



CÔTE D'IVOIRE THE VICTORS' LAW

THE HUMAN RIGHTS
SITUATION TWO YEARS
AFTER THE POST-
ELECTORAL CRISIS

**AMNESTY
INTERNATIONAL**



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Cover photo: Nahibly Camp a few hours after its destruction on 20 July 2012. © Amnesty International

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ACRONYMS

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| ADDR: | <i>Autorité pour la démobilisation, le désarmement et la réinsertion</i> , Authority for demobilization, disarmament and reintegration |
| BAE: | <i>Brigade anti-émeute</i> , Anti-riot Brigade |
| CDVR : | <i>Commission dialogue, vérité, réconciliation</i> , Truth, Dialogue and Reconciliation Commission |
| COJEP: | <i>Congrès panafricain des jeunes et des patriots</i> , Pan-African Congress of Youth and Patriots |
| DDR: | Demobilization, Disarmament and Reintegration |
| DST: | <i>Direction de la surveillance du territoire</i> , Directorate of Territorial Surveillance |
| EGS: | <i>Établissement de gestion et de service</i> , Institution of Management and service |
| EU : | European Union |
| FAFN: | <i>Forces armées des Forces nouvelles</i> , Armed Forces of the New Forces |
| FDS: | <i>Forces de défense et de sécurité</i> , Defence and Security Forces |
| FIDH: | <i>Fédération internationale des droits de l'homme</i> , International Federation of Human Rights |
| FPI: | <i>Front populaire ivoirien</i> , Ivorian Popular Front |
| FRCI: | <i>Forces républicaines de Côte d'Ivoire</i> , Republican Forces of Côte d'Ivoire |
| GPP: | <i>Groupement des patriotes pour la paix</i> , Group of Patriots for Peace |
| ICC: | International Criminal Court |
| IIAO: | <i>Institut industriel d'Afrique de l'ouest</i> , Industrial Institute of West Africa |
| LIDHO: | <i>Ligue ivoirienne des droits de l'homme</i> , Ivorian League of Human Rights |
| MACA: | <i>Maison d'arrêt et de correction d'Abidjan</i> , House of Detention and Correction of Abidjan |
| MIDH: | <i>Mouvement ivoirien des droits de l'homme</i> , Ivorian Movement for Human Rights |

RSS : *Réforme du secteur de la sécurité*, reform of the security sector

UNHCR: United Nations High Commissioner for Refugees

UNOCI: United Nations operation in Côte d'Ivoire

1. INTRODUCTION

"There will be no discrimination, no favouritism, nor harassment targeting whomsoever. The tragedy of this country has been impunity. I want to put an end to it. It is by fair justice that we will succeed."

Alassane Ouattara, interview with French daily newspaper Le Monde on 25 January 2012¹

Almost two years after the end of the post-electoral crisis which resulted in almost 3,000 deaths, Côte d'Ivoire continues to be home to serious human rights violations committed against known or suspected supporters of former President Laurent Gbagbo. These violations were committed in response to an increase in armed attacks on military and strategic objectives which have created a climate of general insecurity.

The *Forces républicaines de Côte d'Ivoire* (FRCI, Republican Forces of Côte d'Ivoire, the national army) and the military police were responsible for numerous human rights violations after arresting and detaining individuals outside any legal framework and often on the base of ethnic and political motivations. These exactions were made possible by the multiplication of places of detention not recognized as such where individuals suspected of attempts against state security were held incommunicado, sometimes for long periods, and in inhumane and degrading conditions. Many were tortured and some have been released against payment of a ransom.

Amnesty International is extremely concerned by this failure to comply with essential safeguards in the protection of prisoners and by the fact that the entire judicial process seems to be running contrary to the fundamental norms of international law and Ivorian legislation (denial of access to a lawyer, false statements dictated by interrogating soldiers and, in particular, "confessions" extracted under torture).

Beyond the economic capital, Abidjan, and the major cities of the south, the general atmosphere of tension is particularly evident in the west of the country which remains plagued by ethnic dissensions fuelled by land disputes. This region, the most scarred by the decade of instability in the country, has once again been the scene of violence during the attack in July 2012 on the last internally displaced persons (IDP) camp in Nahibly near the

city of Duékoué (450 km from Abidjan). This attack was carried out by local people supported by Dozos, a militia of traditional hunters sponsored by the state and the army. Many testimonies collected by Amnesty International attest to the arrests, enforced disappearances, extrajudicial executions and a systematic attempt by attackers to erase the IDP camp.

To Amnesty International's knowledge, none of the perpetrators of serious human rights violations and abuses described in this report have been brought to justice or even suspended from their duties. This illustrates the failure of the Ivorian authorities to establish the rule of law nearly two years after the new authorities came to power.

Far from meeting the expectations of an impartial judicial system, the authorities have focused exclusively on known or suspected supporters of former President Laurent Gbagbo and used delay tactics in legal proceedings which do not meet with international standards of fairness. Indeed, nearly two years after the arrest of these people, the argument that a certain slow pace is necessary for the proper administration of justice no longer holds weight. All information collected by Amnesty International indicates that the investigation has only taken into account the prosecution's evidence and there has not been, to date, (February 2013) neither confrontation with victims nor any element of physical evidence presented to the defence.

The increase in arbitrary arrests, the continuing pattern of torture, the omnipotence of the armed forces, the logic of revenge and the perpetuation of impunity all feed divisions and resentments, slow the establishment of a genuine rule of law and undermine the reconciliation process initiated by the Commission for Dialogue, Truth and Reconciliation set up in July 2011.

This report is based upon the findings of a one-month mission conducted in Côte d'Ivoire in September and October 2012 as well as follow-up work on the human rights situation in this country undertaken since the end of the post-electoral crisis. The Amnesty International delegation met with more than fifty prisoners or former prisoners in the Abidjan region and was also able to meet with all of Laurent Gbagbo's relatives and aides held in the centre and north of the country in Katiola, Korhogo, Boundiali, Odienné and Bouna. The Amnesty International delegates also visited the Duékoué area twice to investigate the attack against the Nahibly IDP camp. As part of their mission, delegates were also able to meet with officials of the Ivorian authorities, including the Ministers of Interior and Defence.

Amnesty International recognizes that Côte d'Ivoire is facing the typical difficulties of states emerging from a severe crisis and that this country has been targeted by armed attacks. While recognizing the right and duty of every state to ensure the safety of its citizens, Amnesty International is extremely concerned by the persistence of human rights violations committed by Ivorian security forces as part of a repressive policy carried out under the pretext of the fight against insecurity.

This report concludes with key recommendations addressed to the Ivorian government. All of these recommendations address the issue of impunity and justice, two essential pillars of any reconciliation effort.

In accordance with the spirit of dialogue that has always defined Amnesty International's relationship with the Ivorian government, this organization sent this document in advance to the President Alassane Ouattara in order to gather his reactions and comments. Amnesty International received an official answer from the Ivoirian authorities on 11 February 2013 and this text is attached *in extenso* as an Annex.

Amnesty International calls on President Alassane Ouattara and Ivorian authorities to implement these recommendations without delay in order to end the cycle of human rights violations and abuses which have continued to fuel violence over the last decade.

2. TWO YEARS OF INSTABILITY AND REPRESSION

The violence following the Presidential election in November 2010 led to the most severe humanitarian and human rights crisis experienced in Côte d'Ivoire since its independence in 1960. Both parties in the conflict which pitted supporters of President Laurent Gbagbo against supporters of the President Alassane Ouattara, have been responsible for serious human rights violations and abuses, including war crimes and crimes against humanity, committed as part of a widespread and systematic attack against a civilian population.

