Republic of the Congo: The political party United for Congo (Unis pour le Congo, UPC), including its structure and membership card; treatment of its leaders and members by the authorities (2014–2016)

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

1. Overview

According to sources, the UPC is an opposition party in the Republic of the Congo (US 13 Apr. 2016, 17; RFI 23 Jan. 2016; RPDH 16 Oct. 2015). On its website, the UPC describes itself as [translation] “a collective” and “a registered political organization [...] that includes Congolese leaders, intellectuals and patriots from political parties, associations and NGOs, as well as individuals” (UPC 3 Dec. 2013).

According to the testimony of a person described as the founding member of the UPC—testimony given in 2008 in an appeal assessed by the Asylum and Immigration Tribunal of the United Kingdom (UK)—the UPC was formed in 2007 (UK 1 Sept. 2008, para. 24).

2. Leaders of the UPC

Sources indicate that Paulin Makaya is the leader of the UPC (AI 21 Apr. 2016; US 13 Apr. 2016, 17; UPC 3 Dec. 2013). According to the UPC, he is [translation] “the Coordinator Chair responsible for political activities, orientation and contacts with the international community” (UPC 3 Dec. 2013).


Some sources explain that Paulin Makaya was actively involved in the opposition group Congolese Movement for Democracy and Integral Development (Mouvement congolais pour la démocratie et le développement integral, MCDDI) and a close collaborator of Bernard Kolélas, founder of that party (La Semaine africaine 28 Nov. 2015; UPC 3 Dec. 2013). For information about the MCDDI, consult Response to Information Request COG105351 of November 2015.

In his autobiography, Paulin Makaya describes himself as having been a member of the MCDDI for a number of years and occupying various positions within the MCDDI (UPC 3 Dec. 2013). According to the same source, Paulin Makaya resigned from the MCDDI in 2007, following a rapprochement of that party and the
Congolese Labour Party (Parti congolais du travail, PCT), the party of the President of the Congo, Denis Sassou-Nguesso (UPC 3 Dec. 2013). According to Les Échos du Congo Brazzaville, a website covering the country’s current affairs, Paulin Makaya returned to the Congo in July 2014, after approximately 17 years in exile (Les Échos du Congo Brazzaville 2 Feb. 2016).

According to La Semaine africaine, a Congolese weekly magazine, Paulin Makaya [translation] “embodied a radical line” within the MCDDI and, in 2016, as leader of the UPC, “he stood out in a radical speech advocating the departure of President Sassou-Nguesso from power” (La Semaine africaine 28 Nov. 2015).

RFI describes Eloi Destaing Sikoula as [translation] “one of [Paulin Makaya’s] friends” (RFI 23 Jan. 2016). In a column that can be read on the debates and discussion portal of Opinion internationale, which describes itself as a [translation] “committed” medium and “the medium of freedoms and the dialogue of cultures” (Opinion internationale n.d.), the author notes that Athel Bayoundoula is a [translation] “spokesperson of the UPC party” (Opinion internationale 18 Feb. 2016).

Further and corroborating information on UPC leaders or personalities associated with the party could not be found among the sources consulted by the Research Directorate within the time constraints for this Response.

3. Objectives

According to the Projet politique UPC [UPC political project], which can be accessed on the party’s website, [translation] “the UPC is committed to working toward a regime based essentially on the notions of freedom, democracy, human rights and good governance” (UPC 27 July 2014). The Projet politique UPC proposes [translation] “12 priority actions to lift the Congo out of chaos and make it a united and prosperous state” (UPC 27 July 2014). The Projet politique UPC is attached to this Response (Attachment 1).

4. Structure

The autobiography of Paulin Makaya, posted on the UPC website, states the following:

[translation]

The UPC collective has a real popular foundation and an active membership base within Congolese borders. However, owing to threats from the dictatorial regime of Denis Sassou Nguesso [...] the operational management of the structure is fragmented and scattered between the United Kingdom, France, Benelux, Switzerland, West Africa and the Congo (UPC 3 Dec. 2013).

The UPC statutes set out the structure and organs of the party, as well as how it operates and is financed (UPC 18 June 2011). The articles on these topics are attached to this Response (Attachment 2).

5. UPC Membership and Membership Card

According to the UPC statutes, party membership [translation] “is open to all persons who are at least 18 years of age, regardless of race, gender, religion and philosophy” (UPC 18 June 2011, art. 9). A membership application [translation] “shall be filed with the constituency of the federation in which the applicant resides” (UPC 18 June 2011, art. 10). The statutes provide that [translation] “membership in the UPC-United for the Congo-Collective shall be cancelled by resignation, exclusion or death. The cancellation is pronounced by the Executive Board” (UPC 18 June 2011, art. 13).

