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CÔTE D'IVOIRE

ARBITRARY DETENTION OF
ACTUAL OR PERCEIVED
SUPPORTERS OF LAURENT
GBAGBO

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INTRODUCTION

Following the arrest of Laurent Gbagbo, the former President of Côte d'Ivoire, on 11 April 2011, dozens of individuals have been arrested and are detained arbitrarily, without charge or trial, in circumstances that contravene international fair trial standards.

An Amnesty International delegation that has just come back from a two week visit in Côte d'Ivoire has interviewed on 15 June 2011 20 of 38 individuals who were held under a restrictive form of house arrest at the Hotel Nouvelle Pergola (the Pergola) in Abidjan for some two months. On 18 June 2011, 17 of them were released without charge. In the north of the country, Laurent Gbagbo, his wife Simone Gbagbo, and Pascal Affi N'guessan, the president of Laurent Gbagbo's political party, the Ivoirian Popular Front (FPI), are being held under house arrest in detention centres in Korhogo, Odienné and Bouna, respectively. A number of military and police personnel are also being held in a military camp Korhogo, in conditions that may be life-threatening. Unfortunately, despite several requests, the organization was not given permission to visit individuals imprisoned or subject to house arrest in Korhogo, Odienné and Bouna.

On 16 June 2011 Amnesty International has been able to discuss these cases in meetings with the Minister of Justice, the Attorney General (*Procureur de la République*) and with Young Jin Choi, Special Representative of the United Nations Secretary-General for Côte d'Ivoire and officials of the United Nations Operation in Côte d'Ivoire (UNOCI) at their headquarters in Abidjan. Amnesty International remains concerned, however, that the detentions do not meet international fair trial standards.

INDIVIDUALS HELD AT THE PERGOLA HOTEL

The group of 38 individuals – 13 women and 25 men – who were held at the Pergola when the delegation of Amnesty International visited them on 15 June 2011 included people from a variety of different backgrounds and circumstances.¹ Most have been held there for more than two months. Some held prominent positions in former president Laurent Gbagbo's government, including the former Prime Minister Gilbert Aké N'gbo, Minister of Foreign Affairs Alcide Djedje, Minister of Justice Germain Yapo Yanon (who was released on 18 June apparently on "humanitarian grounds") and Minister of Health Christine Adjobi. Others include lower ranking officials associated with Laurent Gbagbo, members of the previous parliament, senior government officials, as well as Laurent Gbagbo's brother, Simon Koudou.

There are also several individuals held at the Pergola who were in the Presidential Residence when Laurent Gbagbo was apprehended on 11 April 2011 because they went there for protection when fighting intensified in that area late in the afternoon of 10 April. One detainee told Amnesty International:

"I found myself at the Presidential Residence by chance. I had been praying in a nearby house and when the bombardment began the guards asked us to take shelter at the Presidential Residence."

Fourteen of the detainees who were still held at the Pergola when Amnesty International visited on 15 June had been arrested by the Republican Forces of Côte d'Ivoire (FRCI, *Forces Républicaines de Côte d'Ivoire*) at the Presidential Residence on 11 April and 3 others were apprehended later at their homes or places of work. The remaining 21 were all individuals who went to the Pergola Hotel voluntarily, further to an arrangement they believed was meant to provide for their safety in the days following Laurent Gbagbo's arrest. They told Amnesty International they feared for their lives as there was widespread violence and reprisals in Abidjan at the time. One detainee told Amnesty International that:

"Men in military camouflage uniforms came by my home while I was out. I was very afraid so I came to take refuge at the Pergola."

On 12 April, former Foreign Minister Alcide Djedje made contact with UNOCI asking for protection. He was brought to the UNOCI headquarters in Abidjan, where he stayed for several days. Then on 15 April UNOCI, in cooperation with government officials, arranged for him to be transferred to the Pergola. Over the course of the following week a number of other individuals, also fearful for their safety, came to the Pergola as well.

