

£CÔTE D'IVOIRE

@Freedom of expression and association threatened

Since Henri Konan Bédié took office as President of the Republic in December 1993, violations of the rights to freedom of expression and association have been on the increase. A student and several journalists have been arrested and convicted with heavy sentences in what appears to be an attempt to stifle any form of opposition in the year before the 1995 presidential and legislative elections. Amnesty International is concerned that these systematic arrests and convictions are evidence of a harsher attitude on the part of the Ivorian authorities that could threaten progress - which started with the advent of a multi-party system in 1990 - as regards the respect of the freedom of expression and association.

Amnesty International is particularly concerned by the growing number of trials of journalists who have criticised the way in which powers were transferred after the death of President Houphouët-Boigny in December 1993 and the policy of the new Head of State. The death of Félix Houphouët-Boigny, President of the Côte d'Ivoire since its independence in 1960, gave rise to a power struggle within the ruling party, the *Parti démocratique de Côte d'Ivoire* (PDCI), Ivorian Democratic Party, between the Prime Minister, Alassane Ouattara, and the President of the National Assembly, Henri Konan Bédié, who became the new Head of State under Article 11 of the Côte d'Ivoire Constitution.

Amnesty International is concerned that the legal system is being used to silence the opposition press and considers that two of the journalists detained at present are prisoners of conscience, convicted for exercising their right to freedom of expression without advocating violence and that three others, convicted but not imprisoned, would be prisoners of conscience if they were forced to serve out their sentences.

The Ivorian authorities have also targetted the *Fédération estudiantine et scolaire de Côte d'Ivoire* (FESCI), the Ivorian Federation of Students and School Pupils, since the beginning of 1994. In March and May 1994, over 200 students, including FESCI members, were arrested following violent clashes with the security forces. Most were released after a few days or weeks of incommunicado detention, but in Bouaké, Eugène Gonthy, a member of the local FESCI executive, was sentenced to one year of imprisonment and had this sentence doubled at appeal. Amnesty International considers

that Eugène Gonthy is a prisoner of conscience, held because of his position in FESCI without any proof of his participation in acts of violence. Five other students have been held without trial in Bouaké since last March.

Heavy sentences for journalists

Since last February, several journalists have been given heavy sentences ranging from one to three years' imprisonment. Some have been convicted of libel, but Amnesty International considers that six other journalists have been convicted for exercising, without using or advocating violence, their rights to freedom of opinion and expression as enshrined in Article 19 of the International Covenant on Civil and Political Rights, to which the Côte d'Ivoire acceded in 1992. Amnesty International acknowledges that elected politicians, including the President, are entitled to seek legal redress for any written or spoken statement that they consider to be defamatory, but is concerned that the conviction of these journalists restricts the right to freedom of expression and that the legal system has been used to prosecute people because of their political opposition to the government.

In the first trial on 24 February, Hamed Bakayoko, director of the weekly newspaper *Le Patriote*, charged with insulting the Head of State following an anonymous article entitled "Letter from Kong to Ivorian brothers and sisters" that appeared in his newspaper on 25 January 1994, was sentenced to one year of imprisonment without remission. The court also ordered the suspension of the newspaper for three months.

Hamed Bakayoko, whose newspaper has always been identified with the PDCI, seems to have been prosecuted largely because the article in question praised the former Prime Minister of the Côte d'Ivoire, Alassane Ouattara, and contended that the genuine successor to the late President would be appointed only at the time of the 1995 presidential elections, which was interpreted as challenging the legal position of the current President; the Prosecutor considered that the article was likely to cause dissension by insinuating that the President had no legal mandate.

Although President Konan Bédié's name was never mentioned in the article, the court also considered that the Head of State had been insulted because the author of the article posed the following question: "If Ivorians were not afraid to demonstrate before the giant Houphouët-Boigny, will they be afraid of a dwarf or a midget?"

Hamed Bakayoko, convicted in February 1994, was provisionally released on 3 July 1994, apparently after apologising to President Konan Bédié. Amnesty International considers that Hamed Bakayoko was a prisoner of conscience detained solely for allowing his newspaper to publish an article which was critical of the new regime and praised a rival politician in the same ruling party.

A month later, it was the turn of the editor of the newspaper *La Voie*, Aboudramane Sangaré and four of his journalists, Jacques Préjean, César Etou, Freedom Neruda and Souleymane T. Senn, who were sentenced on 24 March to one year of imprisonment for "insulting the Head of State", following an article claiming that President Konan Bédié had asked the French government for ten billion French francs to finance the funeral of President Houphouët-Boigny. The newspaper *La Voie*, which has links with the main opposition party, the *Front populaire ivoirien* (FPI), Ivorian Popular Front, had in fact repeated and commented on information published in January 1994 by the weekly magazine *Jeune Afrique* based in France.

