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# MEMORANDUM ON THE CONGO-BRAZZAVILLE

DEMOCRACY & HUMAN RIGHTS IN JEOPARDY

PAPER SUBMITTED TO THE APPRECIATION OF DEPUTY SECRETARY OF STATE FOR MANAGEMENT AND RESOURCES HEATHER HIGGINBOTTOM



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The Issue in Our Mind:

**Our Democracy, Constitution, Human Rights and Right to Free Speech are Seriously Jeopardized  
in the Republic of the Congo Because Of Unacceptable Governance**

Dear Madam, Dear Sir

We are the founding members of a constituting Think Tank known as “Perspectives, Studies and Analysis Club to Modernize and to Reborn” in short Caep Modern. Reflecting on democracy, human rights and the vital role of civil society, we strive to set up a strong vision of politics by fostering and strengthening good governance and the promotion of the core political values in the Congo. An additional purpose in Caep modern agenda is the necessary and crucial stance of conflicts resolution and prevention as the Congo-Brazzaville experienced civil war in later 1990s and remains, however, until today in a situation of political and social instability. The geopolitical and geostrategic issues in our sub-region, that is Central Africa, constitute great challenges we have to face, namely the politico-military crises and the push of terrorism, because these crises are sources of destabilization and political instability in our area. That is why we contemplate putting together intellectual and material resources we may have at disposal to help our country to reborn and to become again part of the community of true democratic nations in the world.

It is common knowledge that the US and the State Department are indispensable partners to deal with critical issues all around the world. The focus you have put on advocating for democracy as a foundation value in human life, good governance and accountability in political practices are the main reasons why Caep Modern contemplates working with you to endeavour achieving democracy and social justice in the Congo. Another crucial point in State Department’s commitment to help less advanced countries in terms of democracy is to backing them up in the transitional process

from communism. In fact, the Congo-Brazzaville accounted, before the end of the Cold war, amongst these African communist countries and was ruled, under a fierce dictatorship, by Denis Sassou Nguesso the-now-again-president of the country totalling a big deal of 31 years in office. Now, at the end of his last and ultimate presidential mandate, he appears, clearly, not ready to leave power; yet, the Constitution does deny him the opportunity of an additional term.

## **I - GETTING TO KNOW OUR COUNTRY OF ORIGINS AND WHY WE DESPERATELY NEED YOU SUPPORT**

The Republic of the Congo also known as Congo-Brazzaville to distinguish it from neighbouring Democratic Republic of the Congo (DRC) is a small country in west-central Africa. The country is populated by roughly 4 million inhabitants living in an area of 342 000 square kilometres. Some economic indicators show that the country holds on an incredible paradox: potentially wealthy (Sub-Saharan 4<sup>th</sup> biggest oil producer in addition to plenty other chief commodities such as diamond, timber, iron etc.) the Congo is ranked amongst these countries lagging behind and has, even, been entitled to the Heavily Indebted Poor Countries initiative. Here is where everything does matter: how such a less populated country with many natural resources which have been being exploited for many years by big international corporations can be ranked amongst the poorest nations around the world?

Let us stress on some others socioeconomic indicators for you to well appreciate the specifically unbearable condition of this small country. According to many sources amongst which the *CIA World Factbook*, the following indicators do apply to the republic of the Congo. (1) In 2013, the government budget made up of all revenues and expenditures represented a figure of \$6.608 billion with \$4.618 billion in terms of expenditures resulting in a surplus of \$1990 (2) Petroleum industry (including natural gas and supplanting forestry) is the backbone of economy that does provide a substantial share of government revenues and exports. The oil production has reached the amount of 291.900 barrels per day and, almost all that production is oriented to exports (290.000 bbl/day). Natural gas, in the other hand, turns around the production of 946 million cubic meters. (3) The same year, the GDP, in terms of purchasing power parity, equalled \$20.26 billion (all these figures are calculated in American currency); with a GDP per capita of \$4.800.

However, in spite of the country's huge economic potential, we, at Caep Modern, have come to drastically deplore and to denounce many inconsistencies that strengthen the paradox we did mention above. (4) Poverty has worsened in the country since the early 1980s. It is worth, here, to let you know, dear Excellences, that the very first oil boom in Congo-Brazzaville erupted in 1984 when the government got an unprecedented and incommensurable share of oil revenues. The same politicians who ruled the country at that time are still in (or have returned into) power continuing to worsen the situation of the country now-a-days. We have deeply understood how the principle of accountability in government practices is paramount in your overall philosophy. That is why we are stressing on this historical fact. So, concretely, the percentage of the Congolese falling under the poverty line is 46.5. Most of the country's poor people representing 64.8% live in rural areas and females are amongst the hardest hit by poverty. At Caep Modern, we are very concerned with that matter that can be fixed in any way whatsoever. (5) High unemployment rate in the Congo was close to 53% in 2012 of the economically active labor force without job. Another clue in appreciating the case is to observe how substantial the underemployed labor force in the country is. Young folks and vulnerable social categories are particularly hard hit by that inconsistency reflecting then the sense of USAID activities to advocate for education and the youth. At Caep Modern, we have put high the condition of our youth into our agenda as we confront the treatment of the young people made by the current government devoting, in terms of education expenditures, only 6.5% of GDP.

