

CÔTE D'IVOIRE

Government opponents are the target of systematic repression

Throughout the presidential campaign which ended in victory for the outgoing president Henri Konan Bédié in October 1995, hundreds of political opponents, dozens of students critical of government policy and several journalists were arrested. Many were victims of human rights violations. Some were held incommunicado and tortured, others have been imprisoned for months without trial. Dozens were convicted under repressive legislation which had never previously been applied in the Côte d'Ivoire. Amnesty International calls on the authorities to investigate these human rights violations and to put in place measures to ensure that the right to freedom of expression and freedom of opinion are respected.

Hundreds of opposition party supporters were arrested in September and October 1995 following violent confrontations with members of the security forces, resulting in a number of deaths. It is the right and the duty of the authorities to bring anyone committing a criminal act before the courts. However, Amnesty International is concerned at the prolonged detention without trial of over 200 government opponents and at the conviction of dozens of them under a law repressing certain forms of violence, commonly called the "riot law". This law, which introduces the concept of joint responsibility, unjustifiably restricts the right to freedom of expression and association.

Amnesty International is also concerned by the increasing number of prosecutions and systematic convictions of journalists sympathetic to the opposition following the publication of articles which did not advocate the use of violence. The organisation fears that the legal system is being used systematically to stifle the opposition press and restrict its right to freedom of expression. This applies particularly to the case of three journalists of the daily newspaper *La Voie*, who were sentenced to two years' imprisonment for having asserted that the presence of the Ivorian Head of State at a football match had brought bad luck to the local team.

Throughout the pre-electoral period, the Ivorian security forces also targeted the *Fédération estudiantine et scolaire de Côte d'Ivoire* (FESCI) the Ivorian Federation of Students and School Pupils, which had already been the subject of harassment by the authorities in the past. Dozens of student members of the FESCI were held incommunicado for weeks or even months; most of them were subjected to physical and mental torture. The practice of holding people incommunicado contravenes Ivorian law and international treaties relating to the protection of human rights to which the Côte d'Ivoire is a signatory. It is essential that immediate steps be taken so that the competent authorities, under the effective control of the Public Prosecutor, can systematically monitor the rules and methods of interrogating prisoners so as to avoid any cases of torture or ill-treatment.

Amnesty International is concerned by these repeated violations of the human rights of persons protesting against or opposing the government in power. The organisation believes that these human rights violations constitute a serious threat to the fundamental freedoms which were officially recognised and guaranteed with the advent of a multi-party system in 1990.

Arrests at political demonstrations

The October 1995 presidential election campaign took place in a climate of extreme political unrest. It was the first election since the death in 1993 of Félix Houphouët-Boigny, the President who had led the Côte d'Ivoire since its independence in 1960. Throughout the months preceding the election, a coalition of opposition parties under the name *Front Républicain*¹, organised demonstrations to protest against the electoral code which had come into force in December 1994. This code provides that candidates for the presidency must have lived in the country during the five years preceding the election and must be of Ivorian parentage. It was the view of the opposition that this measure was designed to prevent the former Prime Minister, Alassane Ouattara, standing as a candidate in the presidential election.

At the beginning of September 1995, the security forces brutally suppressed a number of peaceful demonstrations by women closely associated with the RDR². Party activists were assaulted by the security forces and some were injured as they organised peaceful sit-ins in front of the Ivorian television studios to protest against what they considered to be improper use of state media.

On 20 September 1995, after two peaceful demonstrations had degenerated into violence following the intervention of the security forces, the government prohibited any assemblies for three months. In defiance of this ban, the opposition organised further demonstrations which degenerated into violent incidents, during which hundreds of people were arrested, at least ten were shot dead by the security forces and many others were injured. These disturbances also caused a great deal of material damage, with cars and shops being set alight and looted. The tension grew when the opposition called for an "active boycott" of the presidential election and after Laurent Gbagbo, secretary general of the FPI, called on his supporters to "do everything" to prevent the smooth running of the election. Serious disturbances took place on the day of the ballot in particular, when ballot-boxes and public buildings were set alight.

Hundreds of people were arrested and ill-treated following these incidents. More than 200 are still being held without trial several months after their arrest. Amnesty International considers that some of these people could be prisoners of conscience, being held solely because of their political support for opposition parties without having used or advocated violence. Amnesty International calls for the immediate and unconditional release of all prisoners of conscience. With regard to those who have called for violence or committed offences, the organisation urges

¹The *Front Républicain*, Republican Front, is a coalition of opposition parties, created in April 1995, bringing together the *Front populaire ivoirien* (FPI), Ivorian Popular Front, and the *Rassemblement des Républicains* (RDR), Republican Assembly, among others.

