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# Côte d'Ivoire

*Decision adopted by the Committee on the Human Rights of Parliamentarians at its 163<sup>rd</sup> session (virtual session, 1 to 13 February 2021)*



Alain Lobognon, Twitter

CIV-07 - Alain Lobognon  
CIV-09 - Guillaume Soro  
CIV-10 - Loukimane Camara  
CIV-11 - Kando Soumahoro  
CIV-12 - Yao Soumaïla  
CIV-13 - Soro Kanigui  
CIV-14 - Issiaka Fofana  
CIV-15 - Bassatigui Fofana  
CIV-16 - Mohamed Sess Soukou  
CIV-17 - Maurice Kakou Guikahué  
CIV-18 - Pascal Affi N'Guessan  
CIV-19 - Seri Bi N'Guessan  
CIV-20 - Bassy-Koffy Lionel Bernard  
CIV-21 - Mbari Toikeusse Albert Abdallah  
CIV-22 - Jean Marie Kouassi Kouakou

## Alleged human rights violations

- ✓ Arbitrary arrest and detention
- ✓ Lack of due process at the investigation stage
- ✓ Lack of fair trial proceedings at the investigation stage
- ✓ Violation of freedom of opinion and expression
- ✓ Failure to respect parliamentary immunity
- ✓ Threats, acts of intimidation

## A. Summary of the case

This case concerns the situation of several Ivorian members of parliament who have faced violations of their fundamental rights since 2018 in the exercise of their

### Case CIV-COLL-01

**Côte d'Ivoire:** Parliament affiliated to the IPU

**Victims:** 15 opposition members of parliament

**Qualified complainant(s):** Section I.1(a) of the [Committee Procedure](#) (Annex I)

**Submission of complaints:** January 2019; February and November 2020

**Recent IPU decision:** November 2020

**IPU mission(s):** - - -

**Recent Committee hearing:** Hearing of the delegation of Côte d'Ivoire at the 140th IPU Assembly (Doha, April 2019)

### Recent follow-up:

- Communications from the authorities: Observations from the Government and letter from the Speaker of the National Assembly (May and October 2020)
- Communications from the complainant: November 2020, January 2021
- Communications addressed to the authorities: Letter to the Speaker of the National Assembly and the President of the Senate (December 2020)
- Communications addressed to the complainant: November 2020, January 2021

parliamentary mandate. Some members of parliament, including Mr. Alain Lobognon, Mr. Loukimane Camara, Mr. Kando Soumahoro, Mr. Yao Soumaïla, Mr. Soro Kanigui, Mr. Maurice Kakou Guikahué, Mr. Pascal Affi N'Guessan, Mr. Seri Bi N'Guessan, and Mr. Bassy-Koffy Lionel Bernard, were arbitrarily arrested and detained between 2019 and 2020. Among the members of parliament prosecuted, there is also the case of the former Speaker of the National Assembly, Mr. Guillaume Soro. Despite the order of the African Court on Human and Peoples' Rights (AfCHPR) in April 2020 ordering the suspension of the proceedings against him, the Ivorian courts sentenced him to a 20-year term of imprisonment and to deprivation of his civic and political rights for misappropriation of public funds. Mr. Soro was also charged in a separate case relating to an alleged destabilization plan against the State of Côte d'Ivoire. This charge is based on an audio recording dating back to 2017, the authenticity of which remains to be proven.

Mr. Issiaka Fofana, Mr. Bassatigui Fofana and Mr. Mohamed Sess Soukou have also been accused in the same case and have had to go into exile following the political harassment campaign led against them because of their political affiliation (members of the opposition) and support of Mr. Soro's movement. According to the complainant, the exiled members of parliament could return to Côte d'Ivoire if they renounced their support to Mr. Soro. The supporters of the current Head of State allegedly also proposed to Mr. Soro to join the movement of President Ouattara (Rally of Houphouetists for Democracy and Peace (RHDP)) in exchange for dropping all charges against him. Furthermore, the complainant alleges that the member of parliament Mr. Bassatigui Fofana returned from exile, distanced himself from Mr. Soro and joined the RHDP.

The member of parliament Mr. Alain Lobognon is the only parliamentarian that remains in detention since December 2019 as part of a judicial investigation against him for allegedly causing public disorder and challenging State authority. This is not Mr. Lobognon's first detention, as in 2019 he was detained and sentenced to a one-year prison term by the first instance court for disseminating a message on social networks that amounted to fake news and causing public disorder. In January 2021, the Independent Electoral Commission validated Mr. Lobognon's candidacy in the forthcoming March 2021 legislative elections in spite of the fact that he was still in detention.

