



Inter-Parliamentary Union  
For democracy. For everyone.

# Côte d'Ivoire

*Decision adopted by consensus by the IPU Governing Council at its 210<sup>th</sup> session  
(Kigali, 15 October 2022)<sup>1</sup>*



Riot police (left) confront members of the political party Generations and Peoples Solidarity (GPS) in front of the party's headquarters in Abidjan on 23 December 2019, after police intervened to evacuate party members.  
SIA KAMBOU/AFP

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-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
- ✓ Violation of freedom of opinion and expression
- ✓ Failure to respect parliamentary immunity
- ✓ Threats, acts of intimidation

## **Case CIV-COLL-01**

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

**Victims:** 14 opposition members of parliament

**Qualified complainant(s):** Section 1.1 (a) of the Committee Procedure (Annex I)

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

**Recent IPU decision:** February 2021

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

**Recent Committee hearing:** Hearing of the delegation of Côte d'Ivoire at the 145<sup>th</sup> IPU Assembly in Kigali (October 2022)

## **Recent follow-up:**

- Communication from the authorities: Letter from the Speaker of the National Assembly (October 2022)
- Communication from the complainant: October 2022
- Communication to the authorities: Letter to the Speaker of the National Assembly and the Speaker of the Senate (September 2022)
- Communication to the complainant: October 2022

## A. Summary of the case

This case concerns the situation of 12 Ivorian members of parliament<sup>2</sup> and two members of the Senate who have faced violations of their fundamental rights since 2019 in the exercise of their parliamentary mandate. 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.

Some members of parliament, including Mr. Alain Lobognon, Mr. Loukimane Camara, Mr. Kando Soumahoro, Mr. Yao Soumaila, Mr. Soro Kanigui, Mr. Maurice Kakou Guikahué, Mr. Pascal Affi N'Guessan, and senators Mr. Seri Bi N'Guessan and Mr. Bassy-Koffy Lionel Bernard, were accused of causing public disorder and endangering state security. They were arbitrarily arrested and detained between 2019 and 2020.

Members of parliament Mr. Loukimane Camara, Mr. Kando Soumahoro, Mr. Yao Soumaila and Mr. Soro Kanigui (re-elected in 2021) were released on bail in September 2020 until the end of their trial, when they were convicted of causing public disorder and sentenced to nine months in prison on 14 May 2021. As they had already served their sentence while on remand, they were free.

Mr. Alain Lobognon, until then the last member of parliament in detention, was released on 23 June 2021, following the conclusion of his trial and after having served his sentence. The main charges against him were dropped, leaving only the charge of causing public disorder. He was sentenced to 17 months in prison and deprivation of his political rights for five years. In 2019, Mr. Lobognon had already been sentenced to one year in prison for posting material amounting to false information on social media that had caused public disorder.

The former Speaker of the National Assembly, Mr. Guillaume Soro, was also among the members of parliament charged. He had been sentenced in April 2020 to 20 years in prison and the deprivation of his political rights, for misappropriation of public funds. On 23 June 2021, Mr. Soro was also sentenced to life in prison for conspiracy and endangering state security. In the judgment of 23 June 2021, members of parliament Mr. Issiaka Fofana and Mr. Mohamed Sess Soukou were also found guilty of attempting to endanger state security and were sentenced to 20 years in prison. The three men are currently in exile.

In November 2020, the two members of parliament, Mr. Maurice Kakou Guikahué, Mr. Pascal Affi N'Guessan and the two senators 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 had been arrested for having taken part in the creation of the National Transitional Council with the aim of forming a "transitional government". In January 2021, the two members of parliament were released under judicial supervision, while the two senators were released on 26 November 2020.

In their letters of 4 January and 22 February 2022, the parliamentary authorities confirmed that all members of parliament had been released, stating that some of them were under judicial supervision. The authorities also stated that members of parliament Kanigui Soro, Maurice Kakou Guikahué, Pascal Affi N'Guessan and Mbari Toikeuse Albert Abdalah had stood in the legislative elections of March 2021, which they had won. The authorities stated that Mr. Jean Marie Kouassi Kouakou, who had come under attack in the same period, had been able to take part in the legislative elections in March 2021, but had not been re-elected.

During a hearing with the Committee on the Human Rights of Parliamentarians at the 145<sup>th</sup> IPU Assembly in October 2022, the Ivorian delegation reaffirmed the information conveyed in the letters of the parliamentary authorities of 4 January and 22 February 2022. The delegation also stated that the settling of the cases of a number of members of parliament was to be seen against the background of the process of reconciliation and rehabilitation initiated by the government in power, and motivated by a policy of conciliation. In addition, the Ivorian delegation supplied information that the Committee had been requesting since December 2020, including copies of court decisions in respect of the cases of a number of members of parliament. With regard to the procedure for lifting parliamentary immunity, the

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<sup>2</sup> Incumbent members of parliament at the time of the alleged acts.

Ivorian delegation stated that under Article 92 of the Constitution, the National Assembly was not required to lift the parliamentary immunity of the members of parliament in question if they were caught *in flagrante delicto*, which was allegedly the case for all members of parliament in the case at hand.

## B. Decision

The Governing Council of the Inter-Parliamentary Union

1. *Thanks* the Ivorian authorities for the information provided in their letters of 4 January and 22 February 2022 concerning the situation of a number of members of parliament and senators of Côte d'Ivoire, and for the copies of the court decisions provided to the Committee on the Human Rights of Parliamentarians at its hearing with the Ivorian delegation at the 145<sup>th</sup> IPU Assembly;
2. *Is pleased* that all the members of parliament have now been released; and *welcomes* in this regard the efforts of the Ivorian authorities, in particular the implementation of a policy of conciliation and reconciliation, which led to the release of all the members of parliament;
3. *Regrets*, however, that Mr. Alain Lobognon, Mr. Loukimane Camara, Mr. Kando Soumahoro, Yao Soumaila and Mr. Kanigui Soro were found guilty *in flagrante delicto* of disturbing public order and sentenced to several months in prison at the end of their trial; *recalls* its doubts as to the *in flagrante delicto* acts with which the members of parliament were charged and which were used to justify the non-involvement of the National Assembly; *recalls also* that they have always denied the acts they were accused of and that they were subjected to restrictions that continue to this day – particularly in the case of Mr. Lobognon, who was deprived of his political rights for five years; and *calls on* the competent authorities to remove this restriction definitively;
4. *Takes note* of the information concerning the members of parliament Soro Kanigui, Maurice Kakou Guikahué, Pascal Affi N'Guessan and Mbari Toikeuse Albert Abdalah, who were re-elected to the National Assembly in the legislative elections of March 2021; *takes note* also of the situation of Mr. Jean Marie Kouassi Kouakou, who ran in the same elections but was not re-elected; *notes* further that Mr. Seri Bi N'Guessan and Mr. Bassy-Koffy Lionel Bernard have returned to their posts in the Senate and have resumed their work with no restrictions; and *decides* to close these cases pursuant to section IX, paragraph 25 b) of its Procedure for the examination and treatment of complaints, considering that the ability of these members of parliament to run in elections, the re-election of four of them, and the return of two senators to the Senate means that their cases have been resolved in a satisfactory manner;
5. *Reiterates* that the essence of a democracy resides in respect for diversity of opinions and that members of the opposition should be able to enjoy their rights and the protection of the National Assembly, which is responsible for guaranteeing the parliamentary immunity of its members when they are exercising their duties; therefore *calls on* the competent authorities to take measures to promote respect and the protection of parliamentary immunity in order to ensure that “*in flagrante delicto*” is not instrumentalized and invoked to authorize the arbitrary prosecution members of the National Assembly.
6. *Remains concerned* at the situation of members of parliament Guillaume Soro, Issiaka Fofana and Sess Soukou Mohamed, who are in exile; and *wishes* to examine the court decisions transmitted by the Ivorian delegation at its hearing on 12 October 2022, before stating its position on their situation;
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 examining the case and to report back to it in due course.