



The UIA Institute for the Rule of Law

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## STATEMENT

Paris, 28 March 2024

### **UIA-IROL DEPLORES THE LIFTING OF THE MORATORIUM ON THE DEATH PENALTY IN THE DEMOCRATIC REPUBLIC OF CONGO**

**On 13 March 2024, the government of the Democratic Republic of Congo (DRC) decided to resume capital executions.**

Since 2003, although the death penalty was still pronounced by the courts, it was no longer enforced due to the moratorium decided under former President Joseph Kabila's regime. Since his presidency, death sentences have been automatically commuted to life imprisonment.

According to circular n°002 from the Ministry of Justice on the lifting of the moratorium on the execution of the death penalty, the aim of reinstating capital punishment is to *"rid our country's army of traitors (...) and to stem the upsurge in acts of terrorism and urban banditry resulting in the death"*.

Unfortunately, however, going forward, the death penalty will not be limited solely to treason or espionage but will extend to a large number of offenses such as conspiracy, rebellion, or refusal to obey committed *"in wartime, under a state of siege or emergency, during a police operation aimed at maintaining or restoring public order, or during any other exceptional circumstance"*.

This decision comes against a backdrop of recurring armed conflict in the DRC. For the past two years, the DRC has been facing an offensive by the M23 rebels, who have seized large swathes of the North Kivu province and have greatly extended their hold in recent weeks. Numerous military personnel, members of Parliament, senators and business leaders in eastern DRC suspected of infiltration by the security forces have been arrested and charged with *"complicity with the enemy"*.

**UIA-IROL deplores the serious regression in human rights and the extensive terms of the circular, which leaves the way open for systematic and arbitrary executions by Congolese courts.**

**It recalls the non-deterrent nature of the death penalty and the fact that, because of the death-row syndrome suffered by condemned prisoners while awaiting execution, this punishment constitutes ["irreversible torture"](#). The fight for the universal abolition of the death penalty is a priority objective for the defense of human rights, and the UIA will continue to engage actively in efforts to abolish the death penalty in the DRC and across the globe.**

## More about UIA-IROL

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*The Institute for the Rule of Law of the International Association of Lawyers (UIA-IROL) promotes the Rule of Law and supports and defends, in particular, (1) lawyers, judges and human rights defenders who are harassed, threatened and/or persecuted in the exercise of their professions, (2) the independence of the legal and judicial professions, and (3) the UN Basic Principles on the Role of Lawyers, especially in defense of human rights.*

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