

Responses to Information Requests - Immigration and Refugee Board of Canada

Republic of the Congo: Treatment of political opponents by the authorities (2015-April 2019)

1. Background

According to sources, in a referendum held on 25 October 2015, more than 92 percent of Congolese voters approved the new constitution proposed by the Congolese government (RFI Mar. 2018; *Le Monde* with AFP 27 Oct. 2015). The same sources explain that the proposed amendments to the constitution removed the obstacles that would have prevented President Denis Sassou-Nguesso from running for a third term (RFI Mar. 2018; *Le Monde* with AFP 27 Oct. 2015). According to sources, on 20 October 2015, opponents of the constitutional referendum expressed their disagreement during demonstrations that resulted in clashes between demonstrators and law enforcement officers (FIDH 21 Oct. 2015; RFI 21 Oct. 2015).

Sources report that on 20 March 2016, Denis Sassou-Nguesso was re-elected in the first round of the presidential elections with approximately 60 percent of the vote, followed by Guy-Brice Parfait Kolélas (approximately 15 percent of the vote) and General Jean-Marie Michel Mokoko (approximately 14 percent of the vote) (RFI 25 Mar. 2016; *Le Monde* with AFP 24 Mar. 2016). An article published by *Le Monde* with Agence France-Presse (AFP) reports that the latter contested the partial results published on Tuesday, 22 March 2016 by the National Independent Electoral Commission (Commission nationale électorale indépendante, CNEI), which announced that the president had received 67 percent of the vote (*Le Monde* with AFP 24 Mar. 2016). *Jeune Afrique* reports that the Initiative for Democracy in Congo-Republican Front for the Respect of Constitutional Order and Democratic Change (Initiative pour la démocratie du Congo-Front républicain pour le respect de l'ordre constitutionnel et l'alternance démocratique, IDC-FROCAD), through its coordinator, Charles Zacharie Bowao, also challenged those results, putting forward its own data (*Jeune Afrique* 23 Mar. 2016).

2. Treatment of Political Opponents

2.1 Treatment of Political Opponents During the October 2015 Referendum Period

According to the French section of the NGO Christian Action for the Abolition of Torture (Action des chrétiens pour l'abolition de la torture, ACAT), between 17 and 21 October 2015, law enforcement fired live ammunition at demonstrators protesting against the proposed new constitution, killing [translation] "at least" five people in Brazzaville and Pointe-Noire, and injuring dozens more (ACAT France 2 Nov. 2015). Similarly, the US Department of State's *Country Reports on Human Rights Practices for 2015* indicates that between 17 and 21 October 2015, law enforcement officers in Brazzaville and Pointe-Noire killed "at least" 35 people who allegedly participated in or were in close proximity to protests against the constitutional referendum (US 13 Apr. 2016, 2). ACAT France states that [translation] "dozens" of people were arbitrarily arrested and detained for "organizing or participating in peaceful marches, speaking out publicly against the new constitution or Denis Sassou Nguesso's government" (ACAT France 2 Nov. 2015). Similarly, according to US *Country Reports 2015*, the authorities arrested "hundreds" of people suspected of being associated with the opposition in October 2015, during antireferendum protests (US 13 Apr. 2016, 9).

ACAT France and Amnesty International report that Paulin Makaya, president of the opposition party United for Congo (Unis pour le Congo, UPC), was arrested on 23 November 2015, when he reported for questioning at the office of the public prosecutor (Amnesty International 1 Feb. 2016; ACAT France 17 May 2016). The same sources specify that he was questioned [Amnesty International English version] "several" times without his lawyer and that he was not brought before a court during the week that followed his arrest (Amnesty International 1 Feb. 2016; ACAT France 17 May 2016). Sources report that in July 2016, he was sentenced to two years in prison without parole for [translation] "inciting disturbance of the peace" (RFI 26 July 2016; BBC 25 July 2016) and "insurrection" (BBC 25 July 2016). In March 2018, Amnesty International reported that Paulin Makaya was still in prison although he had finished serving his sentence in November 2017 (Amnesty International 21 Mar. 2018). According to the same source, at the beginning of January 2018, the Congolese authorities charged Paulin Makaya [Amnesty International English version] "with new offenses of 'breaching national security' and 'complicity in unlawful possession of weapons and ammunitions of war'" (Amnesty International 21 Mar. 2018). Sources report that on 13 September 2018, the Congolese courts convicted Paulin Makaya of [translation] "complicity in the escape of prisoners" and sentenced him to one year in prison without parole, but ordered his immediate release since he had already served his sentence (RFI 13 Sept. 2018; ACAT France 18 Sept. 2018).

