

URGENT ACTION

OPPOSITION MEMBER RISKS PRISON FOR PROTESTING
Congolese political opposition member Paulin Makaya is facing five years' imprisonment and a fine of up to five million francs CFA (approximately \$USD 8,345) for taking part in an unauthorized protest, if convicted. The investigating judge partially dismissed two out of the three charges against him. The verdict is expected on 25 July. He is a prisoner of conscience.

The investigating judge of the High Court of Brazzaville handed down a decision to stay proceedings on two out of the three charges against **Paulin Makaya** on 30 May. The judge pointed out the lack of sufficient evidence to uphold the charge of "complicity in arson of public buildings" and the procedural defect identified during the police search carried out at Paulin Makaya's house for the charge of "unlawful possession of weapons of war". He upheld the charge of "incitement to disturb public order and attempt to seize power through illegal means" against Paulin Makaya, for having taken part in an unauthorized protest on 20 October 2015 against a referendum to amend Congo's constitution.

During a court session on 27 June, seven months since Paulin Makaya was placed in pre-trial detention, the prosecution requested the maximum five-year prison term and a fine of up to five million francs CFA (approximately \$USD 8,345) for the opposition member. The verdict is expected on 25 July.

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. He has been denied bail twice.

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, as he is a prisoner of conscience who was arrested and detained simply for peacefully exercising his right to freedom of expression;
- 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 12 AUGUST 2016 TO:

President of the Republic

Denis Sassou Nguesso

Presidency

Fax: +242 02 281 02 72

Email: sgpr@yahoo.fr

Salutation: Your Excellency

Minister of Justice

Pierre Mabiala

Ministry of Justice

PO Box: 2497 Brazzaville - Congo

Fax: +242 81 41 67

Salutation: Dear Minister

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 fourth update of UA 274/15. Further information: <https://www.amnesty.org/en/documents/afr22/3879/2016/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 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 organized 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 in the political platform "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 – 'weapons of war' were allegedly found in his house at that time –.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>.

Further information on UA: 274/15 Index: AFR 22/4348/2016 Issue Date: 1 July 2016