Hundreds of people were killed in extrajudicial, arbitrary or summary killings, often only on the basis of presumed ethnic or political affiliations. Women and girls were victims of sexual violence, including rape, and hundreds of thousands of people were forced to flee their homes and seek refuge in other parts of Côte d'Ivoire or in neighbouring countries, particularly Liberia.

2.1. A CLIMATE OF INSECURITY FUELLED BY A WAVE OF ARMED ATTACKS

Though the arrest of Laurent Gbagbo on 11 April 2011 put an end to the post-electoral crisis which shook the country for almost four months, this event did not put an end to the violence. Supporters of the former President, particularly Liberian mercenaries, continued to harass the civil populations supporting President Alassane Ouattara first in Abidjan in late April and early May 2011 and then all throughout their escape towards Liberia in May 2011. These attacks led to reprisals by the *Forces républicaines de Côte d'Ivoire* (FRCI, Republican Forces of Côte d'Ivoire, the new army created by President Ouattara in March 2011) against people suspected of supporting Laurent Gbagbo.²

After a few months of relative calm, armed attacks resumed in 2012 and increased from June onwards. August 2012 was particularly violent, witnessing attacks against the Akouédo military camp in Abidjan and the Dabou Prison (around 50km from the economic capital). A month later, two police stations and a gendarmerie post were attacked in Port-Bouët (commune of Abidjan).

It appears that some of these attacks were led from neighbouring countries. This is the case of the operation launched in August 2012 against two army positions in the Toulepleu region near the Liberian border. Similarly, the border city of Noé was attacked in September 2012 by individuals who had reportedly come from neighbouring Ghana. Economic infrastructure was also targeted when gunmen wearing military uniforms tried to take control of a thermal power plant in central Abidjan, causing serious damage. The attacks continued, and in mid-December 2012, two soldiers of the national army were killed during an attack on a security post in the area surrounding Agboville, northeast of Abidjan.

The identity of the perpetrators of these attacks remains controversial. Alassane Ouattara's

government has clearly accused pro-Gbagbo militants of being behind them. The day after the attack against the Akouédo military camp, the Minister of the Interior Hamed Bakayoko said in an interview with *Radio France Internationale* (RFI): “These people come from the galaxy of pro-Gbagbo militiamen and former FDS soldiers (*Forces de défense et de sécurité*, name of the former army) who are nostalgic for the Gbagbo regime (...) I also think that it was all organized from Ghana by pro-Gbagbo former FDS soldiers.”³ This theory has been reinforced by the group of UN experts on Côte d'Ivoire (hereafter Expert Group). In a report published on 15 October 2012, the Expert Group noted that; “armed groups, composed mainly of Liberian mercenaries and Ivorian militia, under the direct guidance and support (political and financial) of radical pro-Gbagbo exiled groups, have increased the frequency, the scope and the impact of their attacks since the end of the post-electoral crisis”.⁴

The Ivorian government has also claimed to have foiled several coup attempts, including in March 2012 when authorities arrested one of the leaders of the Presidential Security Group of Laurent Gbagbo, Lieutenant Colonel Paulin Gnatoa Katé. The latter revealed the existence of “*Opération Faucon Rouge*” (Red Falcon) which envisaged a triple offensive against the government in Abidjan from the Ghanaian and Liberian borders and from within Côte d'Ivoire, “using a heterogeneous assault force composed of exiled soldiers, demobilized Ivorian forces as well as Liberian mercenaries”.⁵

During a meeting with the Amnesty International delegation in October 2012, the Minister of the Interior gave the delegates a document describing several operations including two operations called « *Opération Araignée I et II* » (*Operation Spider I and II*). According to these plans, the authenticity of which could not be established by Amnesty International, talks took place between pro-Gbagbo militants in exile and Captain Amadou Haya Sanogo, junta chief in Mali, as well as with a leader of the armed Islamist group Ansar Eddin, to prepare “an incursion from the Ivorian-Malian border”.⁶

Responding to accusations made by authorities against “pro Gbagbo militiamen”, the *Front populaire ivoirien* (FPI, Ivorian Popular Front the party of former President Gbagbo) has consistently denied any involvement in these attacks or in destabilization manoeuvres. Thus, on 18 August 2012, the interim President of the FPI, Oureto Miaka, condemned the “multiple attacks” against military bases in Côte d'Ivoire and said that his party had “chosen the path of peaceful transition”.⁷

Above and beyond the mutual accusations and denials from authorities and the FPI, other observers have speculated that some of these attacks could also be the result of isolated elements that joined the armed forces supporting Alassane Ouattara in the last months of the post-electoral crisis. Following the end of the conflict these men were not demobilized and were left without any real function, which may have fed frustration and led to violence. The Expert Group has highlighted the possibility of the involvement of these idle and discontented armed men in the instability which so affects Côte d'Ivoire. These experts have expressed concern that “the high levels of dissatisfaction among individuals who participated in military actions during the 2011 post-electoral crisis in support of President Ouattara (the Dozos, the Volontaires and the Démobilisés, among others). Many of these former combatants feel far from having been compensated for their participation in the 2011 post-electoral crisis military operations”.⁸

Regardless of the identity of the perpetrators of these attacks, these events have been used as justification for the mass arrests of those suspected of being, or proven to be, members or supporters of the FPI accused of plotting to destabilize the country.

2.2. A SECURITY SYSTEM UNDERMINED BY DISSENSION AND MISTRUST

The insecurity which plagues Côte d'Ivoire is also due to two other factors: the fractures and mistrust existing within the security apparatus (army, police and gendarmerie) and; the large number of armed men that had still not been demobilized.

2.2.1. THE FRCI: A NEW ARMY IN SEARCH OF LEGITIMACY

On 17 March 2011, two weeks before the military offensive which contributed to his victory, President Ouattara created an army, the FRCI which was supposed to bring together the *Forces de défense et de sécurité* (FDS Defence and Security Forces)⁹ loyal to Laurent Gbagbo and the *Forces armées des Forces nouvelles* (FAFN, Armed Forces of the New Forces) who ruled the northern half of the country since the armed uprising of September 2002. The decree creating the FRCI gave this new army "the principal mission to ensure the safety of persons and property, without distinction (...) [and] to be a powerful instrument for national cohesion serving as a practical example for civility, tolerance, transparency and an introduction to citizenship and national integration".¹⁰

However, far from serving as a melting pot for the new national and "republican" army, in the weeks following its creation, the FRCI committed massive human rights violations constituting war crimes and crimes against humanity, in particular during killings committed as part of a widespread and systematic attack against the civilian population in and around the Duékoué region (west of the country).

After the arrest of Laurent Gbagbo, Alassane Ouattara, in his capacity as Head of State and Minister of Defence¹¹ was faced with the daunting challenge of unifying two enemy armies, each supported by armed militias and by "auxiliary" elements (who joined with the forces already in place).

Despite the scars left by the conflict which has left more than 3,000 dead, the authorities have continued their efforts to create a new national army by integrating former FDS members into the FRCI. However, such an operation has only been partially successful because of the persistence of mutual distrust and the desire of former FAFN officials to retain the bulk of military power and the workings of the security apparatus.

The new national army's image has also been tarnished by a series of violent incidents which took place between FRCI members and civilians, following certain soldiers' exactions and their abuses of power. One of the most striking incidents took place on 17 and 18 December 2011 when six people were killed in Vavoua in the west of the country following altercations between the local population and FRCI members. A few days earlier, FRCI members had attacked a police station in Abidjan to free two soldiers arrested in relation to a drug case.

Such acts can be explained in part by the lack of training received by FRCI members and by the fact that these troops are mainly composed of members of the New Forces who had,

during eight years, imposed their will upon the north, acting outside any legal framework or without complying to a well-established chain of command.