In November 2020, the Committee received new complaints regarding six other parliamentarians in connection with three different situations that are closely linked. The first situation concerns two members of parliament and two senators. Mr. Maurice Kakou Guikahué, Mr. Pascal Affi N'Guessan, Mr. Seri Bi N'Guessan and Mr. Bassy-Koffy Lionel Bernard were arrested and detained even though their parliamentary immunity had not been lifted. These parliamentarians were apprehended for having taken part in the creation of the National Transitional Council with the aim of forming a "transitional government". The four parliamentarians have been charged with plotting against the State and an insurrectional movement, murder and acts of terrorism. The second situation involves the member of parliament, Mr. Mbari Toikeuse Albert Abdallah, sought by the Prosecutor for the same reasons, but who ended his flight after the above-mentioned four parliamentarians had been released. As for Mr. Guikahué, he was apparently urgently transferred to France for medical treatment. Regarding the third situation, the disobedience movement supported by the opposition led to violent manifestations, which allegedly instigated the attack against member of parliament Mr. Jean-Marie Kouassi Kouakou, whose residence and material goods were looted in October 2020 by opposition militants. According to the complainant, Mr. Kouakou had asked the administrative authorities for protection, but they had failed in fulfilling their duty to protect him.

Although provisionally released under judicial supervision, all the members of parliament and senators are still being prosecuted and the effective exercise of their parliamentary mandate remains impeded. The violations of which they are victims are to be seen in the context of the presidential elections of October 2020, when the outgoing president Mr. Alassane Ouattara was declared the winner, thus obtaining a third term in breach of the provisions of the Ivorian Constitution, according to the opposition.

## **B. Decision**

The Committee on the Human Rights of Parliamentarians

1. *Declares itself* competent to examine the cases of Mr. Maurice Kakou Guikahué, Mr. Pascal Affi N'Guessan, Mr. Seri Bi N'Guessan, Mr. Bassy-Koffy Lionel Bernard, Mr. Mbari Toikeusse Albert Abdallah and Mr. Jean Marie Kouassi Kouakou, considering that the communication: (i) was

submitted in due form by a qualified complainant pursuant to section I.1.(b) of the Procedure for the examination and treatment of complaints (Annex I to the Revised Rules and Practices of the Committee on the Human Rights of Parliamentarians); (ii) concerns incumbent members of parliament at the time of the initial facts; and (iii) concerns allegations of arbitrary arrest and detention, violation of freedom of opinion and expression, impunity and failure to respect parliamentary immunity, allegations which fall within the competence of the Committee; and *decides* to merge the cases of the six members of parliament into the present collective case CIV-COLL-01;

2. *Regrets deeply* that the member of parliament Mr. Alain Lobognon is being held in detention since December 2019 without trial and any known material evidence; *questions* the justifications for such detention in light of the release under judicial supervision of the other parliamentarians who continue being prosecuted with the same charges as Mr. Logognon; *calls upon* the authorities, in the absence of evidence, to release him immediately and suspend all judicial prosecution against him; *hopes* that, once released, Mr. Lobognon will be able to move freely and pursue his campaign unimpeded;
3. *Is concerned* by the recent arrests and detentions in violation of the parliamentary immunity of the two members of parliament and two senators, and that the restrictive conditions attached to their release, in particular the ban from leaving Côte d'Ivoire, the need to obtain authorization for travel in Ivorian territory and the ban to take part in political gatherings reinforce the complainant's allegations that the proceedings against these members of parliament are politically motivated and are part of the continued political and judicial harassment the Ivorian opposition has been subjected to since 2019;
4. *Remains equally concerned* by the situation of all the other members of parliament who, in spite of having being released, continue being subjected to judicial proceedings, and notes with great concern the pressure the authorities allegedly exercise against them; *underlines* that the essence of democracy is the respect for differences of opinions, and that forcing members of the opposition to renounce their political position in exchange for non-prosecution is infringing the provisions of the Constitution of Côte d'Ivoire; *calls* upon the authorities, therefore, in the absence of evidence, to declare null and void the charges issued against all the parliamentarians and to encourage an inclusive national political dialogue where all parties, including the opposition members in exile, can freely express their opinions without fear of reprisals;
5. *Takes note* of the recent information about the members of parliament Issiaka Fofana and Mohamed Sess Soukou, according to which they had left Côte d'Ivoire in total secrecy; *also takes note* of the developments in Mr. Bassatigui Fofana's situation; and *decides* to close this case pursuant to section IX, paragraph 25(c), of the Procedure for the examination and treatment of complaints, as the complainant stated that further action by the Committee in the case of Mr. Fofana was no longer useful in view of his return to Côte d'Ivoire and absence of judicial prosecution and arrest warrant against him;
6. *Regrets* the lack of response by the parliamentary authorities on the subject of the recent detentions and the situation of the other members of parliament, notably of Mr. Guillaume Soro; *once again invites* the authorities to provide a copy of the decision of the first instance court condemning Mr. Soro;
7. *Requests* the Secretary General to convey this decision to the parliamentary authorities, the Minister of Justice and the complainant and to any third party likely to be in a position to supply relevant information;
8. *Decides* to continue examining this case.