

£CÔTE D'IVOIRE

@Silencing the opposition - 77 prisoners of conscience convicted

At least 77 prisoners of conscience arrested in February and March 1992 are now serving prison sentences of between one and three years in Côte d'Ivoire. They include Laurent Gbagbo, a member of the National Assembly and leader of the opposition *Front Populaire Ivoirien* (FPI), Ivorian Popular Front, René Dégni Ségui, President of the *Ligue Ivoirienne des Droits de l'Homme* (LIDHO), Ivorian Human Rights League, and Martial Ahipeaud, President of the *Fédération Estudiantine et Scolaire de Côte d'Ivoire* (FESCI), Ivorian Federation of Students and School Pupils. All 77 prisoners of conscience are named on the attached list.

These prisoners were among more than 250 people arrested since February 1992 following two demonstrations; some remain held without charge and some were released after serving three month sentences, but most others were either acquitted or released uncharged after about two months in prison. The demonstrations were called to protest at President Félix Houphouët-Boigny's rejection of the conclusions of a Commission of Inquiry into reports of brutality by the army during a raid on Abidjan University's Yopougon student residence in May 1991. The Commission concluded that, although no deaths had occurred, students had been beaten and raped by soldiers, and recommended that the Chief of army staff, Robert Guei (who sometime after the raid had been promoted to the rank of General), should be punished for his role in ordering the raid. President Houphouët-Boigny made public the findings of the Commission on 29 January and rejected the call for actions against Robert Guei, saying he was the best military leader the country had and to punish him would divide the army. He publicly reaffirmed his confidence in the army chief, thereby granting him and other soldiers impunity for the human rights violations committed in May 1991 (which were, of course, also offences against Côte d'Ivoire's own laws).

The first demonstration took place on 13 February 1992 after which Martial Ahipeaud, the President of the FESCI, and other FESCI members were arrested. The second was on 18 February and called additionally for the release of the imprisoned students. On both occasions, the marches started peacefully, but there was later rioting and damage to property. There were some claims that government *agents provocateurs* were responsible for the violence. It was clear that the leaders of the demonstrations were not involved in using or advocating violence, but they were nevertheless held responsible for it. Those who were convicted were found guilty of "joint responsibility" (*coauteur*) for the violence and damage, under the terms of article 26 of the Penal Code dealing with complicity or "common purpose". However, in no case was any evidence produced in court to prove that any of those convicted had been personally responsible for acts of violence or vandalism. Some were not even present during the demonstrations. On this basis Amnesty International has concluded that they are all prisoners of conscience. The 77 convicted prisoners of conscience have been arrested on account of their membership of or links with organizations which participated in the demonstrations and no attempt appears to have been made to bring to justice those personally responsible for the violence.

Three of the prisoners of conscience are opposition members of parliament, tried with others under the procedure of *flagrant délit* ("caught in the act"), which enabled them to be prosecuted without their parliamentary

immunity being lifted. One Member of Parliament, René Mollé Mollé, was arrested on 18 February at the home of Laurent Gbagbo and reportedly suffered a fractured nose when he tried to resist arrest. Evidently, a member of parliament who is not in the process of committing an offence and whose immunity has not been lifted has the right to assume he is the victim of an illegal arrest if an attempt is made to detain him. The lawyers' appeal that the *flagrant délit* procedure was inappropriate in such cases was dismissed on the apparent grounds that the offence was recent enough to be considered "flagrant". This appears to be an abusive interpretation of Côte d'Ivoire's laws. René Mollé Mollé has been sentenced to two years' imprisonment and has lodged an appeal. The appeal hearing for Laurent Gbagbo and 13 others started on 16 June; the State Prosecutor asked for increased sentences to be handed down and the verdict was due on 19 June. On 23 June, the appeal court judge, Monsieur Yanon Yapo, announced publicly the court's apologies for not being able to announce its verdict until 30 June. Before the verdict could be announced, the State Prosecutor had filed a request that Judge Yanon Yapo and his assistants should be removed from the case on grounds of "legitimate suspicion" that the Court was not impartial. Observers at the appeal hearing have reported that the judge acted with correct independence and have suggested that the request by the State Prosecutor is aimed at intimidating the judge. Amnesty International is concerned that these further delays in legal proceedings mean that these 14 prisoners of conscience, as well as the other 63, for whom no date has been set for an appeal hearing, remain held in contravention of international human rights standards.

Opposition political parties have been represented in the National Assembly since 1990, when President Houphouët-Boigny agreed to allow opposition parties to operate openly, ending 30 years of a *de-facto* one-party state. However, since the arrest and conviction of two leading FPI parliamentarians, the other seven representing the party have withdrawn from parliament in protest. The other opposition member of parliament, Francis Wodié, President of the *Parti Ivoirien des Travailleurs (PIT)*, Ivorian Workers' Party, who was himself held for two days after the February demonstrations but released for lack of evidence, had campaigned for the release of his fellow parliamentarians and other prisoners. However, in May 1992 he too suspended his parliamentary activities in protest at the continuing imprisonment of political activists. The imprisonment or withdrawal of all 11 opposition members of parliament means that at the level of the National Assembly, the country's parliament, Côte d'Ivoire is effectively a one-party state.

Martial Ahipeaud and eight members of FESCI received harsher sentences than the others, of three years, because they were charged in addition with reestablishing a dissolved organization. Eight other FESCI members convicted on similar charges have been released after serving their three month sentences. The government banned FESCI in July 1991 accusing it of responsibility for the murder of a student by people who suspected him of being a police informer. However, the case was never proved in court and Amnesty International considers that in remaining active members of FESCI Martial Ahipeaud and others were legitimately exercising their right to freedom of association.

Most of the prisoners of conscience are held at the *Maison d'Arrêt et de Correction d'Abidjan (MACA)*, the main prison in Abidjan. Some were injured at the time of their arrest. Simone Gbagbo (the wife of Laurent Gbagbo) and Georges Coffy (a journalist) spent more than a week in hospital before being transferred to the *Gendarmerie d'Agban*, Agban police station, in Abidjan; Simone Gbagbo was transferred in a wheel chair with her neck supported by a surgical collar. Parliamentarian René Mollé Mollé reportedly suffered injuries to his nose when he was beaten at the time of his arrest. Martial Ahipeaud is held in Dimbokro prison, some 250 kilometres north of Abidjan, where he is limited to visits by very close family. He is reported to be suffering emotionally and psychologically from his isolation.

The health of René Degni Ségni who suffers from heart problems has been aggravated by his imprisonment and on two occasions he has been taken to a hospital cardiology unit. René Degni Ségni, the

47-year old head of the university law faculty, founded the LIDHO in 1987 and has been its President since 1990.

Michel Gbagbo, psychology student and son of the FPI leader, was arrested on 19 February when he went to Abidjan's *gendarmérie d'Agban*, looking for his father; on 30 April, he was sentenced to one year's imprisonment for joint responsibility for destroying public property at a demonstration even though he is not believed to have been at the march. He appears to have been punished on account of his father's activities. Olivier Koffi Koffi, the 12-year old son of Lazare Koffi Koffi, Secretary General of an FPI section, was similarly arrested when trying to find his father and was held for three days on charges of throwing stones. He was released after the intervention on his behalf by the Regional Governor (*Préfet*): his father was sentenced to two years' imprisonment.

Kalifa Touré, a 33-year old member of the FPI, was arrested at the party's headquarters on 18 Feb 1992. He is an engineer and a journalist with two Ivorian newspapers, the weekly *Le Nouvel Horizon* and the daily newspaper *La Voie*. He is also a member of Amnesty International's branch in Côte d'Ivoire.

The use of article 26 of the Penal Code concerning complicity or joint responsibility for an offence has been applied in these cases to mean that those attending a demonstration or associated with those who participated in marches can be made to share responsibility for any violence which occurs. Amnesty International believes that this violates the rights to freedom of association and expression and has therefore adopted all the convicted prisoners as prisoners of conscience.