2.2.2. THE MILITARY POLICE: A NEW BODY OF REPRESSION

In an effort to restore a republican order and restore public confidence in its security forces, President Ouattara created, on 19 December 2011, a military police force responsible for fighting, "against banditry, abuses and other exactions carried out by all armed individuals, or those in uniform, against populations throughout the territory."¹²

The text establishing this new body justified this decision notably by, «the proliferation of armed militias (...) the circulation of war weapons and small arms (...) the permanent and unjustified presence of men in military uniform on the streets (...) the incessant abuses carried out by men in uniform on civilians [and] the recurrent attacks on populations by armed men in military uniform».

The military police is not only responsible for combating human rights abuses and violations committed by the military but is also authorised to arrest "any holder of an illegal weapon" and to find "weapons, ammunition and explosives in places other than the barracks."

Under the direction of one of the commanders of the New Forces, Zacharia Koné, the military police quickly exceeded its authority by granting itself the right to detain and interrogate soldiers but also civilians, even though the legal text establishing the creation of this body did not give this force the authority to detain people.

Dozens of people were arrested by military police outside of any legal framework and detained at the headquarters of the military police, the *Génie militaire* (Military Engineering Camp), an unrecognized place of detention.



Génie Militaire (The Military Engineering Camp) in Abidjan. © Amnesty International

During its one-month research mission in September and October 2012, Amnesty International was able to access this place of detention and to interview prisoners who told of the conditions under which they were arrested and interrogated, and for some of them tortured (see Section 3.2.4.). Many reported being detained in inhumane conditions for long periods of time without their families or lawyers knowing where they were. In some cases, families were only informed of the situation of their relatives or their place of detention following Amnesty International's visit.

2.2.3. THE MARGINALISATION OF THE POLICE AND GENDARMERIE

Along with the creation of the military police, the Ivorian authorities have pledged to continue the reform of the security sector. The objective was to establish a republican and impartial security force able to inspire public confidence and protect the population. This task was made all the more difficult as, since the days of the first President of Côte d'Ivoire Felix Houphouët Boigny, the security forces, including the gendarmerie and the police have been politicized and sometimes even ethnicized for the purpose of maintaining the Head of State's power. Thus, during his ten years in power, Laurent Gbagbo placed hundreds of recruits from his region of origin or from ethnic groups favourable to him, in the police and the gendarmerie. In fact, the police, and in particular the gendarmerie, played a determining role in the defence and security apparatus of President Gbagbo's government. These forces chased opponents, actual or supposed, of the regime and committed numerous human rights violations.

In addition to this difficulty to create impartial security forces after almost decades of use of these forces for political ends, there is also the fact that the FRCI forces have taken on their own prerogatives in terms of law enforcement. Thus, although some members of the police and gendarmerie have been integrated into the security forces, law enforcement and policing, particularly at roadblocks and checkpoints, remain largely in the hands of the FRCI.

This situation created obvious frustration amongst the police and gendarme forces. A policeman in Abidjan told Amnesty International: "I am part of a mixed patrol but I'm not armed, it puts me in a humiliating situation. I feel all the time that they think I am not to be trusted".

In addition, the mistrust between FRCI members, on one hand, and police and gendarmerie, on the other, has led to tensions which have sometimes degenerated. Thus, in August 2012, the police commissioner of a city (whose name is not mentioned here to ensure the security of the witnesses) was killed by a FRCI member following an identity check. This commissioner was on leave when he was stopped in the street around 9pm. Though he showed his papers, a FRCI corporal found him to be suspicious and without checking with his superiors, he shot him dead. To Amnesty International's knowledge, this man has not been punished for his actions.

This tension within the security forces is particularly noticeable in the west of the country where the redeployment of the gendarmerie and police has been very slow with police and gendarmes having limited resources and very limited access to weapons and munitions. The sub-prefect of Duékoué confirmed to Amnesty International that, in that region, the police and gendarmes are not armed and that it is only FRCI members who have weapons and munitions.

2.2.4. THE DOZOS: A STATE-BACKED MILITIA

The Dozos are from a powerful brotherhood of hunters present in several countries in the sub-region.¹³ They have also been progressively involved in the Ivorian conflict over the past decade. In particular, they have ensured the safety of those who were regularly subjected to threats and attacks by security forces and militias loyal to former President Laurent Gbagbo, including the Dioula (which, depending on the circumstances, means any person with a Muslim family name and from northern Côte d'Ivoire or states of the sub-region including Mali, Burkina Faso, Guinea, Senegal, etc.). These traditional hunters, have formed as a militia, and have consistently fought alongside the FAFN since the attempted coup in 2002 and have committed serious abuses, including during the 2011 post-electoral crisis, the deliberate killing of people often because of their ethnicity.¹⁴

Since Alassane Ouattara's coming to power, the Dozos have gained considerable importance over the whole territory and their presence has increased notably in the west of the country where some of their members ransom the population and carry out arbitrary arrests assuming a self-appointed policing role.

Though the Dozos have their own command structure, the state exercises nevertheless a certain control over them. Amnesty International has collected information confirming the existence of a close cooperation and coordination between the FRCI and the Dozos (particularly in the context of numerous joint operations). Besides, the authorities give assistance to the Dozos in the form of equipment and weapons.

More fundamentally, the freedom with which the Dozos act with impunity and commit abuses indicates that Dozos act at the instigation or with the consent or acquiescence of state officials. (See box 1: The Dozos: a self-proclaimed police force who ransom populations).

2.2.5. UNFULFILLED DEMOBILISATION

The insecurity in Abidjan and in other parts of the country has been worsened by the large number of armed men who joined the two conflicting parties and who have neither been disarmed nor demobilized. Despite many agreements¹⁵, the question of the disarmament, demobilization and reintegration (DDR) of thousands of fighters who have been part of the conflict since 2002 has never been resolved. Estimates of the number of persons to disarm, either of the former FAFN and their auxiliary forces or of militias and pro-Gbagbo auto-defence groups, vary and oscillate between 60,000 and 80,000 according to the United Nations Operation in Côte d'Ivoire (UNOCI).¹⁶ In August 2012, the government established an *Autorité pour la démobilisation, le désarmement et la réinsertion* (ADDR, Authority for demobilization, disarmament and reintegration) to centralize demobilization. However, the work of this body seems, for the moment, compromised due to persistent insecurity and the refusal of veterans to surrender their weapons.

2.3 A POLITICAL DEADLOCK

In addition to this confusion and competition for roles in maintaining security there is also a political deadlock. Almost two years after the end of the post-electoral crisis, despite several attempts to establish dialogue, distrust continues to prevail between the ruling coalition and the FPI, the main opposition party. This party has, from the outset, conditioned its return to

institutional life of the state upon the release of its members imprisoned or held under house arrest, first and foremost Laurent Gbagbo. The FPI has maintained this line by boycotting the elections in November 2011 and has found itself, de facto, politically marginalized after having dominated politics for over a decade.

This political stalemate has been exacerbated by several factors: the continuing detention, without trial, of more than 15 or so of Laurent Gbagbo's family members and collaborators; the transfer of the latter to the ICC (International Criminal Court) headquarters in The Hague and; the continued arrests of FPI officials in Côte d'Ivoire and in neighbouring countries, particularly Togo and Ghana.

In addition, any beginnings of a political reconciliation between former enemies were made even more difficult by the attacks, throughout 2012, against the country's military and strategic targets. Authorities think that pro-Gbagbo supporters are preparing, from neighbouring countries, attempts to destabilize the country. This accusation served as a pretext for mass arrests of proven or suspected supporters of the former President, including Laurent Akoun and Alphonse Douati, respectively Secretary-General and Deputy Secretary General of the FPI (see section 3.2.2).