(6) Our criticism of damaging governance while addressing education issues goes hand in hand with criticism regarding health matters and the almost total lack of reliable health policy in the Congo. Something absurd and unreasonable, here, is the fact that no one amongst those in power (and their relatives) expects using domestic health facilities that are, we suppose, intentionally left in poor condition. When confronted with health issues, they just fly away to receive medical attentions abroad rather than locally. Selected countries for receiving medical treatments by the Congolese political elite are generally South Africa, Morocco, Spain and France. This situation causes an incredibly huge ethical concern. Reliable sources we've used to write this memorandum, for your attention at the State department, show that life expectancy at birth in the Congo-Brazzaville is 58, 52 years compared to 80, 51 in the US and 83 in Canada (United Nations data). So, according to the World Factbook, the republic of the Congo's death rate is 10, 17%. Rate we find, at Caep Modern, impressive and unnecessary in a country that is one of the most important oil producers in Sub-Saharan Africa and peopled by only 4 million inhabitants. In the same token, we would like to uncover the number of adults and children who died of HIV/AIDS within the last calendar year that is 5200. (7) Strongly related to

these selected health issues we mentioned here, is the sanitation condition in which the most important part of the urban population lives in. It is crystal clear that in the city capital Brazzaville and in the economic capital Pointe-Noire, unimproved sanitation by the use of flush or pour-flush not piped to a sewer system or a septic tank is a serious subject of concerns especially during rainy weather. It is unacceptable that the unimproved sanitation facility access ranks at more than 85% of the overall population. At Caep Modern think Tank we have taken stance to tackle systematically and rigorously these matters of big concern where the current government devotes just 2.5% of GDP for health system expenditures. Our primary purpose, that matches your commitment and your contribution to improving health, is also to promote, to restore and to maintain good health in the Congolese people.

## **II - ACCOUNTABILITY: THE DENIS SASSOU NGUESSO'S LONG LASTING DICTATORIAL REGIME**

(1) Denis Sassou Nguesso first time came into power as president of the Republic in 1979 after a coup that resulted in the assassination of Marien Ngouabi, his mentor and the third president of the people republic of Congo. Prior to that occurrence, he has been minister of defense in charge, also, of Secret services. In the aftermath of that assassination, he never went in front of the Congolese nation to make an anticipated statement upon how the president was murdered.

(2) After thirteen years of a communist unshared power, he was democratically removed from power in 1992 thanks to the end of the bipolar world in 1989 at the international level and the holding, in 1991, of the Sovereign National Conference at the domestic stage that led to the adoption of a new & consensual constitution in 1992. It is noteworthy that the immediate outgoing president, namely Sassou Nguesso, formally accepted that new constitution along with 93% of the Congolese people. (3) However, in spite of the inauguration of the new democratically elected president Pascal Lissouba, the now-former-communist-president-Sassou-Nguesso managed to remain very active in politics using his covert network of economic and political relations abroad. (4) So, all along the ultimate 5 years term of Lissouba's rule, Nguesso kept on disturbing the political game that resulted, in 1997, in a murderous and destructive civil war from June to October. Having received big support from ELF, the then major French oil corporation now called TOTAL; militarily backed by Angola, Chad and the bunch of Rwandan militiamen fleeing their country after having committed an untold genocide against the Tutsi ethnicity, Nguesso came to put the democratically elected president Lissouba in the stance of fleeing the country after the presidential palace was bombed by the Angolan aviation.

(5) So, you can already seize and comprehend the deep and corrosive character of that president: after a primary 13 years in power under a fierce communist regime that ended in 1992 with him being removed from power by regular democratic elections, Sassou Nguesso has now recovered a lost power in 1997 by the force of weapons; killing, raping, jailing, humiliating the Congolese people and sending numerous on exile. Forced expatriation was then a reality that all the Congolese experienced for the very first time because of that angry hanger for power expressed by the communist dictator. He abrogated the 1992 consensual constitution and proclaimed himself president of the republic scheduling a flexible 5 years of transitional political regime from 1997 to 2002.

## **III - THE 2002 CONSTITUTION OF THE REPUBLIC OF THE CONGO**

Here is where things do matter. (1) In order to remain unquestionably a "strong man" within the Congolese political arena, following the chaos he had created for the sake of his indescribable and insatiable thirst for power, Nguesso just took his very first and major political decision after he won the civil war he engineered: to abrogate the very young and consensual constitution of 1992; the one he did endorse yet. In a context where all the political dignitaries and the civil and military authorities who've, with sound dignity, remained faithful to democracy and to the democratically-elected-now-overturned-president-Lissouba were thrown into exile, Nguesso did operate to set up a tailor-made constitution within an intrinsic presidential regime where both the chambers (National assembly and Senate) are relegated to mere consultative sounding boards. The National Assembly couldn't formulate any motion to impeach the president of the republic in case of high treason and the president as well couldn't dismiss the National Assembly in case of force majeure.

(2) The newly well-tailored constitution at the benefit of the strong man also altered the duration of the presidential term. From the 5 years term renewable once, he then went on to establish a 7 years term renewable once. So, from the inception of his military coup by which he took over the democratically elected government in 1997 and based on how his new constitution was favourable to him, Sassou Nguesso came to be insured and secured to remain very longer in office: 5 years of transition added to 7 years of his already guaranteed 7 years of a constitutional first presidential term

added to another 7 years of a constitutional presidential second term totalling a big deal of 5 + 7 + 7 equalling 19 years in power. 19 years in addition to the previous 13 years of his communist rule before the shift drawn by the National Sovereign Conference (CNS) of 1992 making a potential 32 years in office by 2016 that is the scheduled-date of the holding of the upcoming presidential elections.

