



Human Rights Watch

UPR Submission

Côte d'Ivoire

April 2009

I. Summary

Since the formal end of Côte d'Ivoire's armed conflict in May 2003, ordinary Ivorians have lived under political uncertainty and been subjected to persistent human rights abuses. Government forces and New Forces rebels continue to engage in predatory and abusive behavior, including widespread extortion at checkpoints and sexual violence against girls and women, with near-complete impunity. The increasingly entrenched culture of impunity in Côte d'Ivoire has led to serious concerns about prospects for peaceful elections and long-term stability.

After a series of stalled peace processes, President Laurent Gbagbo and rebel leader Guillaume Soro signed a peace accord negotiated with the help of Burkina Faso President Blaise Compaoré in March 2007. Hopes that the accord, the Ouagadougou Political Agreement (OPA), would end the six-year political and military stalemate between government forces and northern-based rebels have been dampened by insufficient progress in disarmament, elections preparations, and restoration of state authority in the north; an increase in criminal and political violence; and multiple postponements of presidential elections. As a result of the lack of political will by both sides to implement the OPA, President Gbagbo remains in office more than three years beyond the expiration of his original mandate.

The human rights fallout from the crisis for civilians living on both sides of the political-military divide has and continues to be devastating. The armed conflict, which peaked from 2002-2004, and the impasse following the conflict have been punctuated by atrocities and serious human rights abuses attributable to both sides, including extrajudicial killings, massacres, sexual violence, enforced disappearances, and numerous incidents of torture. Many of these abuses continue in large measure due to a prevailing culture of impunity.

II. Human Rights Issues

A. The Political-Military Stalemate: Disarmament and Elections

Following a series of unfulfilled peace agreements, the October 2005 expiry of the five-year constitutional mandate of President Laurent Gbagbo, and other deadlocks to the peace process, the UN Security Council in 2005 and 2006 postponed elections and extended the mandates of both Gbagbo and then-prime minister Charles Konan Banny. The Ouagadougou Political Agreement of March 2007, the first to have been directly negotiated by the country's belligerents, resulted in the appointment of New Forces leader Guillaume Soro as prime

minister in a unity government and set forth an ambitious 10-month timetable, which, if followed, would have led to a presidential election by early 2008. However, target dates for completion of key provisions of the OPA – disarmament and reintegration of combatants, reunification of defense and security forces, restoration of state authority in the north, and voter registration – have been repeatedly missed and pushed further and further back. As a result, the Independent Electoral Commission postponed elections two more times, in February and November 2008.

Disarmament efforts continue at a disappointing rate, which observers blame on the lack of political will by both sides. According to reports by the UN Secretary-General, fewer than 12,000 of some 35,000 rebels and 1,000 of approximately 24,000 militiamen have disarmed. Shockingly, as of late 2008, only 10 serviceable weapons had been collected during the exercise. Inadequate progress in disarmament in turn effectively stalls plans to reintegrate several thousand rebels into the national army and police force.

B. Continuing Abuses by Pro-Government Forces and New Forces Rebels

Countrywide, both rebels and members of the police, gendarmerie, army, and customs continue to engage in frequent acts of extortion, racketeering, intimidation, and physical assault at roadside checkpoints. Government efforts – including an open acknowledgment of and a parliamentary inquiry into the problem, and limited efforts to prosecute alleged perpetrators – have thus far failed to considerably reduce the level of these crimes. Racketeering has been blamed for elevating already high food prices. UN efforts to dismantle numerous checkpoints were usually followed by the mounting of fresh barricades.

In the past year, there were several incidents of politically motivated violence by pro-government groups against real or perceived members of the political opposition. The attacks disrupted the process and, on at least one occasion, provoked a temporary suspension of voter registration. The majority of these attacks were carried out by the Young Patriot militias and the youth wing of the ruling party, the Ivorian Popular Front (FPI). In western Côte d'Ivoire several citizens were prevented from attending citizenship hearings due to the presence of armed militiamen. In August 2008 pro-government youths stormed the hotel in which the secretary-general of the opposition Rally of Republicans (RDR) party was staying. In October and November 2008 there were numerous attacks on voter registration centers in the commercial capital Abidjan and in the west during which youths harassed and threatened election workers and those standing in line to register to vote, and threatened to destroy voter lists containing the names of people not originally from the west. In January 2009 the identification and voter registration operation in the western town of Daloa was suspended for a day after a protest by the Young Patriots during which they seized registration equipment materials.