3. REPRESSION IN THE NAME OF SECURITY

The wave of attacks in 2012, which targeted military and strategic objectives, led to dozens of arrests and also allowed for authorities to justify, for security considerations, a repressive policy against anyone suspected of being involved in these acts or generally hostile to the government.

Throughout 2012, the military police and the FRCI proceeded, without any arrest warrant and at any time of the day or night, to arrest individuals in their home, in public places or in their workplace. These people were detained, sometimes for long periods, in unrecognized places of detention where many were subjected to torture and ill-treatment. Some were charged, often on the basis of "confessions" extracted under torture, of a long list of similar charges, including attempts against national defence, attack or conspiracy against state authority and the formation of armed gangs. Others were released without charge after several weeks of arbitrary detention and sometimes after paying a ransom to their jailors.

Though the arrests of alleged Laurent Gbagbo supporters never really stopped following the arrest of the former President in April 2011, they increased following the resurgence in attacks in 2012. Thus in June 2012, in the days following the ambush of the village of Tai on the Liberian border, during which seven Nigerian UN peacekeepers (blue helmets) and at least eight civilians were killed, the FRCI conducted sweeps arresting individuals in Abidjan, San Pedro and Tabou. This was also the case in August 2012, after the attack on the Akouédo military camp in Abidjan and one month later, in September, after the attack on the Port Bouët gendarmerie camp and on the village of Noé, on the Ghana border.

While the authorities have the right and duty to fight against manoeuvres to destabilize the country, all information collected by Amnesty International from dozens of prisoners and former prisoners during its research mission show that the FRCI and military police went far beyond legitimate policing in arbitrarily arresting and torturing dozens of people in order to extort "confessions".

3.1 DIFFICULTIES ENCOUNTERED BY AMNESTY INTERNATIONAL IN OBTAINING ACCESS TO PRISONERS

Before going to Côte d'Ivoire, Amnesty International sent a written request to the Ivorian authorities asking to visit all persons charged with endangering state security and other related offenses.

The Amnesty International delegation only received belated authorization to visit the prisoners and this only after following many administrative steps once they arrived in Côte

d'Ivoire. Even though, once authorization was obtained, Amnesty International delegates were able to work freely and in complete confidentiality in the places of detention they were authorised to visit, the organisation was not allowed access to all of the detention centres they had requested. In Abidjan, delegates were able to meet with prisoners in the *Maison d'arrêt et de correction d'Abidjan* (MACA, House of Detention and Correction of Abidjan) the main prison in the economic capital. They were also allowed access to two unrecognized places of detention: The *Génie militaire* (Headquarters of the military police) and the *Établissement de gestion et de service* (EGS, Establishment of Management and Service). However, despite sending several letters to the Minister of the Interior, the delegation did not obtain access to the *Direction de la surveillance du territoire* (DST, Directorate of Territorial Surveillance). With regards to the *Brigade anti-émeute* (BAE, Anti-riot Brigade), one of the leaders of this place told Amnesty International that there were no prisoners there for the time being. The delegation also asked to visit the military camp located in *Place de la Liberté* in Abidjan - where many people were detained - but the head of the camp told delegates that "there was no violin [detention cell]" and he did not authorise them to conduct a prison visit.

In addition, Amnesty International is concerned that during its visit to the *Génie militaire*, officials removed individuals from their place of detention and threatened prisoners with whom the delegation had met.

This occurred during this visit to the *Génie militaire* on 5 October 2012 where delegates learned that most of those arrested had been moved. One detainee explained that: "Yesterday, when we learned you were coming, the FRCI asked some prisoners to wear military fatigues to hide the fact that we were civilians. Shortly before your arrival, they took 53 prisoners in a vehicle for a "trip around town".

The day following Amnesty International's visit of the *Génie militaire*, some of these prisoners were transferred to the MACA where delegates were able to meet them a few days later. One of those with whom the delegates had spoken in the *Génie militaire* said: "When you left, they called on us and asked us what we had " told the whites [*les Blancs*]" They added: "If we get into trouble you're dead" As for the prisoners who had been moved before the delegation's visit, they confirmed having been "taken for a ride. We spent several hours locked in a vehicle waiting for you to leave. "

The dissimulation of detainees does not seem to be an isolated practice. Other detainees told Amnesty International that they had been hidden away during an UNOCI visit of the San Pedro FRCI military camp in August 2012.

These manoeuvres are of particular concern as they indicate the willingness of some military officials to evade the supervision of monitoring bodies wishing to defend the human rights of prisoners who may have been victims of torture and other serious human rights violations.

3.2. ARRESTS AND ARBITRARY DETENTION

Despite these attempts to hide the reality of prison conditions, Amnesty International was able to meet more than 50 prisoners and former prisoners in Abidjan. The analysis and cross-check of all the stories and testimonies collected helps to outline a typology of the key patterns in these arrests and detentions.

Whilst not commenting upon the validity of the charges against those arrested and detained, Amnesty International is very concerned by the systematic nature of the many irregularities accompanying these arrests and detentions:

- A large number of these arrests were carried out by members of the military police, outside any legal framework (See Section 6.2.1.), who clearly overstepped their mandate and who gave themselves the right to arrest and detain soldiers and civilians, in secret, and over long periods of time. In other cases, these arrests were carried out by FRCI soldiers who do not have the power to make arrests. The arbitrary and illegal character of these arrests is also illustrated by the fact that some members of the military police and the FRCI have developed a veritable system of racketeering; the payment of a substantial ransom has been made a condition of the release of some prisoners.
- Of particular concern are the numerous arrests, conducted as part of search operations following waves of attacks on military and strategic targets as these appear to have taken the form of mass arrests of a punitive and arbitrary nature. It is important in this regard to note that amongst those arrested on suspicion of involvement in attacks against defence and security forces, many appear to have been arrested, primarily, on the base of their ethnicity and political opinions.
- Those arrested have often been detained, in unrecognized places of detention, for long periods incommunicado, without access to their families, to a doctor or to their lawyers.
- In various unrecognized places of detention (military camps, private residences, public or private facilities requisitioned by the FRCI), many prisoners said they were subjected to harsh conditions, death threats (including threats aimed at their relatives) and torture in order to extract "confessions" or to punish and humiliate them.
- Beyond the non-compliance with these essential guarantees of prisoner protection, it is the entire judicial process which appears contrary to basic norms of international law and of Ivorian law (refusal of access to a lawyer, statements which have been falsified and dictated by interrogating soldiers and, in particular, "confessions" extracted under torture).
- Moreover, it seems that the judicial authorities have not opened an investigation following allegations of torture made by some of these detainees and in violation of the provisions of the United Nations Convention against Torture and Other Cruel, Inhuman or Punishment (ratified by Côte d'Ivoire in 1995). This instrument provides in particular in article 12 that: "Each State Party shall ensure that its competent authorities proceed to a prompt and impartial investigation, wherever there is reasonable ground to believe that an act

of torture has been committed in any territory under its jurisdiction." This provision therefore requires State parties to open such investigations even when the victim or relatives have not filed - or do not dare to file - a formal complaint in court.

3.2.1. THE CONFISCATION OF POLICING AND JUDICIAL POWERS BY SOLDIERS

As we have seen above (see Section 2.2.3) the FRCI and military police have completely marginalized the police and gendarme forces generally suspected of being supporters of former President Laurent Gbagbo.