During the trial the presiding judge stressed that in contrast to *Jeune Afrique*, which had published the news in vague terms without alluding to the President of the Côte d'Ivoire, the article in *La Voie* was a direct attack on President Konan Bédié particularly as it spoke of "shameful begging". While the five journalists were sentenced to one year of imprisonment, the court did not issue committal orders for them and they have not therefore been imprisoned. Amnesty International considers that these five journalists would be prisoners of conscience if they were forced to serve their sentences. This conviction without imprisonment, confirmed at appeal on 31 May, can be seen as an attempt to intimidate the press and leave a constant threat hanging over the main opposition newspaper.

On 13 April, two of the five people sentenced in March, Aboudramane Sangaré and Souleymane T. Senn, were arrested and charged with "inciting violence, civil disobedience and attacking public order" following the appearance on 5 April, in *La Voie*, of an article entitled "The balance of terror" in which Souleymane T. Senn called upon the Ivorian opposition to adopt more aggressive tactics in the run up to the 1995 elections. The opposition, wrote the journalist, must ensure "a balance of terror", must "make the country ungovernable so that the ruling party knows that it is dealing with a force which, even if it is not superior, is at least equal". Senn added that "the means for this exist. They are legal and include, among other things, general strikes, civil disobedience, marches, etc."

Arrested on 13 April under the provisions covering people caught *in flagrante delicto*, which allow the police to arrest people without a warrant, Aboudramane Sangaré and Souleymane T. Senn were sentenced to three years' imprisonment on 21 April. Their sentence was confirmed at appeal on 24 May, but their lawyers filed an appeal to the Supreme Court, disputing the use of the *in flagrante delicto* procedure, as the two men had been arrested eight days after the article had appeared. During the trial, the defence contested the charge of inciting violence as the article spoke of legal means of action. The view of the prosecution was, however, that the article was written in a way that could pose a threat to public safety.

Amnesty International considers that this article, written in a particularly lively tone but not advocating the use of violence, has been used as pretext by the Ivorian authorities to imprison Aboudramane Sangaré, director of the main opposition newspaper and also deputy general secretary of the FPI. Amnesty International considers that both men are prisoners of conscience.

Systematic arrests of students

For over a year, students from three Ivorian universities have been involved in protest movements and sporadic strikes in an attempt to improve their living standards and conditions of study, in particular as regards the payment of grants and the provision of public transport.

In April 1993, some forty or so students were arrested following a public meeting of FESCI which started peacefully but degenerated, after the arrival of the security forces, into violence and damage to vehicles and other property. They were provisionally released after a month. Although the people responsible for this violence have not been formally identified, 44 students were tried by default in September 1993 and sentenced to periods of imprisonment equivalent to exactly the time they had spent in prison. They were charged with assault and battery and destruction of property under a new law passed in 1992 stating that any person calling or leading a gathering which degenerates into a violent demonstration may be prosecuted whether or not they are personally responsible for inciting or perpetrating violence. At that time, Amnesty International expressed its concern about this law which, by making political activists responsible for acts that they have not committed, flouts the rights to freedom of association and peaceful demonstration.

On 11 March 1994, following the arrival of the security forces at the university campus of Bouaké (270 kilometres north of Abidjan), there were clashes with students who invaded the administrative offices and broke windows. Several students were arrested and ill-treated. According to the *Ligue ivoirienne des droits de l'homme* (LIDHO), Ivorian League for Human Rights, a non-governmental organisation, some students "were violently beaten, tortured and humiliated by the security forces" and certain students were then abandoned some five kilometres outside Bouaké.

Most of these students were released shortly afterwards and only six student members of FESCI were detained in prison, including Eugène Gonthy, a member of the local FESCI executive in Bouaké. He was sentenced on 29 March for "disturbing the peace, arson against State property and inciting violence" to one year of imprisonment which was doubled at his appeal trial. Despite these serious charges of violence, Amnesty International is of the opinion that this student is a prisoner of conscience, convicted because of his FESCI activities, as no witnesses were brought forward at his trial and no proof was given of his

involvement in any violence. Five other members of FESCI, arrested in March, including a woman student, Eugénie Koné, are still being detained at Bouaké without trial.

The sentencing of Eugène Gonthy led to a wave of protests at the University of Cocody in Abidjan, where students organised sporadic strikes to demand his release.

At the beginning of May, the security forces intervened on the campus on a number of occasions and apparently set fire to a student's room. Violent clashes took place during which students set fire to a taxi. These clashes led to the arrest on 10 and 11 May of over 200 students, almost all of whom were released shortly afterwards, reportedly because they were not members of the FESCI executive which the government specifically accused of being responsible for this unrest.

On 15 May, the security forces raided a meeting being held by the FESCI executive in a room at the University of Cocody in order to disperse the students. At least 30 students were arrested, including Jean Blé Guirao, deputy secretary general of FESCI. Several students were beaten up during their arrest and at least one lost consciousness and were taken to hospital.

On 26 May, General Gaston Ouessénan Koné, Minister of Security, acknowledged that the students were being held incommunicado at police premises in Abidjan and confirmed that visits could not be authorised for security reasons. Amnesty International is concerned that during this prolonged incommunicado detention, which is not subject to any legal control (and therefore contrary to Article 9 of the International Covenant on Civil and Political Rights), these detainees may have been ill-treated.

All the students detained in Abidjan were released without charge on 31 May, after offering their apologies, broadcast by the television channels, and promising to return to their university courses. Some days later, however, Jean Blé Guirao told *La Voie* and the French Press agency, AFP, that he had been forced to make this statement and that he had in fact been "beaten for several hours" at the *Direction de la surveillance du territoire* (DST), the security headquarters in Abidjan, by police officers who had "tortured him with electricity". Other students told *La Voie* that they had been ill-treated. Following these statements, *La Voie* and another opposition newspaper, *Le Pays*, were searched, on the evening of 3 June, by police officers without a warrant who said that they were looking for Jean Blé Guirao.

Several factors indicate that the Ivorian authorities have used these student protests as a pretext for breaking up FESCI. In both Abidjan and Bouaké, students belonging to FESCI have been particularly targeted for arrest. During a televised speech on 10 May 1994, Saliou Touré, Minister for Higher Education, accused FESCI activists of being "the secular arm of certain political parties" and of becoming "turning on their fellow citizens".

He pointed out that FESCI had been officially dissolved in 1991 and that while it had been politically "tolerated" since then, it was still prohibited from a legal point of view. Set up in 1990, when the multi-party system was installed, FESCI was actually dissolved by a Decree of 21 June 1991, following the death of a student. Several Ivorian legal jurists, however, including those representing LIDHO, have publicly expressed doubts as to the legality of this Decree which they feel should be null and void as it has never been signed. For the last two years, FESCI has also played an active part in public discussion of Ivorian education with the authorities, which shows at least some official recognition of its representative nature and existence.

Amnesty International is concerned that the deterioration of the human rights situation since Henri Konan Bédié came to power indicates an attempt by the Ivorian authorities to frighten off any opposition or criticism in the year before the 1995 elections. In 1992 and 1993, many students and political leaders were detained for several months, with the result that Amnesty International adopted, in July 1992, 77 prisoners of conscience, said to be guilty of shared responsibility for the damage caused during a violent demonstration before they were released under an amnesty law. Since this amnesty, the rights to freedom of expression and association seemed to have been respected overall. The recent heavy sentences on journalists, the challenge of the legal existence of FESCI and the harassment of its members raises the fear of a retrograde step as regards the respect of these freedoms.

Amnesty International calls upon the Ivorian authorities to respect the rights of freedom of expression and association as enshrined in Articles 19 and 22 of the International Covenant on Civil and Political Rights, to which the Côte d'Ivoire acceded in 1992, and requests the immediate release of all prisoners of conscience detained solely for expressing non-violent opinions. Amnesty International also calls upon the Ivorian authorities to put an end to prolonged incommunicado detention confinement in order to protect all detainees from the risk of ill-treatment and to release all prisoners of conscience and all those who cannot be individually charged with specific criminal offences.

RECOMMENDED ACTION

Send courteously worded letters, preferably in French, to the Ivorian authorities:

1. Expressing your concerns about the recent trials that have limited the rights to freedom of expression and association, by sentencing a student and several journalists to imprisonment solely for exercising their rights of expression or association without advocating violence; mention the examples of Eugène Gonthy, Aboudramane Sangaré and Souleymane T. Senn;
2. Requesting the immediate and unconditional release of these prisoners of conscience;
3. Expressing your concerns about the risk of ill-treatment during prolonged incommunicado detention and calling for an inquiry into allegations of ill-treatment made by several students so that these practices can be stamped out;
4. Calling upon the Ivorian authorities to respect international standards on human rights and in particular the rights to freedom of expression and association as enshrined in Articles 19 and 22 of the International Covenant on Civil and Political Rights, to which the Côte d'Ivoire acceded in 1992.

Send your letters to:

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