(3) Caep Modern would like to bring to your sound knowledge the strategy Nguesso used to, ingeniously, operate to keep outside of the country the heavy guns of the Congolese political arena such as Pascal Lissouba, former president; Augustin Poignet, former president of the Senate; Bernard Kolelas, influential politician and former mayor of the city-capital and former Prime minister; Kombo Moungounga Nguila, intransigent former minister of economy and finances and Sassou Nguesso's most challenging opponent; André Milongo, former Prime minister during the transition and unfortunate hopeful candidate at the 2009 presidential election who, under incredible pressure from Nguesso did step down at maintaining his candidacy; Jean-Pierre Thystère Tchicaya, another influential politician and mayor of Pointe-Noire the economic city of the country; and Bishop Ernest Kombo who, successfully, chaired the historical CNS and managed the transitional national assembly thereafter the said National conference. Additional insight regarding his strategy to have his opponents ostracized from the domestic political game was to set up, within his "personal new constitution", at 70 years old the age limit to serve as president of the republic. As almost all these opponents were older than he was, he would be then, at the opportune time, the only one to embody the highest function because the others would have been disqualified by the age limit rule to run in the presidential race.

(4) Now, Pascal Lissouba is completely out of politics because of his condition of impairment; all the others politicians we mentioned above are dead now. It is disturbing to notice, in a country where the physical elimination by any means of serious political opponents seems to be commonplace, how these heavy guns of politics have disappeared while they hadn't even attained an age of natural death. However, many young politicians have emerged in the Congolese political scene. Amongst them, those close to the current president and those who have remained in the opposition to a system drawn by the 1997 coup that killed the democratic process at the end of civil war.

(5) Some of the politicians who came into power alongside of Sassou Nguesso during the coup have recently shown stirrings of political independence aspiring to the highest function of the State confronting, by the way, the leadership of their mentor. Amongst these renegades or dissidents, three have seriously shackled up the authority of Sassou Nguesso.

(a) The first who comes up in our mind is Mathias Dzon. This banker served as minister of finance from 1997 (soon thereafter the civil war period) to 2002 (at the promulgation of the Nguesso's tailor-made constitution). Afterwards, he was the National Director of the Bank of Central African States (BEAC) from 2003 to 2008. In 2009 he became candidate to the presidential elections although he decided to boycott that election before it was shown denouncing the large scale fraud system Nguesso has set up to inevitably win the elections. Since that time Dzon has become a fierce opponent to Sassou Nguesso. However, marked by a strong aspiration to take the lead of the opposition to his former mentor, Dzon is strongly criticized and rejected by the radical fringe of the traditional Opposition and Resistance to the often qualified as a coup regime led by Nguesso. The banker seems to be then taken between two rejecting forces: one camp considering him as a traitor and the other one granting him the status of the imposter who financially sponsored the civil war that put an end to democracy in the country.

(b) The second dissident is Marcel Tsourou a Colonel of the Congolese army forces. He has contributed, significantly, to the victory of Nguesso during the civil war. Because of that, he had hoped to be awarded and appointed General of army by the mentor. Rather, he has been appointed Director of military intelligence services without any command of troops. No content of his condition, he went on to rebellion against Sassou Nguesso threatening to reveal what he knew about the judiciary heated case of "The Disappeared of the Beach". In fact, at the end of the civil war in October 1997, the self-proclaimed new president Nguesso made a voicing statement calling, because the hostilities were over, all the Congolese finding themselves as refugees to come back home without fearing anything. Thanks to the signature of a tripartite agreement between the DRC, the Republic of the Congo and the High Commissioner for refugees, a large humanitarian corridor was then opened through the waterway port meaning to guarantee those refugees' security all along their route back home. Dramatically, at their arrival to Brazzaville, 353 young people were subtracted from the crowd by the police officers for investigation. These young people never appeared again without anyone knowing what happened to them until today. Under international pressure, a trial-show was held in Brazzaville that ended by the recognition of the government accountability in the case and, curiously, the total acquittal of all the police officer

perpetrators of that massacre. The case is considered to be a judiciary scandal. Because some claimed-offenders, such as Norbert Dabira, another General of army who played a tremendous role beside Sassou Nguesso, have residencies in France and some of their victims are French citizens, the French justice took stance to open hearings about the case. Consequently, the French justice appeared to remain nowadays the only hope of justice for the victims and the families of the Disappeared of the Beach.

So, Marcel Tsourou who has been threatening to reveal secrets about the case is now in jail for the second time. First time, he was convicted by a judiciary system receiving orders directly from the autocrat president with respect to a case related to a series of explosions in Brazzaville on March the 4<sup>th</sup> of 2012. The explosion of wild ammunitions in military barracks killed hundreds of people, wounded thousands and devastated an entire district of the city-capital named Mpila. After the trial-show, in absence of palpable evidence of his culpability, Tsourou was released from prison but he continued to speak out. He showed angry face against his former mentor calling to be heard by the French Judiciary about the same affair of the Disappeared of the Beach. Then, in December the 16<sup>th</sup>, 2013, barricaded with a hundred of armed elements inside of his residency in down town of Brazzaville, Nguesso gave order to attack that property with heavy military means comprising tanks, helicopters and less-heavy police vehicles. The operation left about forty dead, many injured and the rest of rebels arrested with Tsourou being publicly humiliated. That was the second time for this military officer to be arrested in less than six months.