Soldiers have therefore taken over policing tasks without being trained for such tasks which must be carried out in compliance with the rule of law and with human rights standards. Members of the FRCI and the military police have arrested individuals, soldiers as well as civilians, without at all complying to the rules relevant to this area: presenting arrest warrants, proportionality in the use of force during arrest, prohibition of arrests for purely political or ethnic motives. Not satisfied with replacing the police and the gendarmerie, soldiers have also granted themselves interrogation functions and judicial police functions, thereby totally undermining the little autonomy that the Ivorian legal system had managed to preserve over the past decade.

Thus, many civilians were arrested by the FRCI even though soldiers have no authority to make such arrests. This is the case of a young unemployed man, aged 28, who was arrested on 11 August 2012 by the FRCI.

"I was on my way to a construction site around 2pm looking for work. FRCI members arrested me, searched me and put me in the trunk of their car. I found myself in the IIAO camp at Bassam [*Institut industriel d'Afrique de l'ouest* - Industrial Institute of West Africa]. They asked me where the weapons were hidden and beat me. Then they put me in the trunk of the car and took me to the oceanfront. They threatened to shoot me if I didn't tell the truth. They hit me again, put me back in the trunk and we returned to the camp. They asked me to denounce the people who had reportedly brought in weapons by boat. "

When Amnesty International met this person after his arrest, in October 2012, when he was still being held in a detention centre unrecognized as such, the EGS, and had still not seen an officer of the judicial police.

In another case, members of the military police arrested all persons, without distinction, in the company of the person they were looking to arrest. This arrest took place in Cocody, a district of Abidjan, on 17 August 2012, ten days after the attack against the Akouédo military camp and the day after an attack against the strategic areas of the city of Dabou (50 km from Abidjan). The man, who was initially to be arrested, told the Amnesty International delegation:

"I was home with three friends. A nurse was taking care of my foot when several armed members of the FRCI arrived. They searched my house and my room and accused me of being involved in attacks in Akouédo and Dabou. I denied this but we were all taken away, even my nurse! We ended up in the Génie militaire in a room where there were over a

hundred people. They were naked to the waist and wore only underwear. It was difficult to move around the room as it was so crowded. There was no mattress and prisoners slept on the floor.”

These persons were released a few days later without charge or trial.

In another case, a group of three people were arrested in late September 2012 after protesting against the FRCI members who stormed into a bar in Abidjan at 10pm to search customers. The bar manager told Amnesty International:

“Some FRCI members, one carrying a gun, entered the bar around 10pm and asked my staff to stop the music so they could perform a search. I intervened and they hit me. I was arrested with two others including the DJ. We were held for two days at the BAE in appalling conditions. There must have been about 500 people. They stopped us sleeping. Some prisoners began to complain, the commander came in and fired into the air, saying: 'I can keep you here as many days as I want.'”

Members of the FRCI and of the military police have not only detained individuals in conditions which could be considered as torture and ill-treatment. They have also left these individuals at the mercy of other inmates without any protection. This is the case in the *Génie militaire* where people arrested in this crackdown, were detained in the same cell as soldiers incarcerated for criminal offenses or breaches of discipline. In at least two cases, soldiers detained for these offenses, beat two civilians, fellow inmates, who reportedly died from the attack.

In mid-August 2012, a prisoner, an engineer by profession, was severely beaten by two soldiers, fellow inmates, when he asked for water. Several witnesses described the scene to Amnesty International. One of them said:

« I was arrested on 17 August [2012] at 6.30am in *Deux Plateaux* [district of Abidjan]. When I arrived at the *Génie militaire*, it was hot. I found other prisoners including soldiers who were punished for misconduct. These soldiers had perks, they could go out at night and it is they who kept the little water that was meant for us. One day, a prisoner, an engineer, was very thirsty, he asked a soldier detained with us for water. The soldier refused, the engineer insisted that he was very thirsty. The soldier lunged at him and hit him. He kicked and punched him and hit him with his belt. Another soldier weighed in to help his colleague. The engineer fell, he fainted. The prisoners knocked on the door to call the guards, he was taken to hospital, he never returned. We heard that he died as a result of this beating. »

Another person who was briefly detained in the *Génie militaire* between 17 and 20 August 2012, told Amnesty International:

"In my cell known as Blockhauss, there were three FRCI soldiers who were detained with us. They were allowed to leave the cell at night and keep the bottom part of their trousers, which were military fatigues. One of the civilian prisoners who was ill and who had a scar wanted to go out one night to urinate. He was beaten by a soldier using his belt. He was taken to the hospital the next day, we never saw him again."

Arresting and holding people as they see fit and without their actions being held accountable to anyone, members of the military police and the FRCI have also introduced a "release procedure" based on the payment of ransoms. A large number of prisoners and former prisoners have told Amnesty International that at the *Génie militaire*, "People are released against payment of a sum agreed between the head of the military police and the prisoner's family." Another person held for several days at the BAE, told Amnesty International: "There, they held you so that your parents would come and pay for your release. If my parents had not paid, I would still be in jail."

One case clearly shows how soldiers do not hesitate to pick up the ransom or the remainder of a ransom at the homes of detainees' relatives. The chief of staff of an enterprise in Abidjan, arrested on 27 August 2012 and detained for several days at the EGS, told how his family paid for his release:

"I was held for two days and they told me that if I wanted out, my family had to pay. They were asking for 70,000 CFA francs [about 110 euros]. My family paid a first instalment of 50 000 CFA before my release. The second payment was made at my home. My jailers followed me to my home to claim the remaining amount, but once there, they asked for a higher amount. My family said they didn't have the money. Finally, they got tired and left."

The payment of a ransom does not always seem to be equated with release. A prisoner, who Amnesty International met at the MACA, said that during his detention at the *Génie militaire*, in August 2012, "the police chief took 85,000 CFA [about 130 euros] from my brother but I have not been released. When my brother went back to see him to protest, he threatened to go after him and to arrest him also."

Thus, from the arrest phase to that of a hypothetical release in exchange for payment of a ransom, members of the military police and the FRCI have brushed aside all the safeguards imposed by the rule of law. This has led police duties and justice into a worrying criminal path, the ultimate goal of which often seems to be revenge or the simple extortion of money.

3.2.2. POLITICALLY AND ETHNICALLY MOTIVATED ARRESTS

Though the Ivorian authorities have justified the waves of arrests carried out throughout 2012 by the need to fight against the perpetrators of armed attacks and coup attempts, the information gathered by Amnesty International indicates that in at least some cases, individuals were targeted because of their real or alleged political sympathies or ethnicity. This phenomenon gained even more momentum in western Côte d'Ivoire, where population groups have been targeted in a general way by the FRCI and the Dozos (see Section 4).

These arrests for political and ethnic motives are a consistent feature in Côte d'Ivoire's recent history since the advent, mid-90s, of the "*Ivoirité*" ideology. This ideology which opposed the "natives" of Côte d'Ivoire against "foreign" populations commonly referred to as Dioula (or Malinkés), seems to have been created by supporters of President Henri Konan Bédié, in order to sideline one of his main rivals, Alassane Ouattara, considered to be a Burkina Faso national and deprive him of his right to run for president.¹⁷

During the last decade, Laurent Gbagbo supporters regularly attacked Dioula populations, accused of being close to the New Forces and more generally to Alassane Ouattara. This perception of identity gradually took grip of the whole country and has also left its stamp on the post-electoral conflict during which people were targeted solely because of their family name.

