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Legal Concern

7 May 1993

COTE D'IVOIRE:Chantal LEBA (female), and over 40 other students at risk of prosecution under new and controversial legislation

Amnesty International fears that over 40 students arrested on 19 April 1993, some or all of whom may be prisoners of conscience, face prosecution under an unjust law which has been introduced to curtail their internationally-recognized rights of freedom of association and expression. Amnesty International fears that the use of this new legislation, if unchallenged, may lead to the imprisonment of these students and other prisoners of conscience in the future. The use of similar legislation has, in the past, led to the unfair trial and imprisonment of prisoners of conscience (see Background Information, below).

Over 40 students, including former prisoner of conscience Chantal Leba, were arrested on 19 April 1993, following a public meeting called by the Fédération estudiantine et scolaire de Côte d'Ivoire (FESCI), Ivorian Federation of Students and School Pupils, at the University of Cocody in the capital, Abidjan, which became violent when it was broken up by the security forces. Although no evidence has been produced to suggest that the students arrested after the meeting were themselves involved in any acts of violence or vandalism, at least 44 of them have now been charged with physical assault and wilful destruction of public property and vehicles under a new law which is being used for the first time since its introduction in July 1992. Law No. 92-464 relating to the repression of certain forms of violence, *Loi No. 92-464 portant repression de certaines formes de violence*, provides for the imprisonment of anyone who organizes or participates in a meeting which becomes violent, whether or not they have participated in or are responsible for inciting those acts. Conviction under this law can carry a sentence of up to 20 years' imprisonment.

The FESCI meeting of 19 April 1993, which was initially peaceful, was broken up by security forces who reportedly claimed that the meeting had been banned. Student leaders reportedly deny this, and claim that they had sought and obtained permission to hold the meeting on campus. Material damage was caused to cars and other property, and, although the perpetrators of such damage were not clearly identified, over 40 students were arrested.

Some were reportedly beaten by the security forces at the time of their arrest; one student, Chantal Leba, was reportedly severely beaten. Chantal Leba was among 77 prisoners of conscience in Côte d'Ivoire adopted by Amnesty International in 1992.

They are held at the Maison d'Arrêt et de Correction d'Abidjan (MACA), where conditions are reportedly harsh. In 1991, some 190 common law prisoners held at the MACA, some of whom had spent years awaiting trial, died as a result of medical neglect and poor hygiene.

BACKGROUND INFORMATION

In February 1992, the government held non-violent political leaders and student activists collectively responsible for rioting and damage to property which occurred during two demonstrations held in the capital, Abidjan, despite the fact that the actual authors of the violence were not identified and some observers claimed it was, in fact, instigated

by government agents.

In February and March 1992, the government threatened to change existing legislation and apply it retrospectively to justify the imprisonment of the political leaders and students.

The law was not, however, changed until the time of their release in July 1992, when Law No. 92-464 (see above) was introduced. Instead, the defendants were tried controversially under an article of the penal code (Article 26) which made them "jointly responsible" with those who had committed acts of violence on the grounds that they helped prepare the demonstrations or had taken part.

Page 2 of UA 148/93

Eighty-five people were convicted at a series of trials and sentenced to between three months' and three years' imprisonment. Some were released after serving their three month sentences, but all 77 who remained in prison were adopted as prisoners of conscience by Amnesty International; they were released on 31 July, two days after an amnesty law was passed unanimously by the National Assembly and after months of protest at their trials and conviction.

RECOMMENDED ACTION: Please send telegrams/telexes/airmail letters either in French, English or in your own language:

- expressing concern that over 40 students arrested on 19 April 1993, some or all of whom may be prisoners of conscience, face prosecution under an unjust law which has been introduced to curtail their internationally-recognized rights of freedom of association and expression;
- expressing concern at reports that these students were arrested following the break-up of a peaceful meeting by the security forces at the University of Cocody in Abidjan, and have been charged under this law, Loi No. 92-464, which provides for the prosecution of people who are deemed responsible for acts of violence with which they may not have been directly involved;
- stating that by making those arrested responsible before the law for the actions of others, which they have neither ordered nor condoned, the authorities are effectively violating their right to freedom of association;
- expressing concern that some of the students, including Chantal Leba, were reportedly beaten at the time of their arrest;
- seeking assurances that they are being well-treated and allowed access to legal representatives, their families and necessary medical treatment;
- calling on the authorities to drop these charges and, unless there are recognizably criminal charges against the prisoners, to release them immediately.

APPEALS TO

1. President:
Son Excellence Félix Houphouët-Boigny
Président de la République
La Présidence, Boulevard Clozel, Abidjan
République de Côte d'Ivoire
**Telegrams: Président Houphouët-Boigny,
Abidjan, Côte d'Ivoire**
**Telexes: 23754 PRESID CI or
23169 PRELIT CI**

Premier Ministre
Le Primature, Abidjan
République de Côte d'Ivoire
**Telegrams: Premier Ministre, Abidjan, Côte
d'Ivoire**
**Salutation: Monsieur le Premier Ministre /
Dear Prime Minister**

**Salutation: Monsieur le Président /
Dear President**

2. Prime Minister:
M. Alassane Ouattara

3. Minister of Justice:

Mme Jacqueline Lohoues-Oble
Ministre de la Justice
Ministère de la Justice
Boulevard Angoulvant, BP V107, Abidjan
République de Côte d'Ivoire
**Telegrams: Ministre Justice, Abidjan, Côte
d'Ivoire**
**Telexes: 23752 MINAFET CI (via Ministry
of Foreign Affairs)**

**Salutatin: Madame le Ministre /
Dear Minister**

4. Minister of Interior:

M. Emile-Constant Bombet
Ministre de l'Intérieur et de la Sécurité
Ministère de l'Intérieure et de la
Sécurité
Boulevard Angoulvant, Abidjan
République de Côte d'Ivoire
**Telegrams: Ministre Intérieur, Abidjan,
Côte d'Ivoire**

**Salutation: Monsieur le Ministre /
Dear Minister**

COPIES OF YOUR APPEALS TO the following newspapers:

1) <u>La Voie</u>	2) <u>Fraternité Matin</u>
17 BP 656	01 BP 1807
Abidjan 17	Abidjan 01
République de Côte d'Ivoire	République de Côte d'Ivoire

and to diplomatic representatives of Côte d'Ivoire accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 18 June 1993.