Côte d’Ivoire

Decision adopted unanimously by the IPU Governing Council at its 206th session (Extraordinary virtual session, 3 November 2020)

Alain Lobognon, Twitter

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

Alleged human rights violations

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

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 parliamentary mandate.

Cases of Mr. Alain Lobognon and Mr. Jacques Ehouo (2018–2019)

In October 2018, the investiture as mayor of Mr. Jacques Ehouo, a member of parliament from the Democratic Party of Côte d’Ivoire (PDCI), did not take place immediately following his election.
because of allegations of corruption and misappropriation of funds that surfaced shortly after his victory. After initially refusing to appear at a hearing when summoned by the Economic Police, invoking his status as a member of parliament, Mr. Ehouo eventually attended a 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. Ehouo’s case is linked to that of Mr. Alain Lobognon, who had expressed his concern on social media, in January 2019, about the legality of the action taken against Mr. Ehouo by the Prosecutor. Mr. Lobognon had posted a tweet, following which he was accused of posting a message 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 claimed lacked fair trial proceedings and was biased. On 13 February 2019, the court of appeal sentenced Mr. Lobognon to a six-month suspended prison term. Mr. Lobognon was released and lodged an appeal at the court of cassation. As for Mr. Ehouo, he took office as mayor following his investiture on 23 March 2019. However, it is not clear whether Mr. Ehouo is still subject to a judicial investigation.

New complaints received in late 2019

In December 2019, the Committee received a new complaint about nine members of the National Assembly, including Mr. Lobognon, who had allegedly been arbitrarily arrested with Mr. Loukimane Camara, Mr. Kando Soumahoro, Mr. Yao Soumaïla and Mr. Soro Kanigui on 23 December 2019. The five members of parliament have been charged with causing public disorder, challenging the authority of the State and spreading fake news, bringing discredit to state institutions and their operation, all of which amount to an attack on state authority. At the same time, member of parliament and former Speaker of the National Assembly, Mr. Guillaume Soro, was allegedly prevented from returning to Côte d’Ivoire and had an international arrest warrant issued against him for misappropriation of public funds and seeking to challenge the integrity of the State. In its communication of 13 May 2020, the Ivorian Government dismissed the complainants’ allegations, insisting on the legality of the procedure followed. The five members of parliament allegedly stated during a press conference held on 23 December 2019 that the Ivorian airport authorities had prevented Mr. Soro’s private plane from landing in Côte d’Ivoire and that his plane had therefore been rerouted to Ghana. According to the authorities, this information was fake, as it had reportedly been denied by the National Civil Aviation Authority in a press release in which it stated that authorization to fly over Ivorian territory and to land at Abidjan airport had been granted on 20 December 2019. The authorities did not send a copy of this press release.

In its communication of 13 May 2020, the Ivorian Government maintained that the allegations of failure to respect the parliamentary immunity of the members of parliament were completely unfounded, as they are accused of having actively participated in the first phase of the conspiracy against state security and were prevented from carrying out the second part of their plan involving an insurrection, due to judicial police intervention. These alleged facts constitute for the Ivorian Government a proven flagrante delicto offence, thereby justifying the absence of authorization from the Chamber Bureaux to which the members belong. In their letter of 21 October 2020, the parliamentary authorities indicated that the flagrante delicto nature of the offence referred to by the Ivorian Government relates, in the present case, not to an isolated action or aim, but rather to a conspiracy, under the terms of article 163 and subsequent articles of the Ivorian Criminal Code. It was in this context that the immunity of the members of parliament was lifted on 20 January 2020 in a decision taken by the Bureau of the National Assembly, even though these members had already been arrested and detained.

Mr. Guillaume Soro’s situation

With regard to the case of Mr. Soro, the Ivorian Government confirmed its involvement in two separate cases, one of which relates to a destabilization plan due to be carried out imminently, which emerged from an audio recording in which Mr. Soro reportedly exposed his plan to launch an attack against state security. According to the authorities, this plan consisted in the recruitment of armed individuals present in the country, with a view to harming the integrity of the national territory. The Ivorian authorities concluded that there was a direct link between this recording, dating back to 2017, and
Mr. Soro's political campaign, the aim of which was to discredit the Republic's institutions. According to the authorities, the planned conspiracy became increasingly more plausible after the discovery of weapons of war in a lagoon in Assinie. The second case involving Mr. Soro is said to concern the misappropriation of funds following the alleged purchase in 2007 of a property using treasury funds, the real ownership of the property having been concealed.