(c) The third dissident is André Okombi Salissa. After higher education in the former Soviet Union, he joined Sassou Nguesso during the civil war. Gracefully awarded, in a time span of 15 years since the victory in 1997, Okombi Salissa was appointed to many ministry departments and was latterly the leader of the organization of the youth affiliated to the Congolese Labor Party (PCT), the party of the presidential majority. It is important, also, to keep in mind that, at the time of the civil war, he was the commander of a squadron made up of the sadly famous militiamen (the Cobras) who backed Sassou Nguesso while confronting those of Lissouba (the Cocoyes). He became famous for having been distinguished during that period. Following his removal from the government because the organization he was leading, the Action Committee for the Defense of Democracy - Youth Movement (CAAD-MJ), became increasingly influential and showing himself less inclined to comply the request of the president to dissolve that organization, he then began to challenge the president until today. The CAAD-MJ was, anyways, dissolved in 2013. The last episode of that internal conflict occurred on February 2015 when the Okombi's procession heading to Brazzaville was, reportedly, attacked.

#### **IV - THE STRATEGY OF "KILLING" THE CONSTITUTION**

At Caep Modern, we really wanted to do everything to make sure you grasp everything about all these insights in order to well understand the profound character of the regime in power in the republic of the Congo. (1) Now, the main purpose of Sassou Nguesso is to change, once again, the constitution he had strongly influenced the promulgation in the context we tried to specify above: manipulation of the constitution which is, always, at his sole advantage. The reason why he wants to change the constitution, not to amend but to change, is just the fact that he intends to remove the intangible articles of the constitution pertaining to both the limitation of presidential mandates to two not more and the age limit of 70 to be eligible for the presidential race for him to remain in power until death. In 2016, date of future presidential elections, he will be 73 years old. You can now comprehend the way he has come to be trapped by his own corrosive political strategies. While almost all the population, all the members of the opposition, and many voices pertaining to the presidential majority are rejecting the prospect of changing the constitution, Sassou Nguesso and the hawks of the regime want to perpetuate a forced through in order to have the constitutional coup performed.

(2) That is why, through our Think Tank, we are committed to fight for the respect of the constitution of 2002. We may agree about amending that constitution but not changing it. Sassou Nguesso knows that amending the constitution keeps both the aforementioned articles untouchable; then, preventing him from requesting a third presidential term. To try to sustain his argument upon the opportunity to change the constitution, he has many irrelevant reasons. (a) First, he says the 2002 constitution has been promulgated in a post-civil-war context that needed a strong man to rule the country. Not only he provoked the said civil war to recover by force a lost power, but he also took 5 years of transition from 1997 to 2002 which were enough to stabilize the overall social and political situation. So that, in 2002 or in 2009 a definitive amended constitution would be settled. It is crystal clear that his decision to seek to change the constitution at less than a year and a half from the holding of the presidential elections has something meaningless and

insane. (b) Second reason, he says, we need that change because our institutions are not adapted to the new context of our country. For example, the presidential race is separated from the legislative elections that will occur in 2017. So that, in the event the next elected president comes from the opposition, it will be impossible for him to govern the country because of a majority in both the chambers belonging to the outgoing regime. That reason is, also, meaningless because we have many examples of political cohabitation and we can propose amending the constitution regarding that point in order to go for the presidential and the legislative elections almost at the same time. (c) Third reason, he says that great nations like the USA & France have, overtime, changed their constitutions. Hence, the constitution is neither a bible nor a motionless foundation text. We completely agree with that statement. But we disagree about the reasons that are given to justify the opportunity to alter the constitution. Referring to the US constitution is complete nonsense. First, the US constitution has never changed since its promulgation in 1789 but it has been amended several times to adapt the spirit of the foundation text to the changing social circumstances. Additionally, the amendments brought about consisted in reducing the power of those in office and broadening the rights of the people. What is completely different from what Sassou Nguesso intends to do: insuring egocentrically the protection of his personal power.

(3) This president seems to be determined to perpetuate a constitutional coup by performing a forced passage of what he wants about the destiny of the 2002 constitution. A series of indicators are perceptible to think of that kind of intention. For example, he has initiated what he called the “councils of wises” in all the regions of the country to tell whether or not the constitution should be changed. Although we do agree with the fact that these wise persons from different villages have the legitimacy to participate in the debate but, in the same time, we think that the matter being discussed is complex and sophisticated that its treatment by experts of law and politics is essential. Moreover, criticisms have arisen about these “wise persons” being corrupted by the power to agree on the change of the constitution. In the other side, those who are well educated as well as in the presidential majority as in the opposition rejecting the idea of changing the constitution are threatened and intimidated by the same power. Charles Zacharie Bowao, a faculty member in higher education, philosopher, and influential member of the Congolese Labor Party, former minister of defense and, finally, close to the president wrote, a few days ago, an open letter to him advising on the inopportunity to change the constitution. The idea was negatively received by the hawks of the system fearing losing their privileges with the possible departure of the president. We will be making more detailed statements on the case further.

## **V - FREE SPEECH AND FREEDOM OF INFORMATION IN JEOPARDY**

Caep Modern highlights the fact that freedom of press and speech is a critical subject of concerns in Congo-Brazzaville. Restrictions of these human rights in a country in which the constitution and law provide for freedom of speech and information are a conspicuous indicator of nervousness within a dying or hard-pressed regime. (1) With respect to the freedom of information, the country has come to be ranked 107<sup>th</sup> out of 180 in the 2015 World Press Freedom Index as well as in the French-based international non-governmental organization Reporter without Borders index losing 38 places compared to 2002. The Congo Brazzaville has undergone the most spectacular fall on the continent in terms of reduction of freedom of press since the arrival of Philippe M'vouo as president of the High Council on Freedom of Communication in 2012. Not only several newspapers and broadcasters have run afoul of governmental censorship orders, many journalists and prodemocracy bloggers have, also, been “killed”, detained or are perpetually intimidated.