The information collected from prisoners and former prisoners in Abidjan and in the Duékoué area (western Côte d'Ivoire) indicate that, to some extent, roles have now been reversed. The so-called "indigenous" (Bétés, Didas or Guérés in particular), in whose name many of the "ivoirité" abuses were committed, are now under attack by the FRCI and Dozos who accuse them all of being Laurent Gbagbo supporters and even of being armed militia members implicated in the attacks led against military and strategic objectives. While some individuals may actually be involved in these types of operations, it is very worrying that the authorities tolerate, condone, and in some cases, direct targeted attacks against individuals because of their alleged political sympathies or ethnic origin.

Thus, a number of prisoners or former prisoners told Amnesty International that the FRCI clearly justified their arrest and mistreatment of these persons by the fact that they were political opponents and members of ethnic groups presumed to support the former President Gbagbo.

Thus, during interrogations held by military police or the FRCI, accusations of complicity in the coup or armed attacks were not often clearly distinguished from reproaches related to the non-recognition of the electoral victory of Alassane Ouattara and also to the political choices of prisoners during the post-electoral crisis that followed, as if their attitude at that time could still constitute a recognizably criminal offense.

A commercial agent living in Yopougon, a neighbourhood in Abidjan, arrested on 8 June 2012, told Amnesty International that during his interrogation at the DST:

"They asked me my ethnicity and for whom I voted. I replied that I had campaigned for Gbagbo and voted for him. They told me: 'Why Gbagbo?' 'Who won the election?' I replied that it was the Constitutional Council that was the institutional body that could confirm the results. So they told me: 'You want to play the intellectual' and beat me." "

This man remained in incommunicado detention at the DST until 8 July 2012, without contact with the outside world, despite his requests to contact his relatives and lawyer. He was then referred to the MACA where the Amnesty international delegation met him in October 2012. Four months after his arrest, he had still not been heard on the merits of his case by an investigating judge.

Two other cases show to what extent the political opinions of prisoners were subject to interrogation, and were possibly the cause of the arrest and detention of the individuals concerned.

The first case concerns Alphonse Douati, a former minister in Laurent Gbagbo's cabinet and Deputy Secretary General of the FPI. Arrested on 18 August 2012 at the height of a wave of arrests following several armed attacks against military and strategic sites, Alphonse Douati

was suspected of having “funded youths who attacked the Akouédo military camp” ten days earlier, on 6 August 2012. However, during his interrogation, Alphonse Douati was also asked questions that had nothing to do with the attacks, ones which focused more on the challenging of the outcome of the 2010 Presidential election. He told Amnesty International:

“They asked me what I thought of the Constitutional Council’s decision [which had declared Laurent Gbagbo winner of the election] and asked me if I recognized Alassane Ouattara as President. I told them that Laurent Gbagbo had requested a recount but this clearly annoyed them. During my interviews, I asked to be assisted by a lawyer, this was denied. What is most surprising is that I went myself to the DST. They had asked me to come to see them to give them information on the attack against the headquarters of my party [which had taken place the same day]. I went there, without thinking of course that they would blame me for my attitude during the post-electoral crisis.”

A week after the arrest of Alphonse Douati, on 26 August 2012, the authorities arrested the Secretary General of the FPI, Laurent Akoun, who was sentenced on 31 August 2012, for “disturbing public order” to six months imprisonment as well as “a year of deprivation of civil rights” and a “one year ban from appearing anywhere on the national territory outside his place of birth.” This conviction is primarily based on statements by Laurent Akoun stating “Gbagbo has been ill-treated in Korhogo and Ouattara wanted to kill him.”¹⁸ At his trial, Laurent Akoun was also criticized for having declared that Alassane Ouattara did not win the election. When Amnesty International delegates met him at the MACA at the beginning of October 2012, Laurent Akoun told them:

“After my arrest, a police officer showed me an article in the newspaper *Notre Voie* [the FPI mouthpiece] describing the activities that I conducted in Abobo [a district north of Abidjan] on 3 August 2012. The article corresponded to the facts and the quotes were correct. I talked about the conditions of detention of Laurent Gbagbo from April to November [2011] in Korhogo, before his deportation [Laurent Gbagbo was transferred to the ICC in The Hague on 29 November 2011]. I also mentioned the case of other prisoners who have been left waiting to die as to date they have been left without care.”

According to the information collected by Amnesty International, Laurent Akoun at no time called for violence nor advocated its use. The organization considers him to be a prisoner of conscience and calls for his immediate and unconditional release.

In another case, the FRCI clearly told a prisoner that his arrest was motivated by a desire for revenge against supporters of the former President. This is what emerges from the testimony of a soap manufacturer, arrested in Abidjan and detained in the *Génie militaire*, who the Amnesty International delegation met in the beginning of October 2012:

“Six FRCI members arrested me in a ‘*maquis*’ [a restaurant] in Abidjan on 23 September [2012] around 4pm. They hit me when I was arrested and asked me where the others were. I didn’t know what they were talking about. When I arrived at the *Génie militaire*, the police chief told me: ‘For ten years, when Laurent Gbagbo was in power, you ate, you took the money, now it’s our turn, we will kill you.’ I still do not know what I am accused of. ”

Similarly, a person detained at the FRCI Camp in San Pedro, then transferred to the EGS

said: "They poured water on our bodies and walked on us. Walking, they said, you Bété, since you took power, you ruined everything, we are going to kill you."

In general, professing political opinions in favour of the former President may lead to arrest and mistreatment. An eyewitness told Amnesty International that in early October 2012:

"A man in Yopougon, holding the newspaper *Le Temps* (pro Gbagbo) in his hand, began to speak very loudly without realizing that a FRCI patrol was in the area. He said that the ICC would soon release Gbagbo. The FRCI members slapped him, tore his clothes and his newspaper. He was surrounded and beaten; he was also kicked and taken away with the patrol."

Even when people are clearly arrested on suspicion of being directly involved in armed attacks, interrogations constantly oscillate between specific charges related to determined offenses and reproaches related to the prisoner's alleged past support for Laurent Gbagbo.

In March 2012, in the days following the arrest of Lieutenant Colonel Gnatoa Katé Paulin (one of the military leaders accused of being involved in an attempted coup known as "*Operation Faucon Rouge*" (Red Falcon) (see Section 2.1)), the FRCI and the military police arrested 77 soldiers, former members of the FDS. One of these people, released without charge or trial after two months in detention, told the Amnesty International delegation how he was arrested at his home on 10 March 2012:

"On 10 March, after service, I went home. Around 3pm, FRCI members came and asked me to get up and accompany them to *Place de la Liberté* [an unrecognized place of detention] as I was accused of being involved in a coup. When I arrived, I noticed that there were other uniformed personnel. The others were like me: Athié, Guéré, Bété or Dida [ethnic groups in the south] arrested solely on the suspicion of supporting Laurent Gbagbo. They accused us of fighting them after the Presidential election and told us: 'If you think Laurent Gbagbo will return you are making a mistake, he has no power here.' They tortured us so we would talk, we had to stay lying on the ground with chains on our feet. We were arrested at random, the proof being that after 55 days we were all released. Our captors said they had made inquiries and could not accuse us of anything and they asked forgiveness. It's easy to say that after what they did to us in detention."

Above and beyond these political divisions, ethnicity has also served as criteria for identifying the perpetrators of attacks, and more generally, potential enemies. Thus, a number of prisoners have told Amnesty International that they were targeted as they were part of an ethnic group generally identified as Laurent Gbagbo supporters.

In many cases, it appears that a "southern" [generic term for Laurent Gbagbo supporters] sounding name was enough to justify arrest. This appears to be the case for a law student who was arrested on 11 August 2012 in Grand-Bassam.

During a meeting with the Amnesty International delegation in the EGS, he said:

"I was walking down the street when FRCI members asked to see my ID card. After reading my name, they asked me if I was a southerner. As I answered yes, they said: 'This is serious,

get in the car'. In the car, I was beaten. They said I was a militiaman and took me to the Industrial Institute of West Africa camp, [*Institut Industriel d'Afrique de l'Ouest*, IIAO] where I was regularly hit with rifle butts and where I was slashed with a knife."