None of the individuals who sought safety at the Pergola were ever informed, by government

or UN officials, that they would be subject to any form of arrest or detention. All assumed they would remain at the hotel for only a few days until the security situation in the city stabilized and then return to their homes. Detainees who were part of this group are clearly distressed that they had come forward looking for protection but have ended up being detained. Alcide Djedje told Amnesty International:

“I feel responsible for what has happened. I am the one who made these arrangements with UNOCI and with the new government. I told people that they could come here for protection. In the end I feel like I have caused them to be taken hostage.”

In a meeting with the Amnesty International delegation on 16 June 2011 in Abidjan, UNOCI officials stated that their direct involvement in arranging for anyone to be housed at the Pergola was limited to Alcide Djedje and that arrangements for any other individuals to come to the Pergola had been in the hands of government officials.

With the exception of three individuals who are given a limited degree of freedom during the day, detainees held at the Pergola have not been allowed to leave the grounds of the hotel. They are not permitted to have visits or any form of contact with family members. They have no access to telephones, internet or other external sources of communication or information. They have had highly restricted access to legal counsel, who cannot speak with the detainees by telephone and have only been allowed to meet with their clients at the hotel when they have been interviewed by government officials. Those held at the Pergola have been visited by international observers and human rights organizations, including Amnesty International.

None of the individuals interviewed by the Amnesty International delegation has yet been charged with any offence. Amnesty International raised this concern in meetings with the Minister of Justice and the Attorney General on 16 June 2011 and was told that under Côte d'Ivoire's laws there is no obligation to bring charges against the individuals because they are being held under house arrest and are therefore not considered to be detained.² The officials indicated that preliminary investigations into the cases are underway and that formal charges may be forthcoming when that process is complete.

Regardless of the provisions in Côte d'Ivoire's laws, officials are obligated to comply with the country's international human rights obligations and commitments, including under the International Covenant on Civil and Political Rights and the African Charter on Human and Peoples' Rights³. Any individual deprived of his or her liberty – in a prison, other places of detention or through house arrest – must promptly be charged with a recognizable criminal offence and given access to a fair trial; or be released immediately.

For several weeks, officials with the Attorney General's office have been summoning Pergola detainees for interviews, as part of these preliminary investigations. The interviews are being held at the hotel. In the interviews they were not told what charges they faced or given specific information about allegations against them. Instead most detainees told Amnesty International that they were asked to explain and defend their political views or their affiliation with the FPI. One individual said that it felt more like a “political debate than a criminal investigation.” Officials have given no indication as to when that process will be complete and what the next steps will be.

A cameraman working for the *Radio télévision Ivoirienne*, (RTI, Ivorian Radio Television) who was arrested at the Presidential Residence on 11 April 2011 told Amnesty International:

During my interview, they asked me if I had been involved in distributing weapons to the

Patriots. I told them I had not. They then asked me what I thought about reconciliation and why I had remained in the Presidential Residence to film even though Laurent Gbagbo had lost the elections.

None of the individuals interviewed by Amnesty International complained about their current conditions of detention or physical treatment at the Pergola. However, individuals who were apprehended at the Presidential Residence on April 11th described being beaten, taunted and threatened when they were taken into custody, either at the Presidential Residence or at the Golf Hotel where they were held for approximately two weeks before being transferred to the Pergola. Some were severely beaten at the time and were badly bruised by members of the FRCI.

“At the Presidential Residence they kicked me and beat me with the butts of their guns. I lost consciousness. When I awoke at the time of our arrival at the Golf Hotel, they hit me again. They kicked me. They beat me around the head. I lost consciousness for a second time. When I awoke, I found that that they had taken my clothes off and had stolen my ring and my watch. And even though they had taken all I had, they demanded money from me.”

Some of the detainees interviewed at La Pergola on 15 June 2011 told Amnesty International that in the background they could see that French soldiers were present at the Presidential Residence and UNOCI soldiers at the Golf Hotel when people were being mistreated. These detainees said that they did not witness any of these international forces intervene to prevent the beatings and ill-treatment.