What you can do to help secure the release of these 77 prisoners of conscience

1 Send politely-worded appeals, preferably in French, to the Ivorian government authorities overleaf making the following points:

- call for the immediate and unconditional release of the prisoners whose cases are described in this document, on the grounds that they appear to be imprisoned purely on account of their membership of or leading roles in various political organizations and that they have neither used nor advocated violence;
- express concern that by making the leaders of organizations responsible before the law for the actions of their members, which they have neither ordered nor condoned, they are effectively punishing them for exercising their right to freedom of association with others, which is guaranteed in Article 20 of the Universal Declaration of Human Rights;

2 Encourage others in your country, especially members of parliament, trade unionists and students, to send appeals on behalf of these prisoners. Ask them to publicize these cases as much as possible.

3 Send a copy of your letter of appeal to the Embassy of Côte d'Ivoire in your country.

Please send your appeals to:

**Son Excellence
Monsieur Félix Houphouët-Boigny
Président de la République
La Présidence
Avenue Clozel
ABIDJAN
Côte d'Ivoire**

**Monsieur Alassane Dramane Ouattara
Premier Ministre
La Primature
ABIDJAN
Côte d'Ivoire**

**Monsieur Amara Essy
Ministre des Affaires étrangères
Ministère des Affaires étrangères
BP V109
ABIDJAN
Côte d'Ivoire**

**Madame Jacqueline Lohoues-Oblé
Ministre de la Justice, Garde des Sceaux
Ministère de la Justice
BP V107
ABIDJAN
Côte d'Ivoire**

DETAILS OF 77 CONVICTED PRISONERS OF CONSCIENCE

The following 44 prisoners were tried by *le tribunal correctionnel d'Abidjan*, criminal court, on 30 April 1992 and sentenced to one year in prison.

ABIÉ Boli	KONÉ Grobla
AHIPEAUD Charles	KOUABLAN François
BALLIÉ Delphin	KOUASSI Nogbou Albert
BEDI Oli	KRIZOA Sokouri Napoléon
BETTA Gnéba	LIDA Moïse Kouassi
BLYO Gnagra Augustin	NIAPOH Dagra
BOUADI Kobi	OUATTARA Lacina
CLAY Kabli Francis	OULAÏ Nabo Patrice
DABIRÉ Nabre Sébastien	SÉHI Bi Tibé Pascal
DHACHI Gnahoua	SERY Sokou Arnaud
DIEBLÉ Boniface	SERY Blé Gaston
DOUKROU Mathias	SOUMAHORO Abdoulaye
EKRA Yao	TABOUEU Kohonli Abraham
GBAGBO Michel	TAGRO Diogbeu
GBALLOU Gnahoua Alphonse	TAGROU Brigui Marcel
GNÉGBO Marcel Douni	TAHÉ Martin Roger
GOULY Mathias	TAPA Anoha Mathurin
IRIÉ Bi Guéi Gaston	TÉHÉ Dahoblé
KALIFA Touré ¹	TOHOU Bléhiri Obou César
KASSI Gomez Claude	YBÉ Légah Emmanuel
KONÉ Zégba Alexandre	YOUZAN Bio Zoro Léon
KONÉ Doulaye	ZOGBO Désiré

¹ Kalifa Touré, member of the FPI, was arrested at the FPI headquarter in Abidjan on 18 February 1992. He is an engineer and journalist working for the "Nouvel Horizon" and "La Voie". He is also a member of Amnesty International in Côte d'Ivoire.

The following 9 prisoners were sentenced to two years on 6 March 1992 by the *Tribunal correctionnel d'Abidjan, statuant en matière de flagrant délit*, (Criminal Court ruling on cases of *flagrante delicto*).

Name	Other details
AKRÉ Lucien	
DACOURY TABLEY Louis	Member of the executive of the FPI.
DEGNI SEGUI René	47 years old. He is the head of the Law Faculty at Abidjan University. He founded the LIDHO and became its president in 1990. He was also arrested on 18 February 1992 at the house of Marcel Ette, Secretary General of the <i>Syndicat national de la recherche et de l'enseignement supérieur</i> (SYNARES), National Union of Research and University Teachers. According to reports, his state of health is not very good. He has been transferred to hospital several times suffering from heart problems.
GBAGBO Laurent	47 years old. He is the Secretary General of the FPI and a Member of Parliament. He is also a well-known writer and academic. He has had a long history of political harassment. Detained on 3 previous occasions, he only returned to Ivory Coast in 1988 after 6 years in exile.
KOFFI Ahibo Antoine	SYNARES activist.
LIKIKOUET Odette Sauyet	Member of FPI secretariat
MICHEL Legré	Member of FPI
MOLLÉ MOLLÉ René	A member of the National Assembly for the FPI, arrested on 18 February 1992 at Laurent Gbagbo's house. He was severely beaten and suffered a fractured nose.
OURAGA Obou Boniface	SYNARES activist and FPI member. Professor of Law at Abidjan University.

The following 3 prisoners were sentenced to one year on 6 March 1992 by the *Tribunal correctionnel d'Abidjan, statuant en matière de flagrant délit*.

Name	Other details
AKOUN Laurent	Leading member of the <i>Parti ivoirien des travailleurs</i> (PIT), Ivorian Workers' Party.
GNAOULÉ Oupoh Bruno	Member of the PIT.
KOUDOU Kessié Raymond	He is an academic who studied for a Ph.D. at the University of Toulouse-le-Mirail in France. He is also the joint Secretary of SYNARES and a member of the PIT.

The following 2 prisoners were sentenced on 10 March 1992 by the *Tribunal correctionnel d'Abidjan, statuant en matière de flagrant délit*.

Name	Other details
COFFI Georges	Journalist and member of the FPI. Sentenced to 2 years imprisonment.
GBAGBO Simone	Wife of Laurent Gbagbo and leading member of the FPI. She was arrested on 18 February 1992, beaten and had to be taken to hospital before being taken to prison. Sentenced to 1 year imprisonment.

The following nine prisoners are members of the *Fédération étudiante et scolaire de Côte d'Ivoire (FESCI)*, Ivorian Federation of Students and School Pupils, and were sentenced by the *Tribunal correctionnel d'Abidjan, statuant en matière de flagrant délit* to three years' imprisonment.

Name	Other details
ACHI Adiko Julien	Philosophy student arrested 14 February 1992.
AHIPEAUD Martial	Secretary General of FESCI. History student, aged 26, arrested 13 February 1992.
ASSOKO Franck	School pupil aged 16, arrested 2 March 1992.
AYE Oria Venance	School pupil aged 20, arrested 13 February 1992.
GBALOU Angenor	History student arrested 29 February 1992.
GNATO Zeregui	Physics student arrested 13 February 1992.
GROGUHE Zogbo Charles	Law student arrested 14 February 1992.
LEBA Chantal Gnahon	Student of English, aged 24, arrested 1 March 1992.
TOURÉ Mama	Sciences student arrested 13 February 1992.

Other convicted prisoners of conscience

Name	Other details
BEHON Mathias	An FPI activist, he was sentenced in Adzopé, 100 kilometres north of Abidjan, to 2 years' imprisonment
BOGBE Michel	Member of the national office of the <i>Jeunesse - Front Populaire Ivoirien (JFPI)</i> , FPI youth section. He was sentenced to three years' imprisonment.
FOFANA Mamadou dit "Ahmed"	Deputy Secretary General of a section of the JFPI. He was sentenced to three years' imprisonment.
GBELA Alain Parfait	Secretary General of a section of the JFPI. He was sentenced to three years' imprisonment.
GNABÉ Dere	An FPI activist, he was sentenced in Adzopé to a 2 year prison sentence.
KOFFI Koffi Lazare	Secretary of FPI section in Adzopé, he received a two year prison sentence
KOUTOUAN Marius	Chairman of JFPI in Adzopé. He was sentenced to 2 years' imprisonment.
LIADIÉ Joachim	Sentence not known.
TRAORÉ Lacina	Sentence not known.
YAPI Apolinaire Assa	Member of JFPI, he was sentenced to 3 years' imprisonment. He is a journalist with <i>Le Nouvel Horizon</i> .