(a) Suspended and forbidden newspapers, in 2013, included: *La voix du peuple*, *Sel-piment*, *Le glaive*, *l'Observatoire*, *Talassa* and *Le Trottoir*. It is then noticeable that the installation of the former minister M'vouo to lead that institution coincides with a huge step backwards for press freedom in the country. (b) 2009 was the worse year for the free press under Sassou Nguesso's reign. In fact, journalist of investigation and activist of human rights Bruno Jacquet Ossebi died of injuries after his residency has been burned killing, in the same time, his companion along with her two kids. Bruno Ossebi, at time, was investigating on corruption related to the mismanagement of the overall Congo's oil share revenues. Unfortunately, no serious investigation had been ordered and conducted to know clearly about the origins of the deadly fire. (c) Strangely, at the same time, in France, a wild fire declared to the house of Benjamin Toungamani, another fierce activist of human rights and notable member of the Congolese diaspora, who fought the dictatorial regime of Denis Sassou Nguesso. Ossebi and Toungamani were contemplating joining together an international lawsuit against the president of the republic of the Congo-Brazzaville for high level corruption.

(2) Another case has concern with the blogger Eric Patrick Mampouya's activity to draw awareness upon the bad condition of democracy and freedom of expression in the Congo. Mampouya was, at first, based in France before daring going back the country to fight for democracy in the field. If, generally speaking, many prominent exiles came back to the Congo thanks to a tour of negotiation with those in power, Mampouya returned bravely with a substantial vision of his militant and political ideals. His bravery has, sometimes, brought him in detention just for sticking on advocating hard the just respect of the constitutional order to prevent the government to change the constitutional foundation Act. The last episode showing nervousness in the Congolese authoritarian regime was the fall, thanks to a popular uprising, of Blaise Compaoré; the later dictator of Burkina Faso who wanted to change the constitution of the country for him to remain in power after 27 years of unshared rule. In Congo-Brazzaville, the political authorities now fear the same popular uprising while at the same time striving to consider that both the countries are in totally different situations. Caep Modern found that perspective completely meaningless. Both the countries are fierce dictatorships challenging their people who just ask for these presidents to step down at the end of their ultimate presidential term.

(3) The last attack of the Congolese dictatorial regime against freedom of information occurred on September 2014. Two journalists, Sadio Morel-Kante and Elie Smith, were taken, Manu military, to their plane and expelled from the Congo. (a) Critical journalist Morel-Kante was deported as a foreigner and tagged as an illegal resident while she was born in Brazzaville of alien parents. Under the 1961 Congolese law, all individual born of foreigner parents in the Congo is a Congolese citizen in the event the said individual dwells in the country. Journalist Morel-Kante who worked freelance with Reuters said having received threats in right line with a series of articles she published on the attack of another colleague journalist. (b) For his part, Elie Smith, a citizen of Cameroon, was a Brazzaville-based journalist who's been working for a private pro-government TV channel, MNTV, belonging to the president's own brother. As such, Smith was well-introduced into the presidential circle. Photographs would show Smith and family relaxing and having dinner with the president of the republic. Although no misunderstanding has arisen between Smith and those he was serving, it has happened, however, that the decision to expelling the journalist seemed to have come overnight in the eyes of the public. So, what did happen within this seemingly working business relationship?

(4) Both Morel-Kante and Smith have been doing their work on the basis of sound journalistic deontology and ethics. Exactly in the perspective the State Department does advocate for freedom of information as a tool fostering and strengthening democracy. (a) If the approach by which Morel-Kante exercised her occupation as investigative journalist gave rise to many anxieties into this autocratic and corrupted regime, Elie Smith just carried out its profession by taking into account the diversity of all political opinions. That is, he brought on stage, during his TV shows, politicians from the majority in power as well as those from the opposition without discrimination. The level of freedom of opinions he did set up while carrying out all the political debates seems to have been the foundation motive of concerns in those holding the autocratic power. (b) In fact, in the aftermath of the civil war of 1997 when Sassou Nguesso overturned the democratically elected president Lissouba, he drawn on a big lie: Lissouba was scoffing at democracy. That was completely wrong! He wanted just to recover, by force, a power he had lost by democratic elections five years earlier. (c) Therefore, to gain legitimacy of his newly reacquired power, he had to give to local and international communities pledges of democratic exercise of power. Such was the stake of freedom of information. Now, you can understand how the deportation of Elie Smith, the one who was very acquainted to them and the one they used in order to give the illusion of practicing true democracy through a so called freedom of information, was the direct outcome of their incapability to continue to sustain falsehood, misrepresentation and perjury. Both the corruptive and repressive powers they hold as a government of the republic have been used to shutdown, through intimidations and threats, the local Medias which have become unvoiced then unheard; notably, when it comes to heated political issues in the country. So, all in all, the strategy held by the dictatorial regime reigning in Brazzaville, in order to achieve their constitutional coup that would result in changing that constitution to favour Sassou Nguesso to stay in office until death, is to get a complete control upon local medias and to expel incontrollable professionals they call "foreigner journalists" to leave them alone. All the magazines close to the opposition have been forbidden and only those worshiping the government continue to function.

