



Inter-Parliamentary Union
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Côte d'Ivoire

Decision adopted unanimously by the IPU Governing Council at its 204th session (Doha, 10 April 2019)



After winning municipal elections, PDCI candidate Jacques Ehouo arrives at the party headquarters in Abidjan to celebrate his victory. 15 October 2018. SIA KAMBOU/AFP

CIV-07 - Alain Lobognon
CIV-08 - Jacques Ehouo

Alleged human rights violations:

- ✓ Arbitrary arrest and detention¹
- ✓ Lack of due process at the investigation stage and lack of fair trial proceedings
- ✓ Violation of freedom of opinion and expression
- ✓ Failure to respect parliamentary immunity

A. Summary of the case

On 15 October 2018, Mr. Jacques Ehouo, a member of parliament from the Democratic Party of Côte d'Ivoire (PDCI), was elected mayor of the district of Plateau in the municipal and regional elections. However, Mr. Ehouo's investiture as mayor did not take place immediately following his election because of allegations of corruption and misappropriation of funds that surfaced shortly after his victory.

When summoned to attend a hearing by the Economic Police on 3 January 2019, Mr. Ehouo at first refused to appear, invoking his status as a member of parliament. The Prosecutor reportedly then wrote to the National Assembly on 4 January 2019 stating that it was only Mr. Ehouo's arrest that was unauthorized when parliament was not in session and that he therefore had to attend the hearing. In a letter dated

Case CIV-COLL-01

Côte d'Ivoire: Parliament affiliated to the IPU

Victim(s): Two male opposition members of parliament

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

Submission of complaint: January 2019

Recent IPU decision: - - -

IPU mission: - - -

Recent Committee hearing(s): Hearing with the delegation of Côte d'Ivoire to the 140th Assembly (Doha, April 2019)

Recent follow-up:

- Communication from to the authorities: - - -
- Communication from the complainant: January 2019
- Communications addressed to the authorities: Letters addressed to the Secretary General of the National Assembly, the Minister of Justice and the Speaker of the National Assembly (February 2019)
- Communication addressed to the complainant: February 2019

7 January 2019, the parliamentary authorities made clear to the Prosecutor that, as Mr. Ehouo was a member of parliament, he could not be prosecuted without the authorization of the Bureau of the National Assembly, especially given that the latter had been in session at the time the Prosecutor had summoned the member of parliament. Mr. Ehouo eventually attended the hearing on 10 January 2019, following which he was charged by the Prosecutor with misappropriation of public funds, forgery and the use of counterfeit documents, and money laundering.

Mr. Alain Lobognon was worried about Mr. Ehouo's situation and on 8 January 2019 he expressed his concern on social media about Mr. Ehouo's arrest, even though the National Assembly had decided to request that proceedings be suspended against him. As a result, Mr. Lobognon was accused by the Prosecutor of posting material on Twitter that amounted to spreading fake news and causing public disorder. The Prosecutor consequently ordered his arrest for a *flagrante delicto* offence. On 15 January 2019, Mr. Lobognon was taken into custody.

The Bureau of the National Assembly met on 16 January 2019 and decided to demand that Mr. Lobognon's custody and the proceedings against both members of parliament be suspended. The Prosecutor is understood to have disregarded this decision as Mr. Lobognon was sentenced on 29 January 2019 in the court of first instance to a one-year prison term in a trial that his lawyers said lacked fair trial proceedings and was biased. When his case was considered by the court of appeal on 13 February, Mr. Lobognon received a six-month suspended prison sentence. Mr. Lobognon was released and lodged an appeal at the court of cassation. As for Mr. Ehouo, he finally took office as mayor following his investiture on 23 March 2019 following a four-month deadlock.

On 13 October 2018, Côte d'Ivoire had held municipal and regional elections in a politically tense atmosphere, particularly due to the break-up of the coalition between the PDCI and the Rally of Republicans (RDR).

B. Decision

The Governing Council of the Inter-Parliamentary Union

1. *Considers* that the complaint concerning the situations of Mr. Ehouo and Mr. Lobognon is admissible pursuant to section 1(1)(a) of the Procedure for the examination and treatment of complaints (Annex I of the revised Rules and Practices of the Committee on the Human Rights of Parliamentarians) and *declares* itself competent to examine the case;
2. *Thanks* the delegation of Côte d'Ivoire for taking part in a hearing with the Committee and providing information on the two cases examined at the 140th IPU Assembly;
3. *Welcomes* the role played by the National Assembly of Côte d'Ivoire in handling the cases of Mr. Lobognon and Mr. Ehouo and the steps taken by its Bureau to uphold the rights of the two members of parliament in accordance with the Constitution of Côte d'Ivoire; *trusts* that the National Assembly will maintain its commitment with respect to these two cases once its Bureau is in place and will continue to keep the Committee informed on a timely basis;
4. *Is very concerned, however*, that the National Assembly's decision of 16 January 2019 to request that proceedings be suspended against Mr. Ehouo and that Mr. Lobognon's detention be ended was not taken into account by the Public Prosecutor; *wishes* to receive more information on the matter from the relevant authorities;
5. *Wishes* to obtain further information from the parliamentary authorities on the allegations of corruption to which Mr. Ehouo continues to be subject in order to understand the substance of these allegations;
6. *Notes* the conviction on appeal of Mr. Lobognon to a six-month suspended prison sentence and the appeal lodged by his lawyers with the court of cassation; *wishes* to receive a copy of the decisions adopted in the court of first instance and in appeal in order to understand the legal basis for his conviction, given that it appears difficult at first sight to consider his tweet to be a call for direct and immediate violence; *notes* that Mr. Lobognon has resumed his legislative functions after his release and is currently sitting in the National Assembly; *hopes* that his

conviction will not have a negative impact on his political and civil rights and will not hinder his right to stand for election in the future;

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. *Requests* the Committee to continue its examination of the case and to report back to it in due course.