

URGENT ACTION

DETAINED OPPOSITION MEMBER AWAITING TRIAL

Congolese political opposition member, Paulin Makaya has been held in pre-trial detention at the central prison of Brazzaville beyond the four months limit prescribed by Congolese law.

Paulin Makaya, president of the opposition political party “Unis pour le Congo” (UPC), has been in pre-trial detention for more than four months at the central prison of Brazzaville contrary to the provisions of the Congolese Criminal Procedure Code. The legislation limits pre-trial detention to four months with the possibility of a two month extension on the basis of an Extension Order, which has not been requested by the investigating Judge.

Paulin Makaya’s lawyer on 27 January made a second bail application and despite a reminder sent at the end of February, the application has still not been considered. Prior to that, his lawyer had made an application for bail on 2 December 2015, which was denied on 20 January, after 44 days rather than the five days prescribed by Congolese law to reach a decision on a bail application.

Paulin Makaya was arrested on 23 November 2015 while reporting for questioning as part of an investigation at the office of the Public Prosecutor of the High Court of Brazzaville. He was held at the Central Police Station of Brazzaville for seven days without being charged or brought before a court and was questioned several times in the absence of his lawyer. His wife was not allowed to visit and bring him food during the first day of his detention.

He has been charged with “incitement to disturb public order”, “having attempted to seize power through illegal means”, “unlawful possession of weapons of war” and “complicity in arson of public buildings” for allegedly having taken part in an unauthorised protest on 20 October 2015 against a referendum to amend Congo’s constitution.

Amnesty International considers him to be a prisoner of conscience who is detained simply for peacefully exercising his right to express his political views.

Please write immediately in French or your own language:

- Calling on the Congolese authorities to immediately and unconditionally release Paulin Makaya who was arrested and detained simply for peacefully exercising his right to express his political views;
- Urging them to ensure that while in detention, Paulin Makaya is not subjected to torture and other ill-treatment and is allowed regular access to his lawyer, to family visits and to all basic necessities;
- Urging the authorities to end all forms of harassment, in particular judicial harassment, against political opposition members and all other human rights defenders in Congo.

PLEASE SEND APPEALS BEFORE 2 JUNE 2016 TO:

Minister of Justice

Aimé Emmanuel Yoka

Ministry of Justice

PO Box: 2497 Brazzaville

Fax: +242 022 81 41 67

Email: lesimon.associates@gmail.com

Salutation: Dear Minister

Public Prosecutor of the High Court of

Brazzaville

André OKO Ngakala

Email: nzaouf2002@yahoo.fr

Salutation: Dear Public Prosecutor

Also send copies to diplomatic representatives accredited to your country. Embassy of the Republic of Congo, 37 bis Rue Paul Valéry 75116 Paris, France, 0033 1 4500 6057, Fax 0033 1 4067 1733

Please check with your section office if sending appeals after the above date. This is the third update of UA 274/15. Further information: <https://www.amnesty.org/en/documents/afr22/3200/2016/en/>

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ADDITIONAL INFORMATION

A referendum to amend the Republic of Congo's Constitution was held on 25 October 2015 to allow for, amongst other things, the current President to run for a third term in office in 2016.

Ahead of the referendum, the right to freedom of expression was severely curtailed with mobile internet services, text messaging and the transmission signal of some radio stations being cut off in Brazzaville. The freedom of peaceful assembly was also restricted with many demonstrations being banned and others being met with unnecessary and excessive use of force. The referendum was preceded by demonstrations organised in Brazzaville, Pointe Noire and across other towns in the Republic of Congo to express dissent over the proposed changes to the constitution.

Opposition political parties united under the political platforms "Front républicain pour le respect de l'ordre constitutionnel et l'alternance démocratique" (FROCAD) and "Initiative pour la démocratie au Congo" (IDC) calling the population to "civil disobedience" by asking them to take part in demonstrations across the country demanding the withdrawal of the draft constitution.

Congo's security forces used excessive force against protesters and fired live ammunition at protesters who had gathered in Brazzaville on 20 October 2015. Clashes between security forces and protesters led to the death of at least six protesters and left several injured. Paulin Makaya had taken part in this demonstration as an opposition political leader and president of the opposition party UPC.

Following the passing of the amendments to the constitution on 27 October 2015 and its confirmation by the Constitutional Court on 6 November 2015, there was a wave of arrests and widespread intimidation of those who openly opposed the constitutional amendments. Paulin Makaya's residence was surrounded and ransacked by unknown individuals and security forces on 30 October 2015. In relation to this event, on 20 November 2015, he filed a complaint before the Public Prosecutor of the High Court of Brazzaville for trespassing and attempted murder.

Following the results of the 20 March Presidential elections, won by President Sassou Nguesso, and rejected by part of the opposition, the Congolese authorities have conducted a series of arrests against leading opposition figures, including senior campaign officials of candidates Jean-Marie Michel Mokoko and Okombi Salissa, accusing them of compromising national security.

It is common practice in Congo for family members of detained persons to bring them food as this is not sometimes adequately provided by authorities.

For further information on the human rights situation in Congo, please refer to the latest Amnesty International press releases via the links <http://bit.ly/1RvMEFH> and <http://bit.ly/20Q2XS1>

Name: Paulin Makaya
Gender m/f: Male

Further information on UA: 274/15 Index: AFR 22/3879/2016 Issue Date: 21 April 2016