

AI Index: AFR 31/01/99

Public Document

Open letter to the President of Côte d'Ivoire

14 December 1999

Dear Mr President,

I am writing to inform you Amnesty International's concerns following the conviction, on 12 November 1999, of 16 leaders of the opposition party, the *Rassemblement des républicains* (RDR), the Republican Assembly, including the Secretary General of the party, Madame Henriette Diabaté.

These individuals were sentenced to prison terms of between one and two years under Law No. 92-464 which relates to punishment for certain forms of violence. This Law, which was adopted on 30 July 1992, specifies that anyone calling for or organizing a gathering which degenerates into a violent demonstration will be held responsible for any acts of violence. In particular, Article 5 of the Law stipulates that, in case of a demonstration degenerating into violence, "groups or organizations instigating such gatherings, are jointly responsible for any resulting

physical or material damage”.

At the time this Law was adopted Amnesty International publicly warned that such legislation could lead to the arrest of individuals on account of their opinions, since it introduces the concept of joint responsibility encompassing any individual who calls for or participates in a gathering which degenerates into a violent demonstration, whether or not that individual has personally used or advocated violence. Since it is impossible to ensure whether a demonstration will take place peacefully, the only means of escaping this Law is not to call for or to participate in a demonstration, and this constitutes an unjustifiable restriction on freedom of expression and assembly. Since September 1995, the application of this Law has led to the arrest and sentencing of dozens of individuals. These include people who are probably prisoners of conscience.

The RDR officials were arrested at their Party headquarters on 27 October 1999 following a demonstration which degenerated into violence and confrontation with the security forces. According to information received by Amnesty International, the violence took place several kilometres from the place where the gathering was being held and at no time did the RDR leaders call for violence. On the contrary, in the days preceding, they agreed on several occasions to postpone the demonstration because the Ivorian authorities had informed them that security arrangements had not been completed.

Amnesty International recognises the right of all governments to ensure the maintenance of public order when it is threatened, but the organization emphasises that in the context of maintaining law and order, it is particularly important that human rights are scrupulously respected. In the present case, the leaders of the RDR have been convicted in the name of objective responsibility which is contrary to all legal principles.

Amnesty International believes that these people are prisoners of conscience. We urge you to order their immediate and unconditional release.

Yours sincerely,

Pierre Sané
Secretary General