On 22 April 2020, the African Court on Human and Peoples' Rights (AfCHPR), under its implementation of interim measures, ordered the suspension of the arrest warrant issued against Mr. Soro, the provisional release of the members of parliament currently in detention, and adherence to the status quo until the adoption of a decision on the merits of this case. Despite the AfCHPR's ruling, the Ivorian justice system continued examining Mr. Soro's case, who was found guilty of misappropriation of funds and sentenced on 28 April 2020 by the Abidjan court of first instance to 20 years' rigorous imprisonment, deprivation of his civil and political rights for a period of five years and a fine of 4.5 billion CFA francs. Given the AfCHPR's ruling and the fact that Mr. Soro's trial had been marked by numerous judicial irregularities, his lawyers decided not to appeal his conviction at first instance. In their letter of 21 October 2020, the parliamentary authorities emphasized that recognition of AfCHPR jurisdiction by the Member States of the African Union was voluntary. According to the authorities, the ruling handed down by the AfCHPR in Mr. Soro's case had overstepped its mandate, which limits its jurisdiction to only identifying human rights violations.

On 15 September 2020, the Constitutional Council invalidated the candidacy of Mr. Guillaume Soro, while the AfCHPR ordered the reinstatement of his candidacy for the presidential elections.

Recent developments

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Recent developments

On 24 September 2020, the authorities released members of parliament Mr. Soro Kanigui, Mr. Loukimane Camara and Mr. Soumaïla Yao. The three parliamentarians were granted a provisional release and placed under judicial supervision with serious restrictions, including being prohibited from contacting each other, from engaging in "cyber activism" or from participating in "political meetings". In their communication of 21 October 2020, the parliamentary authorities indicated that Mr. Kando Soumahoro had also been provisionally released after recovering from COVID-19. The authorities also confirmed that Mr. Alain Lobognon would continue to be held in detention for reasons known only to the investigating judge in charge of the case.

The communications of the Ivorian authorities of 13 May and 21 October 2020 contain no documentation establishing the truth of the statements made, in particular no copy of the ruling handed down against Mr. Soro in the money-laundering case, no copy of the audio recording mentioned (only extracts were provided) together with the date on which it was reportedly made, and no copy of the arrest and search warrants.

B. Decision

The Governing Council of the Inter-Parliamentary Union

1. **Thanks** the Ivorian parliamentary authorities for the information provided in their letter of 21 October 2020;

2. **Notes** the provisional release under judicial supervision of Mr. Loukimane Camara, Mr. Soro Kanigui, Mr. Soumaïla Yao and Mr. Kando Soumahoro; **considers nevertheless** that the restrictive conditions attached to their release are in no way justified; **considers**, rather, that such conditions reinforce the complainants' allegations that the proceedings against these members of parliament are politically motivated and are part of the continued political and judicial harassment to which they have been subjected since 2019; **underscores** that these members of parliament remained in detention for nine months with no legal prospect of a fair trial being held;

3. **Deplores** the continued detention of Mr. Alain Lobognon in the absence of any material evidence, especially given he is still being held during the COVID-19 pandemic period and that his state of health is fragile; and **calls on** the authorities to release him immediately if they are unable to provide material evidence of his guilt in relation to the charges against him;

4. **Notes** the arguments provided by the parliamentary authorities concerning the evidence against the members of parliament, in particular the discovery of weapons hidden in the homes of those...
accused; stresses, however, that the Ivorian authorities have so far failed to provide any
documentation to establish the truth of these allegations, given that it has not been established
that Mr. Lobognon and the four other members of parliament hitherto detained had weapons in
their homes;

5. **Regrets** that, given the proven violations of his fundamental rights, which were also found by the
African Court on Human and Peoples’ Rights in two separate rulings, Mr. Soro was deprived of
his civil and political rights; once again calls on the authorities to provide a copy of the ruling of
the court of first instance in order to understand on what grounds the sentence was passed
against Mr. Soro;

6. **Recalls** that, in its decision of May 2020, further information regarding the audio recording
constituting the key evidence for the Prosecutor’s charges was requested from the authorities;
recalls, moreover, that the authenticity of this recording has been challenged by the
complainants;

7. **Is concerned** about the arbitrary measures to which the legal advisers of Mr. Soro and of the
other members of parliament are reportedly currently subject; recalls that the right to defence is
a fundamental right recognized for every individual and which can only be realized by their legal
advisers enjoying the effective and unimpeded exercise of their functions;

8. **Takes note** of the lack of information on Mr. Jacques Ehouo’s case; and **decides** to close this
case pursuant to article 25(b) of its Procedure for the examination and treatment of complaints,
in the absence of recent information from the complainant on the judicial investigation into the
corruption offences to which Mr. Ehouo is reportedly still subject;

9. **Requests** the Secretary General to convey this decision to the parliamentary authorities, the
Minister of Justice and the complainants and to any third party likely to be in a position to supply
relevant information;

10. **Requests** the Committee to continue examining this case and to report back to it in due course.