

URGENT ACTION

OPPOSITION LEADER'S APPEAL YET TO BE HEARD

The Court of Appeal of Brazzaville is yet to consider an appeal filed on 25 July by Congolese political opposition leader, Paulin Makaya. Congolese law states that the Court of Appeal must provide a ruling on an appeal application within three months of filing. Paulin Makaya has appealed against a two year prison sentence and a fine of 3,800 Euros for taking part in an unauthorized protest. He is currently imprisoned at the central prison of Brazzaville.

Paulin Makaya's lawyer immediately submitted an appeal at the High Court of Brazzaville on 25 July after his client was sentenced to two years imprisonment and fined 3,800 Euros for taking part in an unauthorized protest. Contrary to the provisions of the Congolese Criminal Procedure Code, which provides a three month timeline for the Court of Appeal to rule on the matter once an appeal application has been submitted, and despite a reminder sent by Paulin Makaya's lawyer on 28 October, a decision has yet to be made. He remains imprisoned at the central prison of Brazzaville.

Paulin Makaya is the leader of the political party 'Unis Pour le Congo' (UPC). He was arrested and detained on 23 November 2015, following his participation in protests against the referendum to change Congo's Constitution in October 2014. 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 was later charged with participating in an 'unauthorized protest', 'complicity in arson of public buildings' and 'unlawful possession of weapons of war'. The latter two charges were later dropped. He was denied bail twice.

Amnesty International considers him to be a prisoner of conscience, detained solely for the peaceful exercise of his rights to freedom of expression and peaceful assembly, who should never have been arrested in the first place.

Please write immediately in French or your own language:

- Calling on the Congolese authorities to release Paulin Makaya immediately and unconditionally, as he is a prisoner of conscience who is detained simply for peacefully exercising his rights to freedom of expression and peaceful assembly;
- Urging them to ensure that, pending his release, Paulin Makaya is not subjected to torture and other ill-treatment and is allowed regular access to his lawyer, to family visits and to the medical care he may require;
- Urging the authorities to end all forms of intimidation and harassment against political opposition members and human rights defenders in Congo, including through the misuse of the criminal justice system

PLEASE SEND APPEALS BEFORE 27 DECEMBER 2016 TO:

President of the Republic

Denis Sassou Nguesso

Presidency

Palais du Peuple, Quartier Plateau

Brazzaville – Congo

Salutation: Your Excellency

Minister of Justice

Pierre Mabiala

Ministry of Justice

PO Box: 2497

Brazzaville – Congo

Email: mmafdp@yahoo.fr

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 sixth update of UA 274/15. Further information:

<https://www.amnesty.org/en/documents/afr22/4607/2016/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 rights to freedom of expression and peaceful assembly were unduly restricted. Mobile internet services, text messaging and the transmission signals of some radio stations were cut in Brazzaville, while many peaceful demonstrations were banned and others were 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.

Congo's security forces used excessive force against protesters and fired live ammunition at those 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 others injured. Paulin Makaya took part in this demonstration as an opposition political leader and president of the opposition party UPC.

Following the approval 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 house was on 30 October 2015 surrounded and ransacked by unknown individuals and security forces, who alleged that weapons of war were found in his house. 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, the Congolese authorities have conducted a series of arrests against leading opposition figures and their staff, including senior campaign officials of former presidential candidates Jean-Marie Michel Mokoko and Okombi Salissa, accusing them of compromising national security.

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

Further information on UA: 274/15 Index: AFR 22/5125/2016 Issue Date: 15 November 2016