²The RDR, which is closely associated with Alassane Ouattara, came into being in 1994 when certain senior members broke away from the party currently in power, the *Parti démocratique de la Côte d'Ivoire* (PDCI), Democratic Party of the Côte d'Ivoire, which was formerly the country's only party.

that they be given a fair trial at the earliest opportunity. Holding prisoners for long periods without trial contravenes the terms of Article 7, paragraph 1*d* of the African Charter on Human and Peoples' Rights, to which the Côte d'Ivoire acceded in 1992. Furthermore Article 9, paragraph 3 of the International Covenant on Civil and Political Rights, to which the Côte d'Ivoire acceded in the same year, stipulates that anyone arrested must be brought to trial within a reasonable length of time.

Amnesty International recognises the right of any government to maintain public order when it is threatened, but the organisation also points out that, in the context of maintaining law and order, it is particularly important that human rights be scrupulously respected. The Ivorian authorities have a duty in particular to open independent and impartial investigations into any allegations of torture and ill-treatment and to bring before the courts anyone allegedly responsible for such abuses. In this respect, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the General Assembly of the United Nations on 10 December 1984, in its article 12, specifies: "Each State Party shall ensure that its competent authorities proceed to a prompt and impartial investigation, wherever there is reasonable ground to believe that an act of torture has been committed in any territory under its jurisdiction".

Among those held since September and October 1995 without trial are persons identified as local leaders of opposition parties who called for the "active boycott" of the Presidential election and others, arrested in the street during prohibited demonstrations, some of which degenerated into violence. The majority of these were charged with "destruction of public property" under the terms of Law 92-464 repressing certain forms of violence. Among those held, it is likely that some are prisoners of conscience, held for their political sympathies but who neither used nor advocated the use of violence.

Moreover, several dozens of people belonging to the Bete ethnic group, of which Laurent Gbagbo is a member, were arrested as FPI sympathisers in the region of Gagnoa (250 km north west of Abidjan), and have been in detention since October 1995. These arrests, which continued into the first months of 1996, followed days of ethnic and political tension prior to the presidential election in October 1995. Some 8,000 Baoulé farmers - the ethnic group of which the President Henri Konan Bédié is a member - had sought refuge in various towns in the region following rumours of the massacre of about twenty Baoulé by the Bete. The origin of this tension, which officially caused the death of at least 23 people, has still not been explained and both government and opposition accuse one another of having poured oil on the flames for electoral motives.

Following this tension, several dozens of Bete farmers were reportedly arrested after being denounced by Baoulé farmers who accused them of having looted their camps or stolen their harvest. According to information received by Amnesty International, most of the Bete arrested were held because of their ethnic origin, as revealed by their names. These arrests were carried out in what appears to be a totally arbitrary manner several months after the tension between the Bete and Baoulé populations had subsided. The organisation calls for the

immediate and unconditional release of all prisoners of conscience held solely because of their ethnic origin and requests that all those against whom criminal charges can be made be given a fair trial at the earliest opportunity.

In addition to the 200 people who are still being held without trial, dozens of others have been sentenced under the terms of a law which is being applied for the first time in the Côte d'Ivoire. Article 5 of this law, adopted on 30 July 1992, provides that where demonstrations degenerate into violence, "groups or organisations responsible for organising such assemblies are jointly and severally liable for any physical or material damage caused thereby".

Since this law was adopted, Amnesty International has publicly stressed that such legislation could lead to people being arrested on the grounds of their opinions, because it introduces the concept of joint responsibility, being directed at anyone having called for, or participated in, an assembly which subsequently degenerates into a violent demonstration, whether or not that person is personally responsible for having used or advocated the use of violence. As it is impossible to foresee how a peaceful demonstration might develop, the only means of avoiding the application of this law is neither to call for nor participate in a demonstration, which constitutes an unjustifiable restriction on the freedom of expression and assembly.

Since September 1995 the application of this law has led to the conviction of dozens of people. It is likely that prisoners of conscience are among those convicted. For instance, six members of the FPI, three men and three women, arrested on 20 September 1995 during a protest march organised a few hours before the announcement prohibiting all demonstrations, were sentenced a few days later, on 28 September, to one year's imprisonment. They were accused of having "continued to participate in a march which resulted in violence and assaults on individuals and the destruction of, or damage to, public and private property in defiance of the order to disperse issued by the public authorities". At the trial, the defence claimed that, in this case, Law 92-464 repressing certain forms of violence could not be invoked because no injuries or material damage had been reported during the demonstration. Justifying the sentence requested, the prosecution stated that the presence of the accused at the site of the demonstration after the police had issued the order to disperse, was sufficient to convict them.

Amnesty International recognises that, in a democratic society, it may prove necessary in the interests of public order to impose certain restrictions on the right to freedom of assembly³. Nevertheless, the organisation is concerned by the fact that these six people were convicted under the terms of Law 92-464 when, first, the authorities themselves have acknowledged that the demonstration did not degenerate into violence and caused no material damage and, secondly, that according to article 2 of that same Law, continuing to participate in an assembly

³In this respect, article 21 of the International Covenant on Civil and Political Rights states: "The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others".

in defiance of an order to disperse can only be considered an offence if it gives rise to violence. Amnesty International calls for the immediate and unconditional release of these six people, whom it considers to be prisoners of conscience.

The following day, 29 September 1995, in Daloa (320 kilometres north west of Abidjan), two local leaders of the FPI, Kah Anderson and a woman named Fatou Coulibaly, were respectively given a one year and a six months prison sentence. They were accused of having organised a demonstration a few days earlier at Issia, a nearby location, in defiance of the decree prohibiting all marches for a period of three months. During this demonstration, a window of a *Gendarmerie* commander's vehicle was allegedly smashed by a missile. The two local FPI leaders were not convicted on the basis of evidence of their having committed any identifiable act, but solely on the grounds of their having been the "instigators and organisers" of a demonstration during the course of which acts of violence were committed. Amnesty International considers these two people to be prisoners of conscience and calls for their immediate and unconditional release.

At another trial, on 12 October 1995, nine people were convicted under the same Law, even when the prosecution had called for their release in the absence of any evidence of their having participated in a demonstration. Among these people were mere passers-by who had been waiting for a bus on the day of the demonstration when they were arrested. Six were acquitted on appeal in January 1996 but the three others, sentenced on the same grounds and without any evidence of their individual responsibility for acts of violence, are still imprisoned at the time of writing. Amnesty International considers these people, too, to be prisoners of conscience and calls for their release.

In another case, in Yamoussoukro, the administrative capital of the country, four government opponents including Daniel Gbalou and Boiké Daibagaté, local leaders of the FPI and RDR respectively, were arbitrarily arrested on 9 October 1995 as they went to the authorities to enquire about the situation of five demonstrators detained at a violent demonstration on 2 October. They were held without trial for three months and released unconditionally in January 1996. Amnesty International considers they were prisoners of conscience. No investigation has been carried out into these arbitrary detentions and no member of the security forces has had to answer for these events.

All these cases reveal that, under the pretext of maintaining law and order and pursuing the perpetrators of acts of violence, the judicial system has been used on a number of occasions to convict or hold in prolonged detention persons suspected of being political opponents without tangible proof of their personal responsibility for the acts with which they are charged.

Increase in the number of convictions of journalists sympathetic to the opposition

Since Henri Konan Bédié took office as President of the Republic in December 1993, there has been an increase in prosecutions against journalists sympathetic to the opposition which have often resulted in sentences of up to three years' imprisonment. Amnesty International had already publicly expressed its concern in 1994, at these threats to freedom of expression (*See Côte d'Ivoire/Freedom of expression and association threatened*, AI Index: AFR 31/03/94).

Since the publication of that document in July 1994, more than ten journalists have been brought before the courts. Amnesty International believes that seven of these have been convicted simply for having exercised their rights to hold an opinion and their rights of freedom of expression as guaranteed by article 19 of the International Covenant on Civil and Political Rights, without having used, or advocated the use of, violence. Amnesty International recognises the right of politicians, including the President, to seek legal redress in respect of any written or spoken statement they consider to be defamatory. However, the organisation is concerned by the fact that the authorities use such accusations of defamation to restrict freedom of expression and that the judicial system in the Côte d'Ivoire has, throughout this electoral period, been used to intimidate and pursue journalists on the grounds of their political opposition to the government.

In March 1995, Abou Cissé, head of the weekly newspaper *La Patrie*, was sentenced, together with one of his journalists, De Be Kwassi, to one year's imprisonment for insulting the Head of State, following the appearance of two articles in their newspaper, which is sympathetic to the RDR. One of these articles mentioned the role President Bédié is alleged to have played in a financial scandal back in the 1970's. The other article, which appeared on 31 January 1995 under the heading "*Bédié dans le miroir de l'ivoirité*" (Bédié in the mirror of Ivorian origin) called into question the Ivorian origin of the Head of State at precisely the same time as a new electoral code was adopted, under which only persons born of Ivorian parents could stand as candidates in the October 1995 presidential elections. Despite the confirmation of this verdict on appeal in June 1995, the two journalists were conditionally released as a result of a presidential decree a month later. Amnesty International is of the opinion that these two journalists, who have since returned to their press careers, were prisoners of conscience.

Also in March 1995, two other journalists closely associated with the RDR were convicted. Dembélé Fousséni, editor of the Islamic monthly publication *Plume Libre* was sentenced, together with one of his journalists, Kema Brahama, to ten months' imprisonment for inciting tribal hatred, unrest and revolt. This sentence was handed down following publication of an article entitled "*Chasse aux cadres musulmans: l'épuration ethnique continue*" (Muslim executives excluded: ethnic cleansing continues), which asserted that Ivorian Muslims were being excluded from all government posts as a result of their support for the RDR. In August, following a presidential decree, the two journalists were conditionally released, enabling them to return to their press activities. Amnesty International considers these two journalists to have been prisoners of conscience, held solely as a result of having exposed what they considered to be a worrying situation, without having either appealed to racial hatred or incited violence.

The third case involves another group of journalists at *La Voie*, the principal press organ of the other major opposition party in the Côte d'Ivoire, the FPI. In December 1995, the Deputy Secretary General of the FPI and Director of this daily newspaper, Abourahamane Sangaré was sentenced, together with one of his journalists, Emmanuel Koré, to two years' imprisonment for insulting the Head of State after the publication on 18 December 1995 of an article entitled "*Bédié était là, le malheur aussi*" (Bédié was there, and so was misfortune). This article which, although written in a lively and polemic style made no calls for violence, stated that President Konan Bédié's presence at a football match had brought the Ivorian team bad luck. The court also ordered the suspension of *La Voie* for a period of three months. In January 1996, a third journalist working on the newspaper, Freedom Neruda, was given the same sentence in this particular case.

For several years now journalists working on *La Voie* have been singled out for judicial harassment by the Ivorian authorities. Five of them, including Abouarahamane Sangaré, considered by Amnesty International to be prisoners of conscience, were convicted in 1994 of insulting the Head of State. In June 1995, Abourahamane Sangaré was subjected to physical brutality in the presence, and apparently on the orders of, the Minister of Security, General Gaston Ouessanan Koné. Summoned to the offices of the security services, Abourahamane Sangaré was stripped to the waist, then beaten by four members of the security forces in the Minister's presence. This incident occurred following the publication of a satirical article containing comments considered to be insulting to General Ouessanan Koné's father. Abourahamane Sangaré was then released. Several days later, President Bédié officially criticised this beating, but the complaint lodged at a later date by Abourahamane Sangaré's lawyer has still not been dealt with by the courts.

Detention incommunicado and ill-treatment of FESCI members

During the months preceding the October 1995 presidential election, the Ivorian authorities increased their harassment of members of FESCI⁴. Threatened by the security forces, some of its leaders have been obliged to go underground.

On 24 June 1995, a press conference organised by FESCI at the Youpougon university campus in Abidjan was brutally broken up by the police, who arrested more than 40 people. During this raid, a young woman, Sylvie Anoma, who had come to visit a friend on the campus, was raped by a member of the security forces. The victim's lawyer lodged a complaint but to date no investigations have been made to identify and prosecute the person responsible for this act.

⁴FESCI is a student organisation, created in 1991, which campaigns for improved living and studying conditions.

The students arrested were held incommunicado for several weeks, their families unaware of their whereabouts and state of health⁵.

In addition, they were denied the right to which all detainees are entitled to be brought before a court at the earliest opportunity so that the court can determine the legality of such detention⁶. They were all released without being charged, but most appear to have been subjected to serious ill-treatment. No investigation has been undertaken in this respect and no member of the security forces has been held responsible or prosecuted for these acts.

One month before the presidential elections, the Ivorian authorities arrested the Secretary General of this movement, Guillaume Soro Kibafori, apparently to prevent any collaboration between FESCI and the opposition parties. Guillaume Soro Kibafori was arrested in the street on the evening of 27 September 1995 by plain-clothes policemen attached to the *Direction de la sécurité du territoire* (DST) Internal Security Office. Over the next few days at least eight other FESCI members were arrested and held incommunicado and without charge for more than two months. It was only several weeks later that their families heard of their detention, first at the DST and then at the Abidjan police academy.

On 3 November, the nine students appeared on television and Guillaume Soro Kibafori disowned his movement's position and made a public apology, apparently under duress. The Secretary General of FESCI also called upon members of his movement to call a halt to their activities. During the broadcast, the students appeared to be weak as a result of the harsh conditions of their incommunicado confinement. One month later, on 2 December, the nine students were released without being charged.

When they were released, some of the detainees showed visible signs of torture; one had swollen feet, probably as a result of having been beaten on the soles of his feet. Another, Charles Blégoudé, had been taken to hospital on 29 November following a suicide attempt prompted, he said, by the stress of being held incommunicado for such a long time. All said they had been deprived of food for several days.

Amnesty International considers that these students were prisoners of conscience, arbitrarily detained solely because of their membership of FESCI. At a press conference held at the time of their release the Minister of Security, General Gaston Ouassénan Koné, confirmed that the students had been arrested because of their membership of FESCI. General Koné said that the Ivorian government considers FESCI to have been dissolved in 1991 and added " ... in future anyone claiming to be a member of FESCI will be considered an outlaw".

⁵Principle 16 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment states that detainees must, at the earliest opportunity, be able to advise their family or other person of their choice of their arrest and place of imprisonment.

⁶These rights are guaranteed by article 9 of the International Covenant on Civil and Political Rights.

In 1994 Saliou Touré, the Minister of Higher Education, had already challenged the legality of FESCI, recalling that the organisation had been officially dissolved in 1991. It is not certain, however, that any official document prohibiting FESCI exists. A number of Ivorian lawyers, including members of the *Ligue ivoirienne des droits de l'homme* (LIDHO), Ivorian Human Rights League, publicly questioned the legality of such a document because, never having been signed, it would have no legal effect. Furthermore, despite its "dissolution", in 1993 FESCI was authorised to organise a number of public rallies and took part in a number of fora on education held in public by the authorities, which is evidence of at least a certain degree of official recognition of its representativeness and its existence.

Without commenting on this legal debate, Amnesty International is extremely concerned by this practice of prolonged incommunicado detention which is applied systematically in the case of FESCI members. This practice contravenes the terms of Article 9, paragraph 1 of the International Covenant on Civil and Political Rights which states: "Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law". Detaining people incommunicado for prolonged periods, which enables the use of torture and ill-treatment, is not a new phenomenon in the Côte d'Ivoire. In May 1994, General Koné had admitted that FESCI students were being held incommunicado in police stations and had tried to justify this practice by alleging that visits could not be authorised on security grounds. It is precisely during these periods of incommunicado detention, when suspects have no access to their families, their lawyer or, in some cases, a doctor, that the majority of the cases of torture and ill-treatment brought to Amnesty International's attention occur.

Recommended Action

Amnesty International calls on the authorities of the Côte d'Ivoire to respect internationally-established standards for the protection of human rights and, in particular, those concerning the rules on detention and fair trial. The organisation urges that anyone still being held on the basis of their opinions or non-violent political activities, and in violation of their right to freedom of expression and association, be released immediately and unconditionally. In the case of prisoners charged with a recognizable criminal offence, they should speedily be brought before the courts and given a fair trial.

Please send courteously-worded letters, preferably in French, to the Ivorian authorities:

1. Expressing your concern at the application, for the first time in the Côte d'Ivoire, of a law providing that anyone having called or led an assembly which has degenerated into a violent demonstration will be held responsible for acts of violence, which has been used to convict persons who have neither used, nor advocated the use of, violence; stress the fact that such a law has led to the conviction of prisoners of conscience and constitutes a threat to freedom of expression, association and assembly;
2. Calling for the immediate and unconditional release of all prisoners of conscience being held for their peaceful support of opposition parties, and of the three *La Voie* journalists, sentenced to two years' imprisonment for having criticised the government while exercising their right to freedom of expression without having advocated violence;
3. Calling upon the authorities to bring to an end the prolonged detention without trial of more than 200 people arrested during the presidential campaign. Anyone against whom no proof has been provided of their direct participation in or incitement to commit recognizable criminal offences must be released immediately and unconditionally because they are prisoners of conscience. Anyone against whom a criminal charge can be brought must be brought before the courts at the earliest opportunity and given a fair trial;
4. Expressing your concern at the practice of holding people in incommunicado detention, and at the torture and ill treatment of student members of FESCI; call for the investigation of all these allegations and the prosecution of those responsible;
5. Urging the Ivorian authorities to take urgent steps to ensure that the police, under the effective control of the Public Prosecutor, can systematically monitor the rules and methods of interrogating and treating prisoners so as to avoid any cases of torture or ill-treatment and ensure that the legal limit for detention in police custody is not exceeded;

6. Calling upon the Ivorian authorities to take immediate steps to ensure that conditions of arrest and detention comply with international standards as specified in articles 7, 9, 10 and 14 of the International Covenant on Civil and Political Rights, the Standard Minimum Rules for the Treatment of Prisoners and the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment.

Send your letters to:

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