## **VI - Electoral Frauds as the foundation tool by which the Nguesso's Regime does function and survives**

Nguesso has never won any regular elections all along the history or the Republic of the Congo. The first and only democratic elections in the country took place in 1992 following the historical National Sovereign Conference opening the Congo to true democracy and freedom of expression and media. That was the golden era of politics in our Nation.



COMPARATIVE LONGEVITY IN OFFICE WITH RESPECT TO FOUR DIFFERENT COUNTRIES: THE CONGO-BRAZZAVILLE, THE USA, FRANCE AND CHINA.

Years in Power	Presidents of the CONGO Since 1977	Presidents of the USA Since 1977	Presidents of FRENCH REPUBLIC Since 1974	Presidents of PEOPLE REPUBLIC OF CHINA Since 1978
1977	<b>J.J. Yombi-Opango</b> (Apr. 1977-79)	Jimmy Carter (Jan. 1977-81)	Valéry Giscard-D'Estaing (May 1974 - 81)	Ye Jianying (Mar 1978 - 83)
1979	<b>Denis Sassou Nguesso1</b> (Feb. 1979-92)  (Rule under communist authoritarian regime)	4  Ronald Reagan (Jan. 1981 & Jan. 1985-89)	7  François Mitterrand (May 1981-88)	5  Li Xiannian (Jun 1983-88)
1992	<b>Pascal Lissouba</b> (Aug. 1992-97)  Democratically elected however overthrown	George Bush (Jan. 1989-93)	7  François Mitterrand (May 1988 - 95)	5  Yang Shangkun (Apr. 1988 - 93)
1997	5  <b>Denis Sassou Nguesso2</b> (Oct. 1997-...)  (Rule under an autocratic regime & fake democracy made up of rigged elections)	Bill Clinton (Jan. 1993-97)	Jacques Chirac (May 1995-02)	Jiang Zemin (Mar. 1993-03)
	18  <b>Total: 31</b>	Bill Clinton (Jan. 1997-01)	7  Jacques Chirac (May 2002 - 07)	10  Hu Jintao (Mar. 2003 - 13)
	Expected Ending Term 2	George W Bush (Jan. 2001 & Jan. 2005-09)	Nicolas Sarkozy (May 2007- 12)	10  Xi Jinping (Mar. 2013- ...)
	<b>Total: 31</b>	Barack Obama (Jan. 2009 & Jan. 2013-17)	François Hollande (May 2012-...)	Ongoing Term 1
2015	Ending Term 2	Ongoing Term 1	Ongoing Term 1	Ongoing Term 1
<b>PROSPECTS</b>				
2016	The last term ends in 2016. But an attempt to violate the constitutional law is ongoing.	The last term is constitutionally scheduled in 2017. The law is sacred & cannot be broken.	A second term is constitutionally authorized. The constitution has a sacred character, can't be violated.	A second term is constitutionally authorized. The constitution has a sacred character, can't be violated.
2017				

At the moment of Congolese first democratic presidential elections the outgoing incumbent, namely Sassou Nguesso, was eliminated, straightaway, in the first round of voting. At Caep Modern, we've brought about the adjacent chart, to shed light upon the manner by which D. Sassou Nguesso used to strengthen his grip on the country by organizing fraudulent elections in the prospect of willing to stay in power for life every time he feels having full control of the political game. That was the case in 1997 after he won the civil war thanks to a strong backup from the major French oil company, ELF, and the Angolan airstrikes giving support to ground troops.

We're stuck on the assertion that democracy is a value that goes hand in hand with social and economic progress that, in turn, depends on how those to whom we have granted legitimacy to be our leaders and rulers do comply with the Constitutional Act. Our chart shows the importance of the democratic principle of limiting the consecutive presidential terms in order to favour a peaceful changeover of power. If the USA and France have a long-lasting democratic tradition that softens, somehow, the alternation of power, it is remarkable to observe how even former authoritarian countries such as China have discovered the importance of the renewal of the ruling elite.

In the Congo-B under Nguesso, there's no such a democratic view of politics. The tyrant has, over time, expressed an insane grip of power that is completely at odds with all the democratic principles as you conceive them through the overall vision and philosophy of the Department of State.

The constitutional act, though enacted in 2002 under his auspices, is crystal clear about the necessary conditions to fulfill, for all candidates, in order to be able to run the presidential race scheduled in July 2016. Three articles of the Constitution, however, constitute the Achilles' heel of Sassou Nguesso and the Congolese Labor Party (PCT) that encourages the president to change the constitution in hope of removing all the obstacles that would prevent him to run again. In fact, article 57 specifies that the presidential term is seven years renewable once. After the civil war, this president first got five years in power he justified as a post-conflict transitional rule; then, went on to accomplishing his first term based on the new 2002 Constitution. In 2009, following an incredible controversial presidential election made up of huge frauds and a very low voting turnout, he was re-elected president of the republic. So, according to the Constitution of the republic, he is running his last and ultimate presidential term. Also, article 58 specifies that a candidate to the presidential election must not be more than 70 years old. Accordingly, in 2016, Sassou Nguesso will attain the age of 73. So, legally, the Constitution, "his constitution", prevents him to be candidate. Finally, more importantly, article 185 specifies that the two-term mandate limit cannot be amended by any way. That is the point that makes Nguesso crazy. These articles are intangible; they cannot be violated and we are in the situation of a « trapper being trapped ». As we already stated the fact above, Sassou Nguesso did introduce the 70 years old as the age limit to be candidate because he wanted to eliminate from the race the other influential politicians who were older than he was. Now, he has found himself trapped by his own Machiavellian behaviour. Consequently, conscious that he can't neither modify nor amend the said constitution, he is now contemplating a big fraud consisting in calling for a referendum to completely change that constitution. Thus, because the techniques of electoral fraud is well-established in dictatorship, especially the one fiercely led by Sassou Nguesso and his forty six years old communist party (the PCT was born in 1969), we can bet that, in spite of the fact that the majority of the Congolese people wants to get rid of him along with his proponents, he will certainly win that referendum.

