

URGENT ACTION

OPPOSITION MEMBER FACING NEW CHARGES

Additional charges were brought against Paulin Makaya on 6 January in connection with a shooting at the central prison of Brazzaville on 29 December 2016, while six of his acquaintances were visiting. A decision in the appeal against his earlier conviction is expected to be delivered on 21 February by the Appeal Court of Brazzaville.

Paulin Makaya, the leader of the opposition political party 'Unis Pour le Congo' (UPC), is now accused of compromising national security, murder, complicity of escape and complicity of unlawful possession of arms and munitions of war in connection with a shooting that took place on 29 December 2016 in the central prison of Brazzaville. Makaya learnt of these charges against him as well as the launch of a judicial investigation in a public statement made by the prosecutor on National TV. According to information received by Amnesty International, the shooting happened just after six of his acquaintances who were visiting him were arrested and brought to the office of the prison director. The six have since been charged as Makaya's accomplices in the incident.

There are concerns over Makaya's health as he has been suffering from purulent wounds, headache and fever for more than a week. He has been denied access to his personal doctor and has instead been treated by the prison doctor. Even though he was prescribed antibiotics by the prison doctor, his health condition is getting worse. Paulin Makaya is now only allowed visits two days per week.

A decision in the appeal against Paulin Makaya's earlier conviction to two years imprisonment and a fine of 3,800 euros is expected to be delivered on 21 February by the Appeal Court of Brazzaville. He was convicted on 25 July 2016 for participating in an 'unauthorized protest'.

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 them 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 21 MARCH 2017 TO:

President of the Republic

Denis Sassou Nguesso

Presidency

Palais du Peuple, Quartier Plateau

Brazzaville – Congo

Salutation: Your Excellency

Minister of Justice

Pierre Mabilia

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 seventh update of UA 274/15. Further information: <https://www.amnesty.org/en/documents/afr22/5125/2016/en/>

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ADDITIONAL INFORMATION

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 sentenced to two years imprisonment and a fine of 3,800 euros on 25 July 2016. He appealed against this conviction.

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 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 2016 presidential elections, the Congolese authorities have arrested several 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>.

A representative of the British consulate in Kinshasa was not allowed to visit Makaya at the central prison of Brazzaville on 31 December 2016 after the shooting incident and was also not allowed to attend a trial session at the court of Appeal of Brazzaville on 19 January. Paulin Makaya is only allowed visits two days per week.

Further information on UA: 274/15 Index: AFR 22/5596/2017 Issue Date: 7 February 2017