

URGENT ACTION

DETAINED OPPOSITION MEMBER HOSPITALISED

Congolese political opposition member, Modeste Boukadia, has been hospitalised for the third time as a result of injuries he sustained during a severe beating by prison guards on 15 November 2016 while in prison. There has been no investigation into the incident. He has been at central prison of Pointe Noire for more than a year.

Modeste Boukadia was on 24 January admitted at Clinic Guenin for the third time as a result of injuries he sustained when he was severely beaten by prison guards at the central prison of Pointe Noire on 15 November 2016. The beating resulted in Modeste Boukadia having two broken lumbar vertebrae, high blood pressure and a heart condition and he was first admitted at the Clinic Guenin, in Pointe Noire on the recommendation of a medical doctor of the French Consulate.

Modeste Boukadia, president of the opposition party, Cercle des Démocrates et Républicains du Congo (Congolese Circle of Democrats and Republicans – CDRC), was arrested by the police on 15 January 2016. His arrest upon arrival at Maya Maya International Airport in Brazzaville was in connection with a judgment passed against him in absentia by the Criminal Chamber of the Court of Appeal of Pointe Noire in April 2014 for his participation in planning a peaceful demonstration. He was sentenced in absentia to 30 years of hard labour.

According to article 316 of Congo's Criminal Procedure Code, if a person who is sentenced in absentia is arrested then the sentence is nullified and in this case Modeste Boukadia would have to be tried again. Following six months pre-trial detention and after being denied bail once before, Modeste Boukadia was granted bail and was to be placed under house arrest by the Criminal Chamber of the Court of Appeal of Pointe Noire on 20 June 2016. This decision was appealed against by the Public Prosecution at the Supreme Court. However, the appeal was submitted on 29 September 2016, contrary to the 10 days timeline to submit an appeal under Congolese law. Modeste Boukadia has to remain in prison until the court delivers a final decision on the appeal.

Please write immediately in French or your own language:

- Calling on the Congolese authorities to promptly, thoroughly, impartially and transparently investigate the attack against Modeste Boukadia and to bring those suspected to be responsible to justice under fair trials without recourse to the death penalty;
- Calling on them to release Modeste Boukadia immediately, unless he is to be charged with a recognizable offence, in line with international law and standards, ;
- Urging them to provide effective protection to Modeste Boukadia while in detention and ensure that he has access to adequate medical treatment he may require ;
- Urging them to ensure that, pending his release, he is protected from torture and other ill-treatment;
- Urging the authorities to end all forms of intimidation and harassment against political opposition members and human rights defenders in Congo, including through the misuse of the criminal justice system.

PLEASE SEND APPEALS BEFORE 13 MARCH 2017 TO:

President of the Republic
Denis Sassou Nguesso
Presidency
Palais du Peuple, Quartier Plateau
Brazzaville – Congo
Salutation : Your Excellency

Minister of Justice
Pierre Mabilia
Ministry of Justice
PO Box 2497
Brazzaville – Congo
Email : mmafdp@yahoo.fr
Salutation: Dear Minister

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.

**AMNESTY
INTERNATIONAL**



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ADDITIONAL INFORMATION

CDRC supporters and activists were on 21 August 2013 arrested by the police in Pointe-Noire because they were planning to organize a peaceful march demanding the government's resignation and for the urgent convening of the country's National Convention. The National Convention it was hoped would be a platform to discuss the formation of a government of national unity. They appeared before the Criminal Chamber of the Court of Appeal of Pointe Noire and were charged for undermining state security. A judgement was passed on 9 April 2014. Of the 28 accused, 13 were acquitted and released, Modeste Boukadia was sentenced in absentia to 30 years hard labour and the remaining 14, were sentenced to long prison sentences ranging from two to seven years.

During its seventy-first session, held from 17 to 21 November 2014, the UN Working Group on Arbitrary Detention regarded the deprivation of liberty of the 14 detained CDRC members as arbitrary. The Working Group requested the Government of the Republic of the Congo to release the said persons without delay and to take the necessary steps to remedy the material and moral injury that they had suffered, including by providing reasonable and appropriate compensation in accordance with article 9, paragraph 5, of the International Covenant on Civil and Political Rights. Modeste Boukadia who was tried, in absentia, is not mentioned in the decision of the UN working Group but was charged and sentenced in connection with the same events.

In a letter addressed to the President of the organisation, Union Congo, on 26 April 2016, the head of the European Service for External Action, Ermina Notarangelo expressed the EU delegation commitment to continuously engage with Congolese authorities to monitor progress in the implementation of the decision of the UN Working Group on Arbitrary Detention on the arbitrary detention of the 14 members of the CDRC.

A referendum to amend the Republic of the Congo's Constitution was held on 25 October 2015 to allow for, amongst other things, the current President to run for a third term in office in 2016.

Following the results of the 20 March 2016 presidential elections and President Denis Sassou Nguesso's re-election, the Congolese authorities have carried out a series of arrests against leading opposition figures and their staff, including senior campaign officials of former presidential candidates Jean-Marie Michel Mokoko and Okombi Salissa, accusing them of compromising national security.

Name: Modeste Boukadia

Gender m/f: Male

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