C. Criminal Activity and Politically Motivated Violence by FESCI

A violent student group, the Student Federation of Côte d'Ivoire (*Fédération Estudiantine et Scolaire de Côte d'Ivoire*, FESCI), and the government's sustained and partisan failure to investigate, prosecute, or punish alleged criminal offenses perpetrated by its members, further erodes the rule of law in Côte d'Ivoire. In principle, FESCI is a non-partisan student union established to represent the student body. However, since at least 2002, FESCI has been responsible for numerous incidents of criminal activity and politically motivated violence, including assault, extortion, and rape, often targeting perceived opponents of the ruling party.

In October 2008, FESCI members ransacked and stole voter registration sites in Abidjan, forcing the temporary closure of the registration site. FESCI members instigated violent clashes with rival student groups over political disputes and issues like school fees, forcing schools to close their doors for days. Several such clashes took place since January 2009 in Bouaké, Abidjan, and Daloa, resulting in serious injuries among the attacked students, looting of students' accommodation, and the destruction of surrounding shops.

FESCI members routinely extort merchants, public transportation workers, food sellers, and market stall owners who work in the proximity of universities and schools. Merchants pay "taxes" to FESCI and are forced to provide free services to FESCI members. Police and local authorities rarely investigate or hold accountable FESCI members involved in these criminal acts.

D. The Rule of Law

On a continued basis, ordinary Ivorians are subjected to frequent acts of violent crime, including armed robbery, highway banditry, murder, torture, and sexual abuse, for which the perpetrators enjoy near-total impunity. These incidents most frequently occur in the west, in the rebel-held north, and within a buffer zone formerly occupied by international peacekeepers. In recent years, neither the government nor the rebel leadership has taken significant steps to investigate or hold accountable those responsible.

In the government-controlled south, deficiencies in the judicial system, such as widespread corruption and lack of independence from the executive branch, pose a significant impediment to victims seeking justice and to rebuilding respect for the rule of law. Those unable to bribe judges and other officials are routinely denied justice.

Rebel leaders in the north appear to lack both capacity and will to hold accountable members of their increasingly fractured forces. Internecine struggles between commanders lead to numerous acts of arbitrary detention, torture, forced disappearance, and murder by feuding rebel bands. Limited efforts at justice are meted out arbitrarily by zone commanders in complete disregard for even the most basic guarantees of due process. Extended pretrial detention is commonplace, including for those accused of petty crimes, and there are credible reports that members of the New Forces use beatings and torture to extract confessions.

E. Sexual Violence

Since the armed conflict erupted in 2002, girls and women in Côte d'Ivoire have been victims of brutal forms of sexual violence by armed men on both sides of the military and political divide. During and after the conflict, women and girls were subjected to sexual violence in their homes, as they sought refuge after being found hiding in forests, when stopped at military checkpoints, working on farms, and attending places of worship. Sexual violence was often accompanied by other acts of physical violence such as beating, torture, killing, mutilation, or cannibalism.

Frequent incidents of sexual violence against women and girls continue, including those committed during assaults by armed robbers on public transportation vehicles, and to a lesser extent at checkpoints manned by New Forces rebels and government security forces. In some cases, particularly in western Côte d'Ivoire, victims of sexual violence are targeted on the basis

of their nationality or ethnic group. Victims' access to health and legal services is extremely limited. Efforts to prosecute cases are hampered by deficiencies in the judicial system, particularly in the north, and the regular dismissal of cases due to out-of-court settlements between families of the victims and perpetrators.

F. The International Criminal Court and Accountability for Past Abuses

The government of Côte d'Ivoire has for years consistently undermined a planned ICC mission by its Office of the Prosecutor to assess the possibility of opening an investigation into serious crimes committed during Côte d'Ivoire's conflict. This is despite Côte d'Ivoire's having made an ad hoc declaration in 2003 giving the ICC authority to investigate and prosecute crimes in Côte d'Ivoire even though the state has not ratified the Rome Statute. An ICC mission to Côte d'Ivoire would allow the court to assess a possible investigation, but also to send a strong signal that serious crimes will not be tolerated. Such a signal would be particularly significant in advance of the elections.

In addition, the UN Security Council has still not made public the findings of the UN Commission of Inquiry into serious violations of human rights and international humanitarian law since September 2002, which was handed to the UN secretary-general in November 2004.

III. Recommendations

Regarding the political-military stalemate, the rebel and government leadership should:

- Cooperate with the Independent Electoral Commission on setting a date for presidential elections.
- With guidance and assistance from the United Nations and international partners, seek to disarm former combatants with the goal of full disarmament prior to the holding of elections.
- Restore governmental authority in the north and west of the country, and support the Integrated Command Center to demobilize former combatants and ensure security for ordinary Ivorians.

Regarding political violence by government forces, New Forces rebels, and FESCI:

- The government of Côte d'Ivoire and the leadership of the New Forces should publicly denounce the use of force for political reasons and make efforts to stop violence perpetrated by dissenting soldiers.
- The government, rebels, and all political parties should publicly denounce student violence and dissociate from any student organization that repeatedly engages in unlawful activity.
- The government of Côte d'Ivoire should investigate and prosecute FESCI members implicated in violent crimes, including murder, assault, rape, and other mafia-like practices, such as extortion in and around universities and high schools.

Regarding sexual violence, the government of Côte d'Ivoire and the New Forces should:

- End impunity for sexual violence by thoroughly investigating all allegations of sexual violence and prosecuting individuals against whom there is sufficient evidence of such abuses, in compliance with international standards of fair trial.

- Collaborate with aid agencies to improve medical assistance, provide free medical certificates to rape victims, launch a nationwide information campaign on the connection between sexual violence and HIV/AIDS (on prevention, counseling, testing, and treatment), and prioritize the nationwide establishment of sexual and reproductive health programs for women and girls. Ivorian women should be active participants in the formulation and implementation of these programs.

Regarding the rule of law, the government of Côte d'Ivoire should:

- Investigate and prosecute all those allegedly responsible for acts of violence, rape, intimidation, and extortion against ordinary Ivorians.
- Make a steadfast commitment to supporting the work of the National Commission for Human Rights, in order to collect complaints, conduct investigations, and put in place mechanisms for the protection of human rights.
- Commit to the establishment of a functioning judiciary that respects the rights of those who stand accused of crimes. Bring to trial or set free all prisoners in prolonged pretrial detention.

Regarding the International Criminal Court and accountability for past abuses, the government of Côte d'Ivoire should:

- Facilitate a mission by the Office of the Prosecutor of the International Criminal Court to assess a possible investigation into crimes committed in Côte d'Ivoire.
- Urge the UN Security Council to make public the findings of the UN Commission of Inquiry into serious violations of human rights and international humanitarian law since September 2002.

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- Facilitate a mission by the Office of the Prosecutor of the International Criminal Court to assess a possible investigation into crimes committed in Côte d'Ivoire. Côte d'Ivoire accepted the court's jurisdiction over acts committed on its territory following the events of September 2002.
- Urge the UN Security Council to make public the findings of the UN Commission of Inquiry into serious violations of human rights and international humanitarian law since September 2002.
- Ratify the Rome Statute of the International Criminal Court and adopt national legislation to implement the statute. Côte d'Ivoire signed the Rome Statute on November 30, 1998.

IV. Annex

[Letter to Ivorian Justice Minister on Detention of Activist](#)

Feb 25, 2009 *Letter*

Human Rights Watch writes to Ivorian Minister of Justice Mamadou Koné expressing concern about the prolonged detention without trial of Ivorian civil society leader Modeste Seri. The Ivorian government should either initiate formal trial proceedings against Mr. Seri or drop all charges and order his immediate and unconditional release.

[“The Best School”: Student Violence, Impunity, and the Crisis in Côte d’Ivoire](#)

May 21, 2008 *Report*

This 98-page report documents how, in the last several years, members of FESCI have been implicated in attacks on opposition ministers, magistrates, journalists, and human rights organizations, among others. According to interviews with victims and eyewitnesses, the student group has killed, raped and severely beaten students perceived sympathetic to the northern-based rebellion or the political opposition.

[Letter to UN Secretary-General Ban Ki-moon on Justice for Past Crimes in Liberia and Côte d’Ivoire](#)

Apr 18, 2008 *Letter*

Human Rights Watch writes to Secretary-General Ban Ki-moon in advance of his meetings in Liberia and Côte d’Ivoire as part of his upcoming four-nation West African tour, urging him to use his meetings with Liberian and Ivorian government officials, UN mission representatives, and members of civil society to address justice for past crimes.

[“My Heart Is Cut”: Sexual Violence by Rebels and Pro-Government Forces in Côte d’Ivoire](#)

August 2, 2007 *Report*

Pro-government and rebel forces in Côte d’Ivoire have subjected thousands of women and girls to rape and other brutal sexual assaults with impunity. This 135-page report details the widespread nature of sexual violence throughout the five-year military-political crisis. The report, which is based on interviews with more than 180 victims and witnesses, documents how women and girls have been subjected to individual and gang rape, sexual slavery, forced incest and other egregious sexual assaults.

[“Because they have the guns ... I’m left with nothing”: The Price of Continuing Impunity in Côte d’Ivoire](#)

May 25, 2006 *Report*

This 36-page report documents human rights abuses against civilians that were committed by state security forces, their allied militias and the rebel New Forces (Forces Nouvelles) between November and March. These armed groups have preyed on civilians through intimidation and outright force.

Côte d'Ivoire: The Human Rights Cost of the Political Impasse

December 21, 2005 *Report*

This report describes trends in human rights abuses in Côte d'Ivoire by state security and militia forces and by rebel forces, and examines the human rights and humanitarian consequences of the "no war no peace" stalemate. It is based on interviews in Côte d'Ivoire in September-October 2005 with officials from the United Nations Operation in Côte d'Ivoire (UNOCI), members of other U.N. agencies, the rebel leadership, local government officials and militia leaders, representatives from local and international nongovernmental organizations, journalists, diplomats and military attachés, representatives of the major political parties, and victims and eyewitnesses of human rights violations.

Country on a Precipice: The Precarious State of Human Rights and Civilian Protection in Côte d'Ivoire

May 3, 2005 *Report*

This 35-page report documents military incidents that demonstrate the precariousness of the situation in Côte d'Ivoire. The report also shows how the continued proliferation of militias and the government's practice of using hate speech to incite violence puts civilians at continued risk. The report examines the government offensive against the rebel-held north in November, which was followed by widespread anti-French riots in Abidjan and ethnic clashes in Gagnoa. It also details how the February 28 attack by government-backed militia on the rebel-held town of Logouale sparked ethnically motivated attacks between indigenous groups and immigrant farm workers that resulted in some 16 deaths, caused more than 13,000 villagers to flee, and left several villages in flames.

Human Rights Violations in Abidjan during an Opposition Demonstration - March 2004

October 14, 2004 *Report*

This report documents the events associated with a demonstration in the Ivorian commercial capital of Abidjan by opposition groups planned for March 25, 2004, which were accompanied by a deadly crackdown by government backed forces, including the security forces, pro-government militias, and FPI party militants.

Côte d'Ivoire: Accountability for Serious Human Rights Crimes Key to Resolving Crisis

October 7, 2004 *Report*

In Côte d'Ivoire, both government and rebel forces have been responsible for massacres, sexual violence and recruiting child soldiers, and those most responsible must be held accountable for their crimes.

Trapped Between Two Wars: Violence Against Civilians in Western Côte d'Ivoire

August 5, 2003 *Report*

This 55-page report documents widespread abuses against civilians in fighting following a September 2002 army mutiny. The abuses include summary executions, sexual violence against women and girls, and looting of civilian property by Ivorian government troops, government-supported civilian militias, and by the rebel groups. Both sides have recruited Liberian fighters, some of them from refugee camps in Côte d'Ivoire. Côte d'Ivoire's eight-month conflict was characterized by limited direct fighting between the nominal warring parties, but serious and sometimes systematic abuses against civilians. The new report documents these

abuses in the west of the country, where tensions over land and proximity to Liberia exacerbated the conflict.

Government Abuses in Response to Army Revolt

November 28, 2002 *Report*

Côte d'Ivoire is facing a political crisis that poses a serious risk that the country could plunge into the sort of brutal war well known to neighboring Liberia and Sierra Leone. The crisis is rooted in well-established divisions within Ivorian society and in particular within the military, divisions that have been deliberately exacerbated by government policy over the last few years. This is in turn linked to the government's failure to address the violence and intimidation that marred the presidential and parliamentary elections of late 2000. That this downward spiral in respect for human rights continues is not inevitable.

The New Racism: The Political Manipulation of Ethnicity in Côte d'Ivoire

August 28, 2001 *Report*

This 70-page report, describes atrocities committed during presidential and parliamentary elections in October and December 2000, and is based on extensive interviews of victims and witnesses in Abidjan in late 2000 and early 2001. The report documents more than 200 killings, as well as torture, rape, and arbitrary detention. The political and social climate remains volatile today as intolerance and xenophobia continue to shape daily life.