2.2 Treatment of Political Opponents During the March 2016 Presidential Election

According to a report published by the Institute for Security Studies (ISS) [1], after the 2016 elections, "[t]he arrest and detention of political opponents and their aides became the prime intimidation strategy in Congo" (ISS 9 Feb. 2018, 13). Similarly, Amnesty International reports that

[Amnesty International English version]

[s]ince the October 2015 constitutional referendum and the March 2016 presidential election, which were strongly contested by both the opposition and the international community, the authorities have led a wave of arrests of opposition supporters and banned peaceful demonstrations. (Amnesty International 21 Mar. 2018)

US *Country Reports 2016* indicates that during the election campaign, attempts were made to obstruct political opposition meetings and to prevent the opposition from criticizing the government, including by using tear gas to disperse opposition rallies

in Pointe-Noire and Dolisie and by obstructing the movement of a presidential candidate (US 3 Mar. 2017, 25-26). The same source reports that on 31 March 2016, the police issued fines of 500,000 CFA francs (US\$856) to shop owners who had closed their shops during a general stay-at-home strike organized by the opposition on 29 March 2016 (US 3 Mar. 2017, 14).

According to sources, political opponents were imprisoned during the March 2016 presidential election period (Amnesty International 31 Mar. 2016; UN 24 Aug. 2018, para. 36). Similarly, US *Country Reports 2016* indicates that local NGOs reported “hundreds of arbitrary detentions” in the period leading up to and after the elections, for which “more definitive evidence was available” for 88 cases (US 3 Mar. 2017, 8-9). The French-language service of Voice of America (VOA), VOA Afrique, reports that after the elections, [translation] “more than 20 leaders and members of opposition parties” were arrested and charged with “inciting disturbance of the peace” (VOA Afrique 22 Mar. 2018). In a joint position paper, the International Federation for Human Rights (Fédération internationale des ligues des droits de l’homme, FIDH) and the Congolese Observatory for Human Rights (Observatoire congolais des droits de l’homme, OCDH) indicate that the [translation] “main political opponents” were arrested and that in addition to “these emblematic cases, more than 100 individuals were arrested because of their alleged membership in a political party” (FIDH and OCDH Apr. 2017, 5). Similarly, Amnesty International and US *Country Reports 2016* indicate that members of the opposition candidates’ campaign teams were arrested following the 20 March elections (Amnesty International 31 Mar. 2016; US 3 Mar. 2017, 13).

2.3 Treatment of Political Opponents in 2017 and 2018

US *Country Reports 2017* reports that, in 2017, “politically targeted inmates” detained at the Brazzaville prison did not have access to medical care and that their health status was poor (US 20 Apr. 2018, 4-5). According to the same source, the government authorities put several opposition figures under house arrest (US 20 Apr. 2018, 10). The source states that Claudine Munari, the chairperson of opposition platform IDC-FROCAD, reported on 8 June 2017 that her home was under surveillance by security forces following her participation in an unauthorized political protest (US 20 Apr. 2018, 10). The source adds that other IDC-FROCAD leaders reported similar experiences on 4 September 2017 (US 20 Apr. 2018, 10). VOA Afrique reports that on 3 October 2017, when a demonstration was supposed to take place in Brazzaville, police vehicles took position in front of the homes of [translation] “opposition leaders,” preventing them from reaching the planned meeting place for the event (VOA Afrique 3 Oct. 2017).

