

PUBLIC

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Possible Prisoners of Conscience/Fear of torture

REPUBLIC OF CONGO

Brice Mackosso (m), human rights defender
Christian Mounzéó (m), human rights defender

Human rights defenders Brice Mackosso and Christian Mounzéó were detained on 7 April, apparently because of their human rights work, which has included investigating and denouncing embezzlement of oil revenues by government officials. They are held at the central prison in the country's economic capital, Pointe-Noire, where they are at risk of torture to reveal their sources of information in connection with their human rights work. Torture and other forms of ill-treatment are frequently practised in Congolese detention centres.

Brice Mackosso and Christian Mounzéó are coordinators of a Congolese anti-corruption coalition of civil society groups, known as Publish What You Pay (PWYP). Christian Mounzéó is also President of the human rights organisation *Rencontre pour la paix et les droits de l'homme* (RPDH), Engagement for Peace and Human Rights, which is one of the members of PWYP. Brice Mackosso is Secretary to the Pointe-Noire branch of the Justice and Peace Commission, a human rights body affiliated to the Roman Catholic Church.

The two men are reportedly accused of embezzling funds belonging to RPDH, by a disaffected former colleague. They were arrested on 6 April, but released later that day, after questioning. Brice Makosso and Christian Mounzéó were told they had been arrested because of the missing funds, but according to their lawyers the questioning focused on their activities with PWYP.

The two human rights defenders were arrested again the following day, and have been in custody since. Their lawyers were initially not allowed to be present during interrogation and have been instructed by the authorities not to talk to journalists. The two men have remained in custody without charge despite explaining to the judicial authorities that the concerned funds had been transferred to the PWYP bank account from that of the RPDH. The funds are a donation by the coalition's international partners for PWYP activities, and the donors have reportedly denied that the money was misappropriated.

After the arrests, judicial police searched their offices and homes without a warrant, seizing documents and other property without making a record of them. The documents seized reportedly include files containing information relating to their PWYP investigations and reports. Local and international human rights organizations have expressed concern that some of the sensitive documents concerning embezzlement by government officials may be destroyed or even used to persecute the activists' sources of information.

To date, Brice Makosso and Christian Mounzéó have not been brought before a judge, in contravention of Article 108 of the Congolese Code of Penal Procedure, which states that anyone detained beyond 72 hours without appearing before a judicial official is considered to be arbitrarily detained.

BACKGROUND INFORMATION

PWYP is an international coalition of more than 280 non-governmental organisations (NGOs). The coalition campaigns for increased transparency and accountability of companies dealing in natural resources, by calling for companies to publish payments made to governments. PWYP aims to build greater accountability between governments, companies and civil society for the management and allocation of revenues from natural resources for poverty reduction in some of the least developed countries in the world. The coalition believes that the companies concerned have a responsibility to disclose the payments made, so that citizens can hold their governments accountable for the revenues from assets managed by the government on their behalf.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in French, English or your own language:

- expressing concern that Brice Mackosso and Christian Mounzéó appear to have been arrested solely because of their work in defence of human rights;

- calling on the authorities to either release Brice Makosso and Christian Mounzéo immediately and unconditionally, or charge them with recognizably criminal offences.
- calling on the authorities to give Brice Makosso and Christian Mounzéo an opportunity to challenge their detention before an independent and impartial judicial official in accordance with Congolese law, and international human rights treaties, such as the International Covenant on Civil and Political Rights and the African Charter on Human and Peoples' Rights, to which Congo is a party;
- urging the authorities to respect the 1998 UN Declaration on Human Rights Defenders, and allow them to carry out their legitimate human rights work without fear.

APPEALS TO:

President

Son Excellence

Monsieur Denis SASSOU NGUESSO

Président de la République

Présidence de la République

B.P. 2006, Brazzaville, République du Congo

Salutation: Your Excellency/Monsieur le Président de la République

Minister of Justice

Monsieur Gabriel Entcha EBIA

Ministre de la Justice, Garde des Sceaux

et des Droits Humains

Ministère de la Justice

Brazzaville, République du Congo

Salutation: Dear Minister/Monsieur le Ministre

Minister of Foreign Affairs

Monsieur Rodolphe ADADA

Ministre des Affaires étrangères, de la

Coopération et de la Francophonie

BP 2070, Brazzaville, République du Congo

Fax: +242 83 60 98

+242 83 62 00

Salutation: Dear Minister/Monsieur le Ministre

COPIES TO: diplomatic representatives of the Republic of Congo accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 2 June 2006.*****