

# URGENT ACTION

## OPPOSITION MEMBER CHARGED, SET TO STAND TRIAL

**Congolese political opposition member, Paulin Makaya who has been detained since 23 November was finally brought before an investigating judge of the High Court of Brazzaville on 1 December. He is held in pre-trial detention at the central prison of Brazzaville facing three different charges.**

**Paulin Makaya**, president of the political party “Unis pour le Congo” (UPC), went to the office of the Public Prosecutor of the High Court of Brazzaville with his lawyer on Monday 23 November to report for questioning as part of an investigation. He was questioned about his alleged participation in an unauthorized protest against a referendum to amend the country's constitution. The protest was organized by the opposition on 20 October in Brazzaville, the Republic of Congo.

While he was being questioned by the Public Prosecutor, he was arrested by police officers and brought to the Central Police Station of Brazzaville where he was questioned on several occasions in the absence of his lawyer. His wife was not allowed to visit him and bring him food during the first day of his detention.

He was kept in detention at the police station from 23 November until 1 December without being brought before a court or charged, beyond the statutory 72 hours limit.

Paulin Makaya was brought before the Public Prosecutor and later an investigating judge of the High Court in Brazzaville on 1 December. He was charged with “incitement to disturb public order for having taken part in the 20 October protest and for having attempted to seize power through illegal means”, “unlawful possession of weapons of war” and “complicity in arson of public buildings”.

### **Please write immediately in French or your own language:**

- Calling on the Congolese authorities to ensure Paulin Makaya is tried in accordance with international fair trial standards ;
- Urging the authorities to ensure that during his detention, Paulin Makaya is not subjected to torture or other ill-treatment and has access to a lawyer of his choice, to medical attention, to family visits and to all basic necessities.

### **PLEASE SEND APPEALS BEFORE 15 JANUARY 2016 TO:**

#### Minister of Justice

Aimé Emmanuel Yoka

PO Box: 2497 Brazzaville

Republic of Congo

Fax: +242 022 81 41 67

Email: lesimon.associates@gmail.com /

alphonse\_moubangat@yahoo.fr

**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. Please insert local diplomatic addresses below:**

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

Please check with your section office if sending appeals after the above date. This is the first update of UA 274/15. Further information:

<https://www.amnesty.org/en/documents/afr22/2979/2015/en/>

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### ADDITIONAL INFORMATION

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

Ahead of the referendum, media freedom was severely curtailed with mobile Internet services, text messaging and the transmission signal of some radio stations being cut in Brazzaville. Freedom of assembly was also restricted and many demonstrations were banned while others were 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. Congo's security used excessive and at times unnecessary force against protesters and fired live ammunition at protesters who had gathered in Brazzaville on 20 October. Clashes between security forces and protesters led to the death of at least six protesters and left several injured.

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

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.

Name: Paulin Makaya

Gender m/f: Male

Further Information UA: 274/15 Index: AFR 22/3000/2015 Issue Date: 4 December 2015