

URGENT ACTION

JUDGE YET TO REVIEW BAIL FOR OPPOSITION MEMBER
Congolese political opposition member, Paulin Makaya's bail application by his lawyers is yet to be considered by an investigating judge of the High Court of Brazzaville. He has been held in pre-trial detention at the central prison of Brazzaville since 1 December 2015 facing charges.

Paulin Makaya's lawyers submitted an application for bail to the investigating judge at the High Court of Brazzaville on 2 December 2015. Contrary to the provisions of the Congolese Criminal Procedure Code, which provides a 5 day timeline for the judge to reach a decision once a bail application has been submitted, and despite a reminder sent on 11 December 2015, the bail application has still not been considered. He remains in detention at the central prison of Brazzaville.

Paulin Makaya who is the president of the opposition political party "Unis pour le Congo" (UPC), was arrested by police officers on 23 November 2015 while at the office of the Public Prosecutor of the High Court of Brazzaville. He was with his lawyer and had reported to the office for questioning as part of an investigation.

He was held at the Central Police Station of Brazzaville from 23 November until 1 December 2015 without being brought before a court or charged. He was also 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.

Paulin Makaya was brought before the Public Prosecutor and later an investigating judge of the High Court in Brazzaville on 1 December 2015. He was charged with "incitement to disturb public order for allegedly having taken part in a protest on 20 October 2015 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 that all proceedings against Paulin Makaya conform to international fair trial standards;
- Calling on them to ensure that his bail application is processed in accordance with national Congolese law;
- Urging them to ensure that during his detention, Paulin Makaya is not subjected to torture or other ill-treatment and is allowed regular access to his lawyers, to family visits and to all basic necessities.

PLEASE SEND APPEALS BEFORE 24 FEBRUARY 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 second update of UA 274/15. Further information:
<https://www.amnesty.org/en/documents/afr22/3000/2015/en/>

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ADDITIONAL INFORMATION

A referendum to amend the Republic of Congo's Constitution was held on 25 October 2015 to give way 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 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 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 unnecessary and 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.

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 22/3200/2016 Issue Date: 13 January 2016