The French newspaper *Le Parisien* reports that political opponent Modeste Boukadia was the subject of [translation] “a very violent attack” while in detention in November 2016 and that “he suffered from heart problems and upper and lower back pain” and that he was transferred to a clinic in January [2017] (*Le Parisien* 11 Aug. 2017). Similarly, Amnesty International reports that on 24 January 2017, Modeste Boukadia, president of the Circle of Democrats and Republicans of the Congo (Cercle des démocrates et républicains du Congo, CDRC), was hospitalized for injuries allegedly caused by [Amnesty International English version] “prison guards,” which resulted in “two broken bones in his lower back, high blood pressure and a heart condition” (Amnesty International 21 Mar. 2018). According to sources, Modeste Boukadia was repatriated to France in August 2017 for medical reasons (*Le Parisien* 11 Aug. 2017; *La Semaine africaine* 19 Aug. 2017).

US *Country Reports 2018* indicates that, in 2018, the authorities released “numerous” political prisoners but that, according to local NGOs, “approximately 70 persons remained in detention for political reasons” (US 13 Mar. 2019, 10). The source indicates that on 19 October 2018, authorities released staff members of two presidential candidates, Jean-Marie Michel Mokoko and André Okombi Salissa (US 13 Mar. 2019, 10). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

Radio France internationale (RFI) reports that three activists of the “Ras-le-bol” movement [a movement that emerged from opposition to the 2015 constitutional referendum (AA 25 May 2017)] were arrested in Brazzaville on 9 May 2018 while putting up posters calling for the release of political prisoners, and 20 members of the same movement were arrested on 7 May 2018 in Pointe-Noire (RFI 10 May 2018). *Le Monde* similarly reports that on 7 and 9 May, the police arrested 23 activists of the “Ras-le-bol” [translation] “citizen movement,” “who were peacefully expressing their opposition” to the Congolese president (*Le Monde* 18 May 2018). The same source indicates that on 18 May 2018, 18 of those arrested had been released (*Le Monde* 18 May 2018).

2.4 Treatment of Opponents Previously Allied to Denis Sassou-Nguesso and of Individuals Linked to Them

For the period of January to October 2016, see Response to Information Request COG105645 of October 2016.

Sources report that André Okombi Salissa, a former minister under President Sassou-Nguesso who became a political opponent, was arrested on 10 January 2017, while living in hiding for several months (*Le Monde* 12 Jan. 2017; RFI 11 Jan. 2017). According to the same sources, André Okombi Salissa was charged with [translation] “possession of weapons [of war (*Le Monde* 12 Jan. 2017)]” and attempting “to undermine [internal] state security” (*Le Monde* 12 Jan. 2017; RFI 11 Jan. 2017). According to sources, André Okombi Salissa was sentenced on 6 March 2019 to 20 years of hard labour (RFI 7 Mar. 2019; AFP 7 Mar. 2019).

Sources report that General Jean-Marie Michel Mokoko was sentenced on 11 May 2018 to 20 years in prison [without parole (RFI 12 May 2018)] (RFI 12 May 2018; AFP 12 May 2018), having been convicted of [translation] “breaching internal security” (RFI 12 May 2018) or “breaching state security” (AFP 12 May 2018). VOA Afrique indicates that [translation] “associates” of Jean-Marie Michel Mokoko were sentenced to 30 months in prison without parole for “complicity” because they allegedly supported General Mokoko financially (VOA Afrique 2 July 2018). The source identifies those convicted as Jacques Banangandzala, Jean Ngouabi, Anatole Limboko Ngoka and businessman Yvon Ghislain Nsende-Moungondo (VOA Afrique 2 July 2018). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

Information on the treatment of other former allies of Denis Sassou-Nguesso could be found among the sources consulted by the Research Directorate within the time constraints of this Response.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

Note

[1] The Institute for Security Studies (ISS) is an African non-profit organization whose goal is to improve human security as a means to achieve sustainable peace and prosperity (ISS n.d.). The organization provides analysis, practical training and technical assistance to governments and civil society in the areas of transnational crimes, migration, maritime security and development, crime prevention, criminal justice and the analysis of conflict and governance (ISS n.d.).

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