Several prisoners and former prisoners confirmed to Amnesty International that the FRCI, and the military police, did not hide from prisoners the fact that their ethnicity explained, at least in part, their arrest and mistreatment. A builder, of Guéré origin, who was arrested in Abidjan on 15 September 2012 and held for four days in a FRCI lieutenant's private residence, told Amnesty International:

"We were regularly beaten for a period of four days. They said that the Guérés and the Bétés had supported Laurent Gbagbo and that's why they were beating us. They accused us of being mercenaries. "

In another case, a builder arrested on 5 August 2012 in Abidjan said: "They asked me for my name. I gave them my ID card. They asked me if I was Guéré. When I said yes, one of them said: 'This is a Guéré, arrest him!' "

Sometimes the threats made do not refer to belonging to a particular ethnic group but to being from a vague geographical location. Thus, a trader from Guiglo (about 500 km west of Abidjan), was arrested on 7 June 2012 as he was returning to his village. The vehicle in which he was travelling was stopped by soldiers who asked for the identity papers of passengers. He was sent to the DST in Abidjan where he was tortured. A Commissioner of Police said to him, "You men of the west, we will exterminate you."

3.2.3. DETENTION IN UNOFFICIAL PLACES AND INCOMMUNICADO DETENTION

Almost all detainees and former detainees with whom Amnesty International spoke with in Abidjan said that they had been held in unrecognized places of detention or held incommunicado for weeks or months without access to their families, to a lawyer or to a doctor.

The use of incommunicado detention is contrary to basic national and international standards of human rights, including those provided in the Ivorian Code of Criminal Procedure. It specifies in Article 76 that a prisoner has the right to have a lawyer present as soon as he or she so requests:

"Any person against whom there is serious and corroborating evidence of participation in a crime or who has suffered from this crime or is likely to assist in the manifestation of the truth, may, during the investigation, be assisted by a lawyer."

In addition, Article 76-2 (3) provides that "[i]f the person detained or in custody shows a willingness to be assisted by counsel, the judicial police officer shall immediately notify the counsel or allow the person to do so by any means ."¹⁹

Disregarding these safeguards, and completely mistrustful of the police and gendarmerie generally considered as "pro-Gbagbo", the FRCI and the military police have set up a network

of unrecognized places of detention in which dozens of people have been tortured and held incommunicado.

These places include military camps (including San Pedro and Daloa), civilian or military infrastructure requisitioned by the army (including the Industrial Institute of West Africa (IIAO) and Institution of Management and service (EGS) in Abidjan) as well as private residences. Amnesty International was able to investigate some of these places, especially those situated in and around Abidjan. One of the places, the Centre Marie Thérèse Houphouët Boigny, a preschool education centre located in Adjamé (a district of Abidjan) had been used for years as a base for militia fighters of the *Groupement des patriotes pour la paix* (GPP, Group of Patriots for Peace), supporters of Laurent Gbagbo, responsible for serious human rights violations before and during the post-electoral crisis of 2010-2011.

In addition to these unofficial places of detention, many prisoners have said that they were taken to the “bush” or to the “forest” to be tortured. These non-delimited areas seem to play a special role in the series of techniques used by FRCI members to terrify prisoners and to get them to “confess”. Accordingly, a Guéré electrician arrested in September 2012 in Abidjan, told Amnesty International:

“The most terrifying part was when they took us into the bush. It was at night, they fired into the air to frighten us. They threatened to kill us if we didn't tell the truth. They said that it was the Guérés and the Bétés that had supported Laurent Gbagbo and that's why they were beating us. At no time before, or again after, did we have such an impression that we were mere toys in the hands of our tormentors. Then, we were taken into the private residence of an FRCI officer and then to the *Génie militaire*. We were also tortured there, but the bush was the worst of it all as anything could happen to you.”

Another person, arrested at his home in Abidjan at 3.30am on the night of 16 to 17 August 2012, told Amnesty International:

“I found myself in a car with four other people. My hands were handcuffed behind my back, a hood was pulled down over my face. I felt the tip of an automatic pistol against my head. At one point, I realized we had left the road to follow a trail. The vehicle stopped and when they removed the hood, I realised we were in the forest. We were made to get out and they asked us where the weapons were. I replied that I knew nothing about it. They fired shots in the air and then shot at one of the prisoners. He fell and they left his body there.”

Even those taken to official places of detention have been held incommunicado for long periods in violation of the basic rules for detention and the rights of defence both at a national and international level (see Section 6.2)

A person arrested in Abidjan on 24 August 2012, told Amnesty International:

“I was taken to the DST where I was interrogated. They accused me of complicity in attempts against state security and housing militia members and rebels. I was questioned twice. I denied the charges against me and asked that my lawyer be present. The DST officer told me that for the moment, I didn't need one. I spent twelve days at the DST where I had no visitors and no one knew where I was. ”

In another case, a Franco-Ivorian citizen was denied contact with his lawyer and with the French embassy. Ibrahim Magassa, economist and consultant, was arrested on 15 March 2012 at Abidjan airport upon his return from Paris. He was taken to the DST and held for 32 days. He told Amnesty International:

"I was questioned more than 10 times (ten minutes each time) and I was asked to provide information on people from the previous administration [that of Laurent Gbagbo]. Despite my requests, they refused for me to be assisted by a lawyer or by my embassy."

Charged with attempts against state authority on 17 April 2012, he had still not been heard on the merits of his case by a judge when the Amnesty International delegation met him at the MACA in October 2012.

Simone Gbagbo's lawyer, Rodrigue Dadjé, was also detained incommunicado at the DST for three weeks. Arrested upon arrival at the airport in Abidjan on 29 March 2012, he was taken to the DST for questioning. He was charged with "attempts against state security, purchasing weapons, rebellion and the recruitment of mercenaries." He was eventually released on bail on 21 June 2012. In a meeting with the Amnesty International delegation, Rodrigue Dadjé said: "I did not have the right to be assisted by my colleagues even though the DST is governed by the Code of Criminal Procedure, which provides that a prisoner has the right to be assisted by a lawyer upon arrest. I was locked up day and night in an air conditioned room, lying on a table."

These detentions in unofficial places of detention and these incommunicado detentions have spread despair among the relatives of prisoners. Many have taken steps to determine the whereabouts of their family members without success. The sister of Serge Hervé Kribié, a police sergeant, who died under torture in August 2012 (see section 3.2.4.) told Amnesty International:

"After the arrest of my brother in San Pedro on 20 August, I made several attempts to see him. I went to the DST, to the *Génie militaire* and to the judicial police, I found no trace of him. On 7 September during a meeting with the Chief of Police of San Pedro, I learned that my brother had died between Grand Lahou and Dabou."

The assertion that this police sergeant had apparently died "between Grand Lahou and Dabou" was contradicted by several prisoners interviewed by Amnesty International who said that this man had been abused in custody in San Pedro and had died as a result of this torture (see Section 3.2.4).

Refusing to respond to families seeking news of their relatives, the FRCI also went after, on at least one occasion, a woman trying to identify the people who had come to arrest her relative. A commercial agent arrested on 27 August 2012 in Kumasi (district of Abidjan), and held for several days in the EGS, told Amnesty International:

"Two men in civilian clothes arrived at my workplace and asked me to follow them. I told them they had to tell my boss. One of them slapped me. Three others came to hit me too and dragged me towards a vehicle in front of the staff. The secretary who also happens to be my sister-in-law tried to write down the vehicle registration. When they saw her they arrested her

and took her at the same time as me to the EGS."

