

£BENIN

@Three trade unionists imprisoned for nearly a year without charge or trial

Three activists from the peasants' union MIGBE-AYA ("We reject poverty") have been detained since December 1992, apparently without charge or trial. They would appear to have been arrested solely for advising one of their neighbours to bring a complaint following an attempted armed robbery involving two gendarmes.

These three trade unionists are probably prisoners of conscience, imprisoned for exercising their civil and political rights and perhaps also on account of their membership of a peasants' union which has been protesting against the payment of a municipal tax since 1992. Other members of the same union were detained for some time and maltreated for refusing to pay this tax, but there is no reason to believe that the prolonged detention of these three militants is connected with that matter.

Basile Houndjo, Etienne Houndjo and Houngué Mahoussi have been detained for eleven months in the civilian jail at Athiémé, where the conditions of detention are reputed to be bad. They are alleged to have been held in chains during the first few weeks of their detention, and maybe for as long as two months, and they are currently held in a cramped and overcrowded cell. They are allowed visits from their families but have never been given permission to see their lawyer.

Their detention seems to be connected with an incident which occurred on the night of 12/13 November 1992 in the village of Gbedji-Dahè (70 kilometres north-west of Cotonou). That night, four people (including two uniformed gendarmes) attacked Léonard Hounkpévi's shop at one o'clock in the morning in order to rob him, but the attackers were repulsed by the victim's family and friends, who managed to arrest and disarm both the gendarmes.

In spite of the fact that Léonard Hounkpévi immediately went and complained to the mayor and head of the village, the latter released the two gendarmes in the early hours of the morning. The head of the Houéyogbé detachment, to which the two gendarmes belonged, arrived the next day and expressed his disapproval of the robbery. He made the local people hand over to him the weapons they had confiscated, and tried to persuade Léonard Hounkpévi not to bring a prosecution.

Léonard Hounkpévi refused to hush up the incident as the assailants had robbed him of nearly 500,000 CFA Francs (F.Fr. 10,000 or US\$ 2,000). He sought advice from militant

members of the peasants' union "MIGBE-AYA", who lived in a neighbouring village. One of them took him to see a Cotonou lawyer who drew up a complaint and sent it to the prosecutor attached to the court of Lokossa. However, the prosecutor refused to accept the complaint, which had to be submitted a second time, with a formal acknowledgement of receipt.

A few days after this complaint had been filed, on 27 November 1992, a squad of about 15 gendarmes from several detachments in the district surrounded Léonard Hounkpévi's shop at five o'clock in the morning and arrested him. Some gendarmes then went to the detainee's family home, where one gendarme in plain clothes and one of Léonard Hounkpévi's brothers, Mègnissi Hounkpévi, were shot dead during an altercation. According to one witness, the gendarme was hit by a member of the military who was aiming at another of Léonard Hounkpévi's brothers. This account is alleged to be borne out by an unpublished autopsy, which is said to reveal that the gendarme was indeed hit by a bullet from a weapon which could only have been in the possession of a member of the military.

Some days later, on 9 December, three trade unionists, Basile Houndjo, Etienne Houndjo and Houngué Mahoussi, were summoned by the public prosecutor of the Lokossa court in connection with the inquiry which had been opened following the filing of Léonard Hounkpévi's complaint. Without any explanation, they were immediately taken off to the civilian prison at Athiémé, where they have been detained ever since, along with Léonard Hounkpévi. The latter has been detained for nearly a year, without apparently being formally charged. His detention can certainly not be linked with the death of the gendarme on 27 November, since he was already under arrest when the fatal incident took place.

Since their arrest, the trade unionists have been refused the right to see their lawyer. He has had no access to the file and does not know whether or not his clients have been charged. According to certain sources, the peasants have allegedly been questioned about the murder of the gendarme, whereas since they lived in a neighbouring village none of them was on the scene of the incidents of 12 or 27 November. It would appear that the only thing that held against them is that they encouraged Léonard Hounkpévi to bring a complaint, which is a right recognised by Benin law.

Amnesty International is concerned that the three unionists have not been able to appear before a magistrate in order to contest the legality of their detention. It would seem that they are at present being detained without charge and contrary to the judicial procedures in force. Everything points to their being prisoners of conscience. Unless the authorities are in possession of evidence on the basis of which these persons should be charged, they should be released immediately. Amnesty International also urges the Benin government to open an inquiry into the allegations that the prisoners were held in chains during their detention. The organisation also urges that the legality of Léonard Hounkpévi's detention should be examined.

WHAT YOU CAN DO TO SECURE THE RELEASE OF THESE THREE PRISONERS OF CONSCIENCE:

1. Send politely-worded appeals, preferably in French, to the Benin authorities below making the following points:

- seeking information about the reasons for the arrest and continuing detention without charge or trial of these three trade unionists;
- urging the authorities to investigate allegations that the three prisoners have been held in chains and seeking assurances that if it is confirmed, action will be taken to stop this practice which is a form of cruel, inhuman and degrading treatment;
- explaining that if they have been arrested solely on account of encouraging someone to make a legal complaint against a member of the security forces, then Amnesty International considers them to be prisoners of conscience and would therefore demand their immediate and unconditional release.

2. Encourage others in your country, especially trade unionists and farmers, to send appeals to the Benin authorities.

3. Send a copy of your letter of appeal to the Embassy of Benin in your country.

Please send your appeals to:

Son Excellence
Monsieur Nicéphore Soglo
Président de la République

La Présidence
COTONOU
République du Bénin

Monsieur Yves Yehouessi
Ministre de la Justice, Garde des Sceaux
Ministre de la Justice
BP 967
COTONOU
République du Bénin

Monsieur Robert Dossou
Ministre des affaires étrangères et de la coopération
BP 318
COTONOU
République du Bénin

Copy to:

Commission béninoise des droits de l'homme
BP 04-0607
COTONOU
République du Bénin

KEYWORDS: TRADE UNIONISTS / DETENTION WITHOUT TRIAL / UNLAWFUL DETENTION /
INCOMMUNICADO DETENTION / POLITICAL PRISONERS / PRISON CONDITIONS /
RESTRAINTS /