Government security forces are responsible for security within the Pergola hotel complex itself. However, UNOCI soldiers are also posted at the Pergola, where they provide security around the external perimeter to the hotel, including some degree of supervision of who is allowed to enter the grounds. On 16 June 2011, UNOCI officials clarified to Amnesty International that their role at the Pergola is limited to matters related to external security, including guarding against such possible scenarios as attacks being mounted against the Pergola to either liberate or kill some of the people held there.

Amnesty International believes that the continued detention without charge or trial of the individuals still held at the Pergola Hotel contravenes international fair trial standards, enshrined in various UN and African Union human rights instruments, to which the country is a state party. The organization understands that UN personnel do not play any direct role in guarding or supervising the detainees. However the mere presence of UN soldiers at the Pergola and the indirect role they play in assisting with security in such circumstances raises potentially sensitive and troubling questions.

OTHER PLACES OF DETENTION

Amnesty International has sought clarification about the circumstances and grounds of detention of Laurent Gbagbo and others military and police officials imprisoned in Korhogo; Laurent Gbagbo's wife, Simone Gbagbo, who is held under reported house arrest in Odienné; and the president of the FPI, Pascal Affi N'guessan, who was originally held at the Pergola Hotel but was transferred to Bouna after giving a media interview by telephone. To Amnesty International's knowledge none of these individuals has been charged with any offence despite being taken into custody more than two months ago.

Amnesty International is particularly concerned about the plight of 23 members of the police and military personnel held in potentially life-threatening conditions in a small cell at a military camp in Korhogo. Amnesty International has learnt that at least one of these detainees has been badly tortured, is gravely ill and is not receiving medical treatment. According to other information, this group of detainees is not receiving adequate food.

RECOMMENDATIONS

Amnesty International is concerned that a number of individuals held at the Pergola Hotel and possibly other locations may be prisoners of conscience, held solely because of their actual or perceived political opinions.

Amnesty International calls on the authorities of Côte d'Ivoire to take the following steps:

- All detainees must be charged promptly with a recognizable criminal offence and given access to proceedings that meet international fair trial standards, or be released immediately;
- Detainees should be given unrestricted access to legal counsel and be allowed to have visits with and communication from their family.
- All detainees, including those held in Korhogo, Bouna and Odienné, must be provided with appropriate medical attention and treatment.
- Allegations that some detainees may have been beaten or subjected to other forms of torture or ill-treatment must be independently investigated, and perpetrators must be brought to justice
- Grant unhindered access to all places of detention in Côte d'Ivoire to international and national human rights and detention monitoring organizations.
- Adopt measures to ensure that legislation, regulations and practices relating to arrest and detention are brought in line with international fair trial standards

Amnesty International calls on UNOCI officials to take the following steps.

- Scrupulously ensure that UNOCI soldiers and police are only involved in situations of detention which fully conform to international human rights standards. UN personnel should not assist with security at detention centres if conditions fall below those standards. UNOCI should review its role at Pergola against those standards.