In some cases, parents have only heard from their detained relatives after the Amnesty International delegation's visit as the latter was able to identify their whereabouts and to inform the families.

3.2.4 TORTURE TO EXTRACT "CONFESSIONS", TO PUNISH AND TO HUMILIATE



Burns from melted plastic on the bodies of former detainees in Abidjan. © Amnesty International

The systematization of detention in unrecognized places of detention and incommunicado detention has facilitated the use of torture and other ill-treatment. A very large number of prisoners and former prisoners interviewed by Amnesty International described in detail the torture which they suffered and their coherent narratives show that these practices are essentially used to extract "confessions" but also to punish and humiliate individuals regarded as supporters of former President Gbagbo.

Detainees and former detainees met by the Amnesty International delegation described a series of techniques used against them.

Thus, more than a dozen people claimed to have been tortured with electricity while they were held in the San Pedro FRCI camp.

A Master Corporal in the Abidjan airbase told Amnesty International:

"I was arrested by the FRCI on 9 August [2012] in my village and then transferred to the San Pedro FRCI Command Post camp. In this camp, there is a building; on the 3rd floor there

was a flat roof called the 'slab'.²⁰ Straight away other prisoners told me that I would be tortured with electricity. I did not know how it would happen. I was asked to go into the yard. Under orders, I undressed, I kept my boxer shorts on and I was asked to sit down and to put my hands behind my back and around an iron post. I was handcuffed and cold water was poured over me. I was given several electric shocks, they then asked me to spread my legs and they put electricity on my penis and on my body. It is in this position that they asked me to confess.”

This man was then transferred to the EGS in Abidjan and when Amnesty International was able to meet him in November 2012 he had not yet been charged.

Other detainees were subjected to waterboarding. A soldier, part of 77 people arrested in March 2012 and held at the military camp located at Place de la Liberté before being released after 55 days without charge or trial, told Amnesty International:

“After they hit me with electric cables and kicked me with their rangers [boots], three FRCI soldiers held me by the feet and plunged my head into a barrel of water. I couldn't struggle because my hands were cuffed behind my back.”

Several other detainees claimed to have suffered burns from melted plastic and showed the Amnesty International delegates the burn marks on their back and neck. One prisoner, a member of the aforementioned group of 77 prisoners, said:

“When I got to the camp at *Place de la Liberté*, they asked me to take off my clothes; I was just in my boxer shorts. They started interrogating me whilst torturing me. They handcuffed my hands; the handcuffs were connected to a vertical iron bar. They hit me with batons and iron bars. They burned a plastic bag and put the melted plastic on my back as three people held my feet.”

Several detainees have also confirmed being tortured in private villas:

This is the case of a local FPI official who was arrested in the street in Abidjan in August 2012 and released after eight days upon paying a ransom of 200,000 CFA francs (about 300 euros). This person told Amnesty International:

“I was taken to a FRCI military camp near the terminus stop for bus no. 17. I was in the middle of a circle of ten soldiers. Blows rained down on me, they kicked and punched me in the face and the head. When one of them spoke to me another would hit me in the back. They stopped me from talking so I couldn't challenge their assertions. They then tied my hands behind my back and also tied up my feet. They tore two holes in a plastic bag, which they then put over my head. They put me in the trunk of a vehicle and took me to a private villa in Cocody. They accused me of taking money to recruit mercenaries. They made me sit in a chair and they gave me regular electric shocks. I urinated and defecated in my underwear.”

Some detainees confirmed being made part of a filmed scene aiming to incriminate them. A student arrested on 11 August 2012 with six others in Grand Bassam and then held at IIAO Camp and the EGS, told Amnesty International:

"When we reached the IIAO camp we were all undressed, given underwear and made to sit. They put guns in front of us and filmed us. For five days, I was locked in a cell and regularly beaten with rifle butts. The soldiers made me lie on a flat bench and they cut me with a knife, particularly on my feet. The torture continued so that we would admit that these weapons were ours. At one point, I heard two shots and two soldiers said in Bambara, which I understand as I grew up in Mali: 'Assara' (he is dead) and 'N'Kassara' (I killed him). They made it understood that if I confessed that I was given 3 million CFA francs [around 4,500 euros] to finance attacks, I would be left alone."

Amnesty International also received reports mentioning sexual abuse imposed or inflicted on detainees. One person who was held at the San Pedro FRCI camp said:

"They asked two inmates to take the penis of their cellmate in their mouth in turn. They also tied a rope to the penis of another prisoner, an elderly man, and they pulled on the rope."



According to the information received by Amnesty International, at least two prisoners died as a result of torture. This was the case for Serge Hervé Kribié, a police sergeant of the Bété ethnic group, who was arrested in San Pedro on 20 August 2012. Several policemen and civilians were arrested in the same period in San Pedro and one of them told Amnesty International:

"Serge Hervé Kribié was handed over to the FRCI. He was stripped, tied to a pole and water was poured over him. Then he was given an electric shock. Me, I was lying on the slab and I looked to see. He was shouting, he spoke of his children ... he made awful cries. After that, one of those giving the orders asked in Dioula: 'Is he dead? If he's dead, we'll tie his feet together and throw him into the lagoon'. I saw that they were giving him a cardiac massage. He went silent. A few days later, a soldier that I know told me that our fellow inmate had died on the day of his arrest."

A month later, on 20 September 2012, this man was awarded the National Order of Merit posthumously by Alassane Ouattara. The authorities decided to make believe that he was part of the soldiers and police killed in various attacks.

Serge Hervé Kribié. © Amnesty International

In another case, the body of a fisherman who had died of torture was thrown into the lagoon in Abidjan by the FRCI. It was Djebouh Dogo Ephrem Romaric, 30 years old. This man was arrested while fishing with a friend around 7:30 pm on 22 September 2012 between the Palace of Culture and the *Génie militaire*. The latter told Amnesty International that both were in their canoe, not far from the shore, when the FRCI members asked them to come towards them. "Despite my advice, Romaric went towards them, me, I jumped into the water and so I survived. I saw that Romaric was arrested by the FRCI; he spoke loudly, asking for their forgiveness. Then they took him away. "



Lagoon where Djebou Ephrem Romaric's body was found. © Amnesty International

Parents of this fisherman have taken steps to locate him and have contacted the guards who monitor the Palace of Culture. The latter told them that on that day people had been arrested and beaten by FRCI members. Three days later, Djebou Dogo Ephrem Romaric's body was found in the lagoon, showing signs of beating. The family has not requested an autopsy as this is too expensive. To Amnesty International's knowledge, no investigation has been opened on this case.

The use of torture and ill-treatment is not only aimed at extracting "confessions". It is also used to punish and humiliate those that the FRCI consider as defeated and yesterday's losers.

Thus, prisoners in the *Génie militaire* were forced to sing under penalty of being beaten. One of these prisoners, met by Amnesty International at the *Génie militaire* in October 2012, said: "Sometimes we were woken up in the morning and made to sing ' Eliko zama, zama, zama, I am a militiaman' and if we didn't sing, we were beaten". Another prisoner, arrested on 14 June 2012 in San Pedro and taken to the city's FRCI camp told Amnesty International: "At one point, someone got in front of me and asked me to count his toes. When I said the number he told me that I was wrong and he beat me."

The FRCI members also humiliated a group of 13 military chaplains members of the Celestial Church of Christ²¹ who were arrested on 18 February 2012, at the Vridi University Residence (*Cité universitaire*) in Abidjan and taken to group 1 of the Republican Guard in Treicheville (municipality of Abidjan) where they were interrