. On 9 December 2022, some fifty members of parliament lodged a petition with the office of the National Assembly aiming to lift the moratorium on the death penalty. That same year, the country voted for the first time since 2007 against the resolution of the Assembly General of the United Nations on a moratorium on the use of the death penalty.

¹³ Article 61 of the Constitution provides that “In no case, not even when the state of siege or the state of emergency has been proclaimed in accordance with Articles 85 and 86 of this Constitution, is a derogation admissible from the following rights and fundamental principles: - The right to life – The prohibition of torture and of cruel, inhuman or degrading punishment or treatment”.

¹⁴ The circular of 13 March 2024 lists all the articles of the national legislation that provide for the death penalty.

¹⁵ Law No 023/2002 of 18 November 2002 enacting the Military Judicial Code, Article 115: “General law courts are competent when one of the co-perpetrators or accomplices is not triable by the military courts, except in time of war or in the zone of operations, in a state of siege or emergency or when the civil defendant is prosecuted as the co-perpetrator or accomplice in a military offence.”

¹⁶ Press statement, “*La non-exécution de la peine de mort, facteur essentiel de la montée de l’insécurité en DRC*” (*Non-performance of the death penalty, an essential factor in the increasing insecurity in the DRC*) 13 September 2016:

https://provincenordkivu.cd/wp-content/uploads/2016/09/k2_attachments_MORATOIREZZ-LAZPEINEZDEZMORT.pdf

¹⁷ Extract from the address of H.E. Albert Fabrice Puella, Minister for Human Rights of the Democratic Republic of the Congo (DRC), during the Opening Ceremony of the 8th World Congress Against the Death Penalty, 15 November 2022, organised by Together Against the Death Penalty.

16. Moreover, a recent survey conducted by our organisations in the towns of Goma (province of North Kivu), Kisangani (province of Tshopo), Lubumbashi (province of Katanga), Matadi (province of Kongo Central) and in the city-province of Kinshasa showed that the population is divided on the question of implementing the death penalty and does not have a clear understanding of the issues and the reality involved. A large proportion of the population, suffering from insecurity, feels abandoned by regular forces and considers that the death penalty is the only way back to security and the most appropriate punishment for those who contribute to this insecurity. In addition, a considerable percentage of the population, encouraged by the political powers, mistrusts the judicial system¹⁸.
17. This trend towards being in favour of applying the death penalty should be seen in the context of intensification of the armed conflict between armed groups, the FARDC and their off-shoots in the east of the country since the resurgence of M23 activity in March 2022. Fighting, temporarily suspended with the ceasefire which was then broken by the renewal of clashes between M23 and the FARDC with the support of local armed groups known as *Wazalendo*, are part of the daily life of the inhabitants of the provinces of North Kivu and Ituri. Their lives and safety are threatened by the armed conflict and their living conditions affected by the provisions of the state of siege installed in May 2021 in those provinces which infringe their basic freedoms.
18. In effect, Article 4 of Order No 21/016 of 3 May 2021 proclaiming a state of siege in part of the territory of the DRC states that *the provincial military authorities shall have prerogatives beyond those under normal law* which include a number of measures which infringe fundamental freedoms such as the possibility of day or night searches in private homes, a ban on publications and meetings which the military authorities judge to be *inflammatory or prejudicial to public order*, a ban on persons and vehicles circulating at times or places fixed by them, the setting up of protection or security zones where the presence of the population is regulated, a ban on the presence throughout or in part of the province for *any person seeking to impede, in any way whatsoever, the action of the public authorities* and the possibility of taking any decision *which they may deem useful in the accomplishment of their mission*.
19. The state of siege, extended over 75 times since 2021, has become the normal way of governing in the east of the country, despite the claims of certain members of parliament in the region that it had been ineffective in improving the security situation and that there had been an increase in violations of human rights and material damage since its introduction¹⁹.
20. As regards the intervention of regional and international forces to stabilise the security situation in the east, in December 2023 the regional force of the East African Community (EAC-RF), which had arrived in Goma in November 2022, began withdrawing from the country at the request of the Congolese authorities at the summit of the Heads of State of the East African Community in November 2023. This withdrawal took place at a time when threats of war were being exchanged between the DRC and Rwanda. In fact during a campaign rally on 18 December 2023, President Tshisekedi declared that he would seek authorisation from Parliament to declare war on Rwanda should the latter not stop supporting M23. In response, on 18 February 2024, in a press release, the Rwandan Minister for Foreign Affairs stated that Rwanda had taken measures to degrade the

¹⁸ Radio Okapi, *DRC: Félix Tshisekedi déçu par la Justice congolaise (Félix Tshisekedi let down by Congolese justice)*, 10 July 2023: <https://www.radiookapi.net/2023/07/10/emissions/dialogue-entre-congolais/DRC-felix-tshisekedi-decu-par-la-justice-congolaise>

¹⁹ Radio Okapi, *DRC: les députés de l'Ituri et Nord-Kivu opposés à la prorogation de l'état de siège*, (the members of parliament of Ituri and North Kivu opposed to prorogation of the state of siege) 03/08/2021: <https://www.radiookapi.net/2021/08/03/actualite/politique/DRC-les-deputes-de-lituri-et-nord-kivu-opposes-la-prorogation-de>

offensive air capabilities of the Democratic Republic of the Congo²⁰. The gradual withdrawal of MONUSCO from the country should also be noted. It ceased operations in South Kivu and closed its Bukavu office in June 2024.

21. All these factors have had a direct impact on the deterioration of the security situation in the east of the country and allowed M23 to recover several areas and strengthen its positions, particularly in North Kivu²¹, leading to further extensions of the state of siege. Since the start of 2024, the state of siege has been extended over 10 times. According to the United Nations, between 1 December 2023 and 19 March 2024 the conflict in the east of the DRC led to 597 security incidents in Ituri, North Kivu and South Kivu, with the deaths of 531 civilians, including 97 women and 34 children²².
22. In addition, at the end of 2023, presidential, legislative and municipal elections were held, leading to the re-election of Félix Tshisekedi with a 73.47% majority. This re-election was contested by members of the opposition and civil society actors, who claimed voting irregularities. The re-election of Mr Tshisekedi was confirmed by the Constitutional Court on 9 January 2024²³.
23. The electoral period was marked by restrictions of the civic space and an increase in violations affecting defenders, despite Law No 23/027 of 15 June 2023 relating to the protection and responsibility of the human rights defender in the DRC.²⁴ The United Nations have documented at least 93 human rights violations and abuses related to restrictions of the civic space, including 11 election-related incidents, giving rise to 460 victims²⁵. Prior to the electoral period, between June and August 2023, MONUSCO recorded 54 violations of human rights linked to restrictions of the civic space, with 73 victims²⁶.
24. Against this alarming security background linked to the increased repression of defenders and major civic space restrictions during the electoral period, the authorities decided to resume carrying out capital punishments and have tried to muzzle any form of opposition or objections to this measure by starting a veritable manhunt against Congolese citizens who speak out against the lifting of the moratorium, leading several defenders to go into exile after suffering reprisals by State agents.

IV. ANALYSIS OF THE DOCUMENTED VIOLATIONS OF HUMAN RIGHTS AND THEIR IMPACT ON DEFENDERS

25. Despite the existence of national and international instruments safeguarding human rights defenders and freedom of speech in the DRC, such as Decree-Law No 23/009 of 13 March 2023 stipulating the arrangements for exercising freedom of the press, information and radio and television broadcasting, the written press and any other means of communication in the DRC, Law No 23/027 of 15 June 2023 concerning the protection and responsibility of human rights defenders in the DRC, and international agreements for the protection of defenders to which the DRC is a party, such as the ICCPR (Article 19) and the African Charter on Human and Peoples' Rights of 21 October 1986 (Articles 2 and 9), the Congolese authorities disregard their national and international obligations to protect defenders' rights. Defenders who criticise government declarations, actions and measures are

²⁰ Report of the Secretary-General on the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo, 21 March 2024, S/2024/251, para. 8.

²¹ Report of the Secretary-General on the Implementation of the Peace, Security and Cooperation Framework for the Democratic Republic of the Congo and the Region 1 April 2024, S/2024/278, para. 4 and 5.

²² Report of the Secretary-General on the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo, 21 March 2024, S/2024/251, para. 12

²³ *Ibid.*, para. 3

²⁴ *Ibid.*, para. 29

²⁵ *Ibid.*, para. 29

²⁶ *Ibid.*, para. 25

indeed regarded as “traitors” and are targeted by state actors in various ways, which are described below.

26. The impunity which those carrying out reprisals enjoy allows this repression to persist and to extend to all forms of opposition to the government. This widespread phenomenon is explained by the weakness of the rule of law characterised by endemic corruption, interference by the public authorities in the bar associations and threats and violence against lawyers involved in politically sensitive cases. This is exacerbated by arrests and arbitrary detentions carried out by civil and military intelligence operatives and secret detentions on the premises of the ANR and the Démiap without any judicial oversight²⁷. These factors demonstrate the fragility of the state institutions, especially the judicial system, and allow the law to be instrumentalised against defenders, who regularly suffer false accusations and are condemned following unfair trials, without having had the opportunity to assert their rights.
27. Congolese citizens who publicly express their opposition to the lifting of the moratorium on the death penalty do not escape this criminalisation of defenders. In this section, our organisations will analyse the violations and infringements documented since the moratorium was lifted in February 2024 (1) and their impact on defenders (2).

1. Analysis of repression and violations documented since the lifting of the moratorium on the death penalty

28. Since February 2024, our organisations have documented about ten violations of the rights of defenders who have publicly criticised the lifting of the moratorium. These incidents took place in the provinces of Kinshasa, North Kivu and Kongo Central and in the province of Tanganyika in the east of the DRC. They comprise death threats, violations of the right to bodily integrity, to property and to freedom of movement, arrests and arbitrary detentions by civil and military intelligence operatives and false accusations and fabricated judicial proceedings against defenders.

- a. In the city/province of Kinshasa

29. In the city of Kinshasa, armed men in plain clothes and officers of the ANR have targeted defenders by carrying out close surveillance of events in connection with the lifting of the moratorium (e.g. television broadcasts, radio broadcasts, press conferences) to identify any person questioning the government decision in order subsequently to intimidate them and deter them from advocating abolition. For example, in March 2024, a defender (identity known) was attacked by six unidentified armed men in civilian clothes, who punched him in the chest and threatened to kill him, accusing him of “treachery” because of his opposition to the government decision to lift the moratorium. This incident took place after he had taken part in a public event concerning the death penalty. The perpetrators also stole his computer and his telephones.
30. Civil and military intelligence operatives have also committed abuses of power by arbitrarily arresting defenders and interrogating them on their campaigning for abolition of the death penalty. For example, one defender (identity known) was arrested in a public place and held for over an hour by officers of the ANR, who then interrogated him about his activities as a member of the pro-abolition movement. He was released following the intervention of an acquaintance. Similarly,

²⁷ Joint alternative report by ACAT DRC, FIACAT, the Paris bar and the World Coalition Against the Death Penalty for the fourth Universal Periodic Review of the Democratic Republic of the Congo, 8 April 2024 <https://fiacat.org/publications/rapports/rapports-geographiques/afrique/3236-epu-preoccupations-de-l-acat-DRC-et-de-la-fiacat>

another defender (identity known) was arrested by officers of the Démiap after campaigning against the death penalty. He was held for 12 days in a Démiap cell and was released after payment of a sum of money.

31. Our organisations have also documented cases of death threats by telephone and threatening calls by individuals who pass themselves off as journalists to family members in order to obtain information on defenders, in particular their contact details and their current location. Family members and colleagues of several defenders have been collateral victims of this repression and one (identity known) was even obliged to leave his home for several months after being threatened with death if he did not provide information on the defender's whereabouts.
32. Finally, legal harassment by means of fabricated judicial cases is widely used in the DRC to silence dissident voices, especially those of lawyers and abolitionist defenders, and is facilitated by the endemic corruption in the police forces and the judicial system, which are controlled by the party in power. By way of example, one defender (identity known) received several summonses to appear before the high court to answer for "offences" of insult to the head of state after he had criticised the government decision to lift the moratorium. This practice again shows how the judicial system is instrumentalised by the executive.
33. The impunity enjoyed by the security forces and the authorities means that defenders are powerless in the face of the judicial harassment to which they are subjected. The complaints lodged by the defenders against the agents persecuting them led nowhere.

b. In the province of Kongo Central

34. In this province, our organisations have documented one case of arrest and arbitrary detention involving ANR agents, who arrested and detained a defender (identity known) for five days following an awareness-raising activity he had led on the death penalty. He was freed following payment of a sum of money.

c. In the city of Goma, province of North Kivu

35. According to the report of the United Nations Group of Experts on the Democratic Republic of the Congo of 4 June 2024, security conditions in the east of the DRC have continued to deteriorate over the past few years and have been exacerbated by regional tensions opposing M23, alongside the Rwandan Defence Force (F.R.D.), the FARDC and their offshoots²⁸, the Democratic Forces for the liberation of Rwanda (FDLR) and the National Defence Force of Burundi²⁹. In North Kivu, the operations of the Allied Democratic Forces (ADF), an armed group affiliated to the Islamic State, have intensified since 2023, when they were considered the armed group committing the highest number of killings, with over 1 000 persons killed, mainly civilians³⁰. In addition, over a hundred local armed groups commonly known as Mai-Mai are present in the east of the DRC, half of them in North Kivu and including armed groups from neighbouring countries, namely Uganda, Rwanda and Burundi.

²⁸ On 8 and 9 May 2024, the heads of several Congolese armed groups, certain of them rivals, met in the village of Pinga (between the territories of Walikale and Masisi in North Kivu province) and concluded a non-aggression pact, thus forming a "patriotic" coalition to join their forces with those of the Armed Forces of the Democratic Republic of the Congo against the "aggressor", M23. These groups comprised the "Alliance des patriotes pour un Congo libre et souverain" (Alliance of patriots for a free and sovereign Congo) (APCLS) of Janvier Karairi, the "Coalition des mouvements pour le changement" (Coalition of movements for Change) (CMC/FDP) of Dominique Ndaruhuste, known as "Domi", the faction I "Nduma défense du Congo-Rénové" (Nduma defence of the Congo Renewed) (NDC-R) of Guidon Mwisa Shimirai and the Nyatura Abazungu of the "Alliance des nationalistes congolais pour la défense des droits humains" (Alliance of Congolese Nationalists for the defence of human rights" (ANCDH/AFDP) of Jean-Marie Bonane.

²⁹ Final Report of the Group of Experts on the Democratic Republic of the Congo (S/2024/432), 4 June 2024, pp. 2 and 3.

³⁰ Final Report of the Group of Experts on the Democratic Republic of the Congo (S/2024/432), 4 June 2024, para. 9

36. In this context, the Head of State decided to declare a state of siege in the city of Goma, the provincial capital of North Kivu, in May 2021. This resulted in the transfer of all civil powers to the army and the police. Several reports indicate that the military authorities have used their powers under this state of exception to attack personal rights with complete impunity, in particular the right to freedom of expression and assembly and the right to justice³¹.
37. The lack of any effective control mechanism to prevent and combat the abuse of the powers conferred on the army and the police allows them to suppress peaceful demonstrations and to arrest civilians solely on the grounds of their dissenting views. Our organisations have recorded several cases of military repression of members of social society organisations who had taken part in peaceful demonstrations to protest against the government's actions. For example, the security forces used the state of siege to force the population to support the government against the armed groups, justifying the arrest of human rights activists on the sole grounds of their opposition to the government, which was described as "civil disobedience and rebellion"³².
38. In this context, defenders who criticise the lifting of the moratorium are equated with members of the armed groups fighting against the FARDC and are systematically targeted by the police and military.
39. Our organisations have thus documented the case of a defender (identity known) who was attacked by a group of six to eight armed men, some in FARDC uniform, after taking part in a broadcast in the course of which he criticised the government decision of 9 February 2024. In the course of this attack, the perpetrators accused him of rebellion against the Congolese state and collaboration with the M23 movement, before stealing his personal effects (computer, telephones and money).
40. The authorities have also instituted the targeting of defenders on social media and have used the scope for infringing fundamental rights permitted by this state of emergency to intimidate defenders. Our organisations have thus documented the case of a defender (identity known) who received death threats and anonymous calls after a posting on social media recalling the international instruments to which the DRC is a party and which enshrine the right to life. The persons making these threats told him that the state of siege in the town of Goma would make it easy for them to find him if he did not stop his postings. Following these threats, five unidentified armed men, some in civilian clothes and others in uniform, came to his home. They broke the front door and stole his computer and telephone, saying "If you carry on, it's your head we'll have to cut off".
41. The victim made a complaint against persons unknown to the military prosecutor's office, which is the only authority competent to register complaints under the state of siege. At the time of going to press, he has received no response.
42. The security forces also target defenders via their organisations, which they try to dissolve. They report these organisations to the local authorities, which then apprise the national authorities, accusing the organisation of activities which are against the law, public order, morality or the public peace or stating that the organisation does not comply with the obligation to be identified and authorised by the Ministry of Culture and Art. As regards defenders who belong to the abolitionist

³¹ Amnesty international, "DRC. Justice and freedoms under siege in North Kivu and Ituri".

³² Amnesty international, "DRC. Justice and freedoms under siege in North Kivu and Ituri" p.13: "On 16 August 2021, the Mayor of Butembo in North Kivu accused activists from Fight for Change (LUCHA) of being 'accomplices of the ADF' after they called for a two-day *ville morte* (dead city) to protest the persisting killings in Beni. He was quoted by the media as saying:

"We want to know who is behind the government and who is behind the outlaws. We are in a state of siege. When the mayor gives a word of order, you must follow. You know we are at war with the ADF rebels.. The population must be behind the government to bludgeon these people". On 17 August, several local traders who had kept their shops closed in response to LUCHA's call were summoned by the police on accusations of civil disobedience and rebellion. This led to a public outcry and the mayor ordered the summons to be withdrawn and the arrest of the police officer involved.

movement, our organisations have documented the case of a defender (identity known) put under pressure by the authorities to reveal the address of the organisation to which he belongs for purposes of verification, with the remark that *many organisations indulge in lecturing the Government without complying with official requirements and such organisations must therefore be subject to the full rigour of the law.*

43. The growing stigmatization of abolitionist defenders, labeled as traitors, raises the fear among our organizations that these defenders will now be subject to the death penalty. This concern is particularly acute in the city of Goma, where the state of siege is used as a pretext by the security forces to justify their actions against abolitionist defenders.

d. In the province of Tanganyika, in the south-east of the DRC

44. In the province of Tanganyika, our organisations have recorded cases of slanderous accusations made by the traditional authorities with the complicity of the security services against defenders who have engaged in activities to campaign against the lifting of the moratorium.
45. One defender (identity known) organised an awareness-raising activity in a village (location known) to explain to the local population that the death penalty is ineffective in improving the security situation. Several participants were subsequently arrested and held in captivity by the village chief. The defender who had organised the activity then approached the chief to secure the release of the participants. He was arrested in turn, bound and held prisoner. The village chief then called the police officers of the military prosecutor's office, who took the defender to their station and accused him of instigating a rebellion against the authorities. He was released after representations to the military prosecutor by a third party.

2. Impact of the repression on the living conditions of defenders and those around them

46. Firstly, it should be mentioned that, at the time this note was being drafted, our organisations were not aware of any defenders still being detained in connection with activities linked to the lifting of the moratorium. Consequently, this section will not deal with the impact of the imprisonment of defenders.
47. The criminalisation of defenders and the violations they have suffered may have a strong dissuasive effect and lead to the muzzling of all opposition to the Government. In the first place, the climate of constant fear and hypervigilance created by the intimidation and repression exercised by the authorities may make it impossible for defenders to continue their activities as private citizens or even their professional activities because they fear for their lives or their safety and those of their families. Secondly, this climate of hostility towards defenders and the dissuasive effect of the violations to which they have been subjected and which have gone unpunished may lead to the self-censure of the whole abolitionist movement, discouraged and fearing the same reprisals.
48. Furthermore, defenders who are paid for their militant activities and the lawyers who act as their legal representatives are forced to suspend all or part of their activities, and this has serious economic and social consequences with, in particular, a loss of employment and revenue, marginalisation or even professional discrimination, and denial of access to certain places such as the military prosecutor's office to abolitionist lawyers.
49. Moreover, the pressure and climate of fear engendered by the criminalisation of defenders' activities may affect relationships between defenders and their families and friends, who suffer this repression on the rebound. This repression may turn their way of life upside down, making it necessary for the family to change homes, with all the consequences that entails (e.g. change of schools for the children, change in professional and social activities for the partner of the defender, moving away

from the extended family) and also frequently necessary for the defender to live elsewhere to limit the risk of reprisals against friends and families. Our organisations have documented the case of a defender (identity known) who was forced by his landlord to leave the home where he was living with his family. Added to that is the possibility of defenders having to leave their country of origin when the high risk of reprisals makes it necessary for them to escape abroad, with all the resulting psychological, financial and relational impact on defenders and their families.

V. ANNEXES

1. ANNEX 1 - Circular note from the Minister of Justice of 13 March 2024 on the lifting of the moratorium
2. ANNEX 2 – Situation of death penalty cases in the DRC



MINISTRE DE LA JUSTICE

La Ministre d'Etat
Ministre de la Justice et Garde des Sceaux

NOTE CIRCULAIRE N° 002/MME/CAB/ME/MIN/J&GS/2024
DU 13 MARS 2024 RELATIVE A LA LEVEE DU MORATOIRE SUR
L'EXECUTION DE LA PEINE DE MORT EN REPUBLIQUE
DEMOCRATIQUE DU CONGO

A l'attention de Messieurs :

- Monsieur le Président de la Cour Constitutionnelle et Président du Conseil Supérieur de la magistrature ;
- Monsieur le Premier Président de la Cour de Cassation ;
- Monsieur le Procureur Général près la Cour de Cassation ;
- Monsieur le Premier Président de la Haute Cour Militaire ;
- Monsieur l'Auditeur Général des FARDC.


Messieurs,

Pendant les trente dernières années, la partie orientale de notre Pays est en proie à des conflits armés récurrents, souvent orchestrés par des Etats étrangers qui pour la circonstance, bénéficient parfois de la complicité de certains de nos compatriotes.

Ces actes de trahison ou d'espionnage ont fait payer un lourd tribut tant à la population qu'à la République au regard de l'immensité des préjudices subis.

Aussi, au cours de la même période, il a été constaté le développement exponentiel, dans la plupart de nos grands centres urbains, du phénomène de banditisme d'une grande cruauté, semant la terreur, la désolation et causant parfois mort d'homme au sein des communautés.

La législation pénale en vigueur prévoit la peine de mort pour certaines infractions.

Cependant, depuis plusieurs années, la peine de mort, bien que prononcée par les juridictions, n'est plus exécutée en raison du moratoire sur l'exécution de la peine capitale, décrété par le Gouvernement congolais en 2003. 



Malheureusement, ce moratoire était aux yeux de tous ces infracteurs comme un gage à l'impunité car, même lorsqu'ils ont été condamnés de manière irrévocable à la peine capitale, ils étaient assurés que cette peine ne serait jamais exécutée à leur endroit.

En vue de débarrasser l'armée de notre Pays des traîtres d'une part et d'endiguer la recrudescence d'actes de terrorisme et de banditisme urbain entraînant mort d'hommes d'autre part, le Gouvernement de la République a décidé lors de la cent-vingt-quatrième réunion ordinaire du Conseil des Ministres du 09 février 2024, de la levée du moratoire sur l'exécution de la peine de mort.

Ainsi, en exécution de cette décision, la peine de mort consécutive à une condamnation judiciaire irrévocable intervenue en temps de guerre, sous l'état de siège ou d'urgence, à l'occasion d'une opération de police tendant au maintien ou au rétablissement de l'ordre public ou encore pendant toute autre circonstance exceptionnelle, sera exécutée et ce, en vertu notamment des dispositions ci-après :

1. Code pénal livre II

- Articles 157 et 158 : association des malfaiteurs ;
- Articles 181 à 184 : trahison ;
- Article 185 : espionnage ;
- Articles 202 et 204 : participation à des bandes armées ;
- Article 208 : participation à un mouvement insurrectionnel.

2. Les dispositions du Titre IX de la Loi n°15/022 du 31 décembre 2015 modifiant et complétant le Décret du 30 janvier 1940 portant Code pénal

- Article 221 : crime de génocide ;
- Article 222 : crimes contre l'humanité ;
- Article 223 : crimes de guerre.

3. Code pénal militaire

- Articles 50 et 51 : désertion à l'ennemi ;
- Article 57 : Lâcheté ;
- Article 62 in fine : complot militaire ;
- Article 91 in fine : rébellion ayant occasionné la mort de l'autorité contre laquelle les actes de rébellion sont dirigés ;
- Article 92 in fine : rébellion ;
- Article 93 in fine : refus d'obéissance ;
- Article 94 : refus d'obéissance de marcher contre l'ennemi ;
- Article 113 in fine : violation de consignes en présence de l'ennemi ou d'une bande armée ;

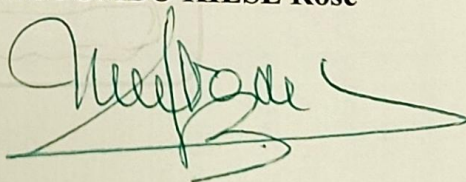


- Article 114 : abstention volontaire par un Commandant d'unité de remplir une mission relative à des opérations de guerre dont il a été chargé ;
- Article 117 in fine : abandon de poste ou violation de consigne ;
- Article 121 : abandon de poste en présence de l'ennemi ou bande armée ;
- Article 128 : trahison en temps de guerre ;
- Article 129 : espionnage ;
- Article 133 in fine : sabotage commis dans le but de servir les intérêts d'une puissance étrangère ;
- Article 137 in fine : participation à un mouvement insurrectionnel lorsque les insurgés sont porteurs d'armes ;
- Article 138 : participation à un mouvement insurrectionnel en s'emparant d'armes, des munitions, des substances explosives ou dangereuses ou en procurant aux insurgés des armes, munitions ou des substances explosives ou dangereuses ;
- Article 139 : direction, organisation et commandement d'un mouvement insurrectionnel ;
- Article 158 in fine : acte de terrorisme ayant entraîné mort d'homme ;
- Article 190 : enrôlement par l'ennemi ou ses agents ;
- Article 202 : vol, détournement et destruction méchante.

Le Procureur Général près la Cour de Cassation et l'Auditeur Général des Forces Armées de la République Démocratique du Congo sont chargés, chacun en ce qui le concerne, d'assurer une large diffusion de la présente auprès des Offices sous leurs ordres.

Fait à Kinshasa, le 13 MARS 2024

MUTOMBO KIESE Rose



ANNEXE 2


 Situation des cas de condamnation à la peine de mort en République démocratique du Congo
 Mise à jour au 02 OCTOBRE 2024

Provinces/Axes	Lieux	Date	Instance de condamnation	Nombre des cas	Genre		Peine affligées	Motifs poursuivis	Source d'infos	Observations	
					Masculin	Feminin					
Sud-Kivu	Bukavu	Mardi 9 janvier 2024	Tribunal Militaire de Garnison de Bukavu	1	1	0	Peine de mort	Meurtre d'un jeune connu sous le nom d'Irangi saweka Rigi, dans la nuit du jeudi 04 janvier au niveau de Mululu dans le groupement de Miti, par le Lukusa Kabeye Gby, Lieutenant de première classe de l'unité spéciale des FARDC	https://oyebi.net/un-soldat-de-lunite-speciale-de-larmee-congolaise-condamne-a-mort		
	Bukavu	Jeudi 1er février 2024	Tribunal Militaire de Garnison de Bukavu	1	1	0	Peine de mort	Meurtre par balle d'une femme par un certain premier sergent du nom de Kingie date du 30 janvier 2024, dernier à Kamagama dans le quartier Panzi-Kamagama dans la commune d'Ibanda, à Bukavu au Sud-Kivu	https://jambordc.info/bukavu-apres-avoir-abattu-une-femme-a-panzi-le-militaire-auteur-du-meurtre-ecope-la-peine-a-perpetuite/		
	Bukavu	26/05/2024	Tribunal militaire garnison de Bukavu	4	4	0	Peine de mort	MEURTRE	https://www.radiookapi.net/2024/05/28/actualite/justice/sud-kivu-condamnation-mort-de-4-militaires-pour-meurtre-katana		
	Fizi	24/07/2024	Tribunal militaire garnison d'Uvira	3	3	0	Peine de mort	Meurtre, de tentative de meurtre, de violation des consignes et de perte des munitions.	https://actualite.cd/index.php/2024/07/23/sud-kivu-trois-militaires-condamnes-la-peine-de-mort-pour-meurtre-dun-chef-coutumier-et		
Nord-Kivu	Goma	28/02/2024	Cour Militaire du Nord-Kivu	1	1	0	Peine de mort	Crime de geurre par exécution extrajudiciaire . Il s'agit d'un Colonel du nom de PALUKU, un ancien Commandant Second en charge des Opérations du 3410e régiment à Masisi-centre condamné à la peine capitale par la Cour Militaire du Nord-Kivu . Il serait accusé d'avoir ligoté et enterré vivant dans une fosse commune de deux combattants de l'APCLS Baraka et Ushindi qui s'étaient rendus aux FARDC en 2021.			
	Goma	Mars	Cours/Tribunal Militaire	10	10	0	Peine de mort	lâcheté» et «fuite devant l'ennemi»	Dépêche de presse du 29 mars 2024 - Agence de Presse Africaine - APA		
	Goma	mai-24	Tribunal Militaire de Garnison de Goma	8	8	0	Peine de mort	Lâcheté et fuite devant l'ennemi	Huit militaires congolais, dont cinq officiers, ont été condamnés à mort pour "lâcheté" et "fuite devant l'ennemi", vendredi par un tribunal militaire à Goma, dans l'est de la République démocratique du Congo, où la rébellion du M23 gagne du terrain.L'accusation avait requis la peine de mort contre les 11 militaires jugés dans la même affaire, mais le tribunal a acquitté trois soldats du rang, estimant que les faits retenus contre eux étaient "non établis". Tous étaient sur le front des combats contre la rébellion du M23 ("Mouvement du 23 mars") qui, avec le soutien d'unités de l'armée du Rwanda voisin, s'est emparée depuis deux ans de larges pans de territoire de la province du Nord-Kivu, dont Goma est le chef-lieu. Selon leur défense, ces hommes n'ont "jamais fui devant l'ennemi, ni abandonné leur position, au contraire". Mais le tribunal a jugé que les infractions retenues contre huit d'entre eux étaient établies "en fait et en droit". Ce verdict intervient alors que le gouvernement de la RDC a annoncé mi-mars sa décision de lever le moratoire sur l'exécution de la peine de mort qui était en vigueur depuis 2003 dans le pays.	dépêche de presse du 3 mai 2024 - Agence mondiale d'information - AFP	
	Lubero	juil-24	Tribunal Militaire de Garnison du Nord-Kivu	25	25	0	Peine de mort	Désertion , dissipation de munition et pillage en pleine bataille contre le M23l	https://perfection243.net/2024/07/04/nord-kivu-25-fardc-condamnes-a-mort-pour-desertion-dissipation-de-munitions-et-pillage-en-pleine-bataille-cotre-le-m23/		

	Nyiragongo	17/08/2024	Tribunal militaire de garnison de Goma	8	8	0	Peine de mort	Extorsion, meurtre de civils commis pour faciliter le vol et dissipation des munitions	https://www.radiookapi.net/2024/08/29/actualite/justice/nord-kivu-8-militaires-fardc-ecopent-de-la-peine-de-mort
	Goma	22/04/2024	Tribunal militaire de garnison de Goma	1	1	0	Peine de mort	Meurtre d'un élève	https://www.radiookapi.net/2024/04/23/actualite/justice/nord-kivu-un-militaire-condamne-la-peine-capitale-pour-le-meurtre-dun
	Lubero-centre	05/07/2024	Tribunal militaire de garnison de Butembo	1	1	0	Peine de mort	Fuite devant le M23, meurtre de l'enfant d'un officier déployé aux fronts, et dissipation de munitions	https://actualite.cd/2024/07/05/rdc-un-militaire-condamne-mort-pour-fuite-devant-le-m23-et-meurtre-de-lenfant-dun
	Nyiragongo	18/09/2024	Tribunal militaire garnison de Goma	1	1	0	Peine de mort	Assassinat, double tentative de meurtre et dissipation des munitions.	https://actualite.cd/index.php/2024/09/19/nord-kivu-peine-de-mort-pour-le-milicien-muzalendo-meurtre-dun-ecolier-nyiragongo
	Goma	13/04/2024	Tribunal militaire de garnison de Goma	1	1	0	Peine de mort	Triple meurtres	https://actualite.cd/2024/04/14/goma-le-soldat-auteur-du-triple-meurtre-majengo-condamne-mort
	Lubero	03/07/2024	Tribunal militaire garnison du Nord-Kivu	25	25	0	Peine de mort	Dissipation des munitions de guerre, pillage et violation des consignes	https://actualite.cd/2024/07/04/rdc-m23-25-militaires-condamnes-la-peine-de-mort-pour-avoir-fui-les-combats-lubero
	Lubero	juil-24	Tribunal Militaire de Lubero	22	22	0	Peine de mort	Fuite devant l'ennemi lors de combats contre les rebelles du M23	https://m.election-net.com/article/rdc-22-autres-militaires-condamnes-a-mort-pour-fuite-devant-lennemi
KINSHASA	Kinshasa	13-sept-24	Tribunal militaire de Kinshasa	37	37	0	Peine de mort	Tentative de coup d'État survenue le 19 mai 2024 à Kinshasa en RDC	https://www.rfi.fr/fr/afrique/20240913-proc%C3%A8s-de-la-tentative-de-coup-d-%C3%A9tat-en-rdc-37-pr%C3%A9venus-condamn%C3%A9s-%C3%A0-mort
	Kinshasa	08/08/2024	Cour militaire de Kinshasa/Gombe	26	23	3	Peine de mort	Crimes de guerre, participation à un mouvement insurrectionnel et trahison	https://www.radiookapi.net/2024/08/08/emissions/dialogue-entre-congolais/rdc-condamnation-mort-prononcee-contre-cornelle
	Kinshasa	09/08/2024	Tribunal de grande instance de Kinshasa/Gombe	6	6	0	Peine de mort	Association de malfaiteurs et tentative de meurtre	https://actualite.cd/2024/08/09/rdc-ngandu-wa-ngandu-kennedy-alias-anti-balle-chef-de-la-force-du-progreslukunga
HAUT-KATANGA	Kipushi	26/07/2024	Tribunal de grande instance de Mokambo	1	1	0	Peine de mort	Meurtre d'un motocycliste	https://www.radiookapi.net/2024/07/28/actualite/justice/kipushi-un-condamne-la-peine-capitale-mokambo
TSHOPO	Kisangani	15/07/2024	Tribunal militaire de garnison de la Tshopo	3	3	0	Peine de mort	Associations des malfaiteurs, vols à main armée et viol collectif	https://www.radiookapi.net/2024/07/16/actualite/justice/kisangani-le-tribunal-militaire-prononce-des-peines-allant-de-10-ans-la
Total				185	182	3			