## **VII - Bypassing legal argument by instrumentalizing two fringes of the population: the aged and the youth**

(1) Looking at the overall picture of the political debate in the Congo; so far, Sassou Nguesso is blocked because what he has been contemplating to achieve doesn't have any legal foundations as we stated above. The gruesome idea of changing the constitutional act at almost a time span of a year from the holding of the presidential elections is not only ridiculous but also may put in jeopardy all the institutional makeup of the country. All the Congolese now saying: "*we cannot change the rules of the game during the game!*" In spite of all that context of contest, the autocratic regime seems to be keeping going forwards with a strong hold upon that gruesome prospect toying with the plan of calling for a referendum. Thereupon, we are left with two perspectives in the consideration of the issue: in one hand, the legal resolution of the controversy by respecting the constitution and, in the other hand, the political "resolution" of the issue that would express the determination of the government to make a forced passage.

(2) To put in motion that forcing through, for the government is evading the legal treatment of the matter, they are purposefully instrumentalizing two "fragile" fringes of the Congolese population. We would like to insist on that opportunist strategy consisting in avoiding addressing rationally the issue through critical knowledge gathered from experts and specialists of Law, Political science, Social sciences, Administration, etc. in favour of granting a pseudo national importance to these two "fragile" social categories including those who Sassou Nguesso has identified as the "wise men", in reality the elders of the village, and the youth that has been, though, left behind all along these three decades the outgoing president has held an unshared power. That sudden interest in the "wise men" and the youth didn't, however, go simultaneously. (a) First was the discovery, by the president, of the value of the elders. Using their favourite method, namely corruption, the hawks in the Congolese government, under the leadership of their fossil president, went on, region by region, forcing these so-called; most of them were often illiterates, "wise men" to say YES TO THE CHANGE OF THE CONSTITUTION. In Sibiti, for instance, all the observers were shocked to see the image of the one chosen to speak on behalf of the "wise men" of the region reading a text of acceptance upon a sheet well-sealed into a governmental folder. In our opinion, that image constitutes a sound evidence of the governmental corruptive impact. The experience of using, at odds, the elderly was replicated in many regions of the country to, finally, show how absurd that clever stratagem was resulting in an overall failure. (b) By looking at the way the debate is being addressed, it is appearing that they seem to have abandoned the process of courting the aged constituency and are throwing in their lot with the young people they swear to take care of now. Not so late to care for young folks in more than three decades of power while almost an entire Congolese youth has been facing an increasingly harsh future.

(3) What is more serious is the fact that, during the civil war until now, these young people have been used by those in power today for morally and ethically wrong activities. They have been handled warfare weapons, they have been given hard drugs and hallucinogens, and they have been encouraged to humiliate, to steal, to rape and to kill fellow civilian citizens in the South regions of the country symbolically designated as the region of origins of the overturned president Pascal Lissouba while Sassou Nguesso, his challenger, was labelled as from the North. A new special report entitled “*Small Arms Availability, Trade and Impacts in the Republic of Congo*” by Spyros Demetriou *et alii*, a study commissioned by the International Organization for Migration and the United Nations Programme is particularly well documented on the issue of the aftermath of the civil war in the country. So, these young people from all the horizons of the country (North & South) are made up of what is known now as the militiamen phenomenon in the republic of Congo-Brazzaville. The most prominent militia, instructed by Northerner high-ranking military officers and foreign mercenaries, being the Cobras (members of Sassou Nguesso’s Militia) who have been challenging the Cocoyes (militia pertaining to Lissouba) and the Ninja (Militia who backed the former Prime Minister Bernard Kolelas now deceased).

(4) The more important to deplore here is the wrong these fossil politicians have done to the youth by socializing them to warfare activities and the collateral effects of these operations altogether. It is therefore important to notify that, at the end of the civil war, the Cobras mostly and the Ninjas, to some extent, became powerful and badly influential in Brazzaville and within the regions neighbouring Brazzaville the city-capital where Sassou Nguesso was endeavouring to stabilize his newly reacquired power within a global context of military disorder. In that explosive context, the young people amongst the Cobras essentially were complimenting themselves to have brought again Sassou Nguesso into power undermining even the power of regular military officers which these young militiamen stated they didn’t really show up in the field of military operations because they feared dying and leaving their wives, children and families alone. (5) Consequently, these young peoples, most of whom had very poor scholarly education, for having demonstrated courage and “heroism”, at the contrary of regular officers, felt by the fact powerful. Those who self-identified as Sergeant, or Lieutenant, or Colonel, etc. stuck on willing to keep these military ranks and the weaponry they have been handled by the warlord leader now president again. (6) However, in a global context where much kind of weaponry were in circulation under the control of folks having neither the military deontology nor ethical principles, the newly self-proclaimed president came to feel endangered by his own creation, namely, the toughest of the Cobras. They wanted to be gracefully awarded notably by entering the armed forces.

(7) Others wanted just to be paid for the job they have done. Unfortunately, the newly self-proclaimed president didn’t have so much to give to them at time; that is why, to fix the problem, the president just gave them authorisation to deepen their already critical criminal status by ordering them to go and break private houses to steal everything they could reach. Everyone in the Congo will remember having heard that order given by the president of the republic. Everyone in the Congo also knows that, in order to stabilize his power and to protect the said power inside against the toughest Cobras, he began to physically eliminate them for the example. The executioner who had been given the duty to kill the toughest Cobras was a Ukrainian mercenary known as Kosovo to clean up all the stubborn amongst the militiamen who helped the current head of State to win the war he engineered. Since 1997 until now, nothing has been done to help the youth transition and well integrate the civilian life by providing them better educational opportunities. Sudden interest in the youth just reappears at the moment the Congolese government that doesn’t want to leave the power at all, fears a popular uprising with regards to many previous events that occurred at the international and regional scales.

(a) First of all: the posture adopted by the international community through the argumentation drawn by the United Nations, the United States of America and the French Republic. All these three entities are strongly discouraging the president Sassou Nguesso to change the constitution and to favour a peaceful alternation of the power. President Obama, for instance, said: “Africa doesn’t need strongmen, it needs strong institutions”. In the same vein, the POTUS has managed to welcome to the White House, two times, Young African Leaders resulting in the creation of the Mandela Washington Fellowship for Young African Leaders. This is, clearly, a posture and a foundation statement that strengthens Caep Modern’s view on democracy and governance; vision we strongly think encompasses the overall vision you have within the State Department vision. On behalf of the United Nations, it is Abdoulaye Bathily, the Special representative of the United Nations Secretary-general for Central-Africa, who warned everyone not to touch the Constitution. France, for its part, has displayed its position through the discourse of François Hollande during the 15<sup>th</sup> Summit of the Organization of la Francophonie that took place in Dakar on November 2014. The French

president just warned all the presidents exposed to the temptation of changing their constitutions in order to remain in power. The reaction of France, in the event that principle is not respected, will be to back up the populations of these countries engaged in demonstrations to gain freedom and democracy.

(b) Second is the fall of Blaise Compaore following the two days protest led by the youth that ended the almost thirty years of absolute power in Burkina Faso. The situation in Burkina Faso is exactly the same as in the Congo-Brazzaville for both the presidents came into power following a bloody coup that ended up in the assassination of the then president and settled a fierce dictatorship. Compaore who was completing his last term was then about to change the constitutional act by calling for a referendum in order to remove all the articles of the Constitution that could prevent him to run again for a sixth consecutive term. Unfortunately, the young peoples did not want the constitutional hold-up to succeed. They went on protesting, torching the National Assembly and burning many other symbols of the falling regime resulting in the unfortunate president fleeing abroad. The Congo-Brazzaville along with many other countries led by dictators thinking of implementing the same strategy of retention of power at all costs such as the Democratic Republic of the Congo, the Rwanda, and the Benin focussed their attention on what would happen in Burkina Faso.

(c) Third is the late development of the constitutional debate in DRC. Joseph Kabila tried the same move to allow the parliament to go forwards in the process of changing the constitution. Here too, many young people and the members of the opposition poured out into the streets of Kinshasa and many other big cities of the country. Intimidated by the Faso scenario, the government of the Democratic Republic of the Congo finally back down by withdrawing the bill. It is worth to note that Sassou Nguesso has been advising Joseph Kabila to strongly hold on the prospect of changing the Constitution. The failure of one would result in the fall of the other one. The popular uprising in DRC did not provoke the fall of the Kabila's regime because that wasn't the purpose of the Congolese opposition and civil society. The peoples want just the president and his government to respect the law and the Constitution in order to sustain the peaceful changeover of the political power. Sticking on that principle would prevent the country to go through unnecessary social and political conflicts in the nation.

### **VIII - To Sum Up**

The Congo-Brazzaville is at the cross road of its History. Caep Modern is now challenging to engage in and advocate the foundation of a real democracy in the country that is a potentially very rich country however desperately poor amongst the so-called underdeveloped nations. Her Excellency Stephanie S. Sullivan has clues of what we have been trying to state in this paper. Your impressive commitment to tackle issues related to democracy, governance, freedom of speech and information, the youth and health policy is the foundation reason our think tank is contemplating to integrate your diverse networks with respect to African affairs. As scholars with sound knowledge of Africa, Europe and North America, we are pretty sure to bring about an added value to what represents the basis of purpose. We have noted that the overall sphere activities carried out by the State Department is based on values captured in the Universal declaration of human rights. in the Black continent does cover West and North Africa; East and South Africa but not Central Africa. We may be wrong however. And that, the United States is committed to working with democratic partners, international and regional organizations, NGOs, and engaged citizens to support those seeking freedom. Caep Modern is grateful at that prospect. We would be glad to be part of the adventure. Please, consider Caep Modern stuck in the stance of requesting any form of collaboration with the State Department. Based on some information we have brought above with concern to our country of origins, we are ready to write a relevant and more specific proposal as to how we might collaborate efficiently. We expect meeting with you in a place that is more convenient for you.

In the meanwhile, please, do accept our warm greetings.

Dr. Georges Goma-Gakissa - Sociologist, Social Policy & Welfare States Specialist

Assistant Secretary-General in Charge of External Relations & Diplomacy

CAEP MODERN Representative for Canada & the United States of America

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