Article 11 of the UPC statutes states, without providing details, that [translation] “membership in the UPC-United for the Congo-Collective is established with a membership card” (UPC 18 June 2011, art. 11). Information on the content and format of the membership card could not be found among the sources consulted by the Research Directorate within the time constraints for this Response.

6. Treatment of UPC Leaders and Members by the Authorities


Sources indicate that, on 11 October 2015, Henri Kabanabanza, a UPC member, was arrested in Pointe-Noire and detained at the military headquarters (RPDH 16 Oct. 2015; OCDH Feb. 2016, 42). The OCDH states that Mr. Kabanabanza is the chair of the UPC Pointe-Noire section and that he was arrested with the vicechairperson of that same section, Jean Pierre Mouanda Moudouma (OCDH Feb. 2016). According to the OCDH, the two men [translation] “were arbitrarily arrested and detained at the military headquarters on
11 October 2015,” and then released on 31 October 2015, “without any kind of trial or compensation” (OCDH Feb. 2016). According to an article published on the website of Engagement for Peace and Human Rights (Rencontre pour la paix et les droits de l’homme, RPDH), a human rights NGO from the Republic of the Congo (RPDH n.d.), [translation] “that arrest was carried out by military police officers after they had searched [Mr. Kabanabanza’s] residence in the Vindoulou district without a warrant from the judge and in violation of the relevant legal provisions” (RPDH 16 Oct. 2015).


Amnesty International (AI) indicates that [AI English version] “Paulin Makaya had taken part in that demonstration as an opposition political leader and president of the opposition party UPC” (AI 21 Apr. 2016). The same source states that [AI English version] “Congo’s security forces used excessive force against protesters and fired live ammunition at protesters who had gathered in Brazzaville … Clashes between security forces and protesters led to the death of at least six protesters and left several injured” (AI 21 Apr. 2016).

Sources indicate that toward the end of October 2015, Paulin Makaya’s home was [translation] “ransacked” by police (OCDH Feb. 2016, 41; US 13 Apr. 2016, 25). According to AI, his residence [AI English version] “was surrounded and ransacked by unknown individuals and security forces” (AI 21 Apr. 2016). According to the OCDH, Paulin Makaya was the subject of [translation] “an attempted arrest at his residence by a squad of heavily armed policemen. In [Mr. Makaya’s] absence, his residence was looted and ransacked. The police authorities justified the operation by invoking a search” (OCDH Feb. 2016, 41). According to the US Country Reports 2015, the police were attempting to deliver a “summons” to Paulin Makaya, who went into hiding for several days (US 13 Apr. 2016, 25). RFI notes that, according to the police spokesperson, the police operation was carried out [translation] “accordingly” and that it seized weapons “of war” and “seditious” documents (RFI 25 Nov. 2015). However, according to the OCDH, [translation] “the fact that the ‘search’ on 30 October that resulted in the looting of his residence occurred not only in his absence but also in the absence of his family members, is manifestly unlawful” (OCDH Feb. 2016, 42).


According to RFI, counsel for Paulin Makaya stated that his presence at the hearing was denied and [translation] “that the only thing his client was being officially accused of was having participated in a prohibited demonstration” (RFI 25 Nov. 2015). Amnesty International states that Paulin Makaya [AI English version] “was questioned several times in the absence of his lawyer” after he was arrested (AI 21 Apr. 2016).

In April 2016, AI noted that Paulin Makaya had been held at the central prison of Brazzaville for more than four months, in violation of Congolese law (AI 21 Apr. 2016). According to the same source, Paulin Makaya is [AI English version] “a prisoner of conscience who is detained simply for peacefully exercising his right to express his political views” (AI 21 Apr. 2016). The OCDH also considers him to be [translation] “a political prisoner who is being detained arbitrarily” (OCDH Feb. 2016, 42).

Additional information on the treatment of UPC members could not be found among the sources consulted by the Research Directorate within the time constraints for 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.

References


Additional Sources Consulted

**Oral sources:** Association pour les droits de l’homme et l’univers carcéral; Observatoire congolais des droits de l’homme; Rencontre pour la paix et les droits de l’homme; Réseau des défenseurs des droits humains en Afrique centrale; Unis pour le Congo.

**Internet sites, including:** Agence d’information d’Afrique centrale; Agir ensemble pour les droits de l’homme; AllAfrica; BBC; Commission africaine des droits de l’homme et des peuples; congo.cg; Courrier international; Les Dépêches de Brazzaville; eci.net; ElectionGuide; Factiva; Fédération internationale des ligues des droits de l’homme; France24; Freedom House; Human Rights Watch; Jeune Afrique; Le Monde; Parline; Le Point international; Political Handbook of the World; Portail242.info; United Nations – Refworld; World Organization Against Torture.

Attaches


Tips on how to use this search engine.