ANNEX

INDIVIDUALS DETAINED AT THE HOTEL NOUVELLE PERGOLA, AS OF 15 JUNE 2011

Group 1, individuals who voluntarily sought protection at the Pergola Hotel

1. Gilbert Aké N'gbo (m), former Prime Minister, arrested on 15 April
2. Alcide Djedje (m), former Minister of Foreign Affairs, arrested on 15 April
3. Claverie Danièle Boni (f), former Minister of Women, Family and Children, arrested on 15 April
4. Marie Odette Gnabrey Lorougnon (f), former member of Parliament, arrested on 15 April, released on 18 June
5. Armand Bohui Komé (m), member of National Press Council, arrested on 15 April
6. Martin Sokouri Bohui (m), former member of Parliament, arrested on 16 April
7. Norbert Gnahoua Zibrabi (m), former technical advisor, Communication Services, Presidential Residence, arrested on 16 April
8. Georges Armand Ouegnin (m), former Secretary of State for Social Security, arrested on 17 April
9. Maurice Lorougnon Kuyo (m), Director General, Territorial Development, arrested on 17 April
10. Simone Hue Lou (f), Director General of "La Refondation", arrested on 17 April
11. Germain Gueze Kanon (m), cameraman, Ivoirian Radio and Television, arrested on 17 April
12. Franck Anderson Kouassi (m), former President of National Council on Audiovisual Communication, arrested on 18 April
13. Armani N'guessan (m), former Minister of Defence, arrested on 19 April, released on 18 June
14. Angéline Kili (f), former President of Board of Directors, Coffee and Cacao sector, arrested on 19 April, released on 18 June
15. Henri Amoikon Ettien (m), former Minister of Communication and Information, arrested on 20 April
16. Sam l'Africain (m), President of a patriotic movement*, arrested on 20 April, released on 18 June
17. Koné Largaton (m), President of a patriotic movement*, arrested on 20 April, released on 18 June
18. Kéké Kata, (m), former Minister of Science and Research, arrested on 21 April

19. Emile Kima, (m), President of a patriotic movement*, arrested on 21 April, released on 18 June

20. Sébastien Dano Djédjé (m), former Minister of National Reconciliation, arrested on 22 April, released on 18 June

21. Simon Koudou (m), brother of former President Laurent Gbagbo, arrested on 23 April

* these individuals had been granted partial release and were allowed to leave the hotel during the day while in detention.

Group 2, individuals initially apprehended at the Presidential Residence on 11 April

22. Désiré Dallo (m), former Minister of Finance, arrested on 19 April

23. Christine Abjobi (f), former Minister of Health, arrested on 19 April

24. Yanon Yapo (m), former Minister of Justice, arrested on 23 April, released on 18 June

25. Philippe-Henri Dacoury-Tabley (m), former Governor of the Bank of West African States, arrested on 23 April

26. Adèle Dedy (f), Mayor of Issia, arrested on 23 April

27. Ambroise Djolo Bizah (m), assistant to the Mayor, arrested on 23 April, released on 18 June

28. Valérie Yehiri (f), teacher, arrested on 23 April, released on 18 June

29. Dorothée Diakoré (f), Ivoirian Agency for Francophone Cooperation, arrested on 23 April, released on 18 June

30. Yasmine Magoné (f), former journalist, arrested on 23 April, released on 18 June

31. Marcelline Obodo (f), personal secretary to former President Laurent Gbagbo, arrested on 23 April, released on 18 June

32. Agnès Rolande Kacou (f), personal attendant to Simone Gbagbo, arrested on 23 April, released on 18 June

33. Chantal Léonce Gnamien (f), journalist intern, arrested on 23 April, released on 18 June

34. Bertine Ahipou Diegou (f), self-described religious prophetess, arrested on 23 April, released on 18 June

35. Chantal Leba (f), Former leader of FESCI, arrested on 23 April

Group 3, arrested at work or home

36. Constant Koidou (m), Director of the Office of the Minister of Finance, arrested on 27 April

37. Michel Janie (m), Ivoirian Electrical Operations Corporation, arrested on 26 May, released on 18 June
38. Seka Obodji (m), Director, Regional Centre for University Works, transferred to Pergola hotel on 1 June

¹ The names of individuals held at the Pergola Hotel, the date they arrived there, and the names of the people recently released, are attached as an Annex to this paper.

² These officials told Amnesty International that these people were simply “retained” under the article 7 of the Law No 63-4 adopted on 17 January 1963 which provides that “Anyone whose action is prejudicial to the economic or social promotion of the nation can be assigned to house arrest by decree.” See *Loi n° 63-4 du 17 janvier 1963, relative à l'utilisation des personnes en vue d'assurer la promotion économique et sociale de la nation*.

³ Côte d'Ivoire ratified the International Covenant on Civil and Political Rights and the African Charter on Human and Peoples' Rights respectively on 26 March 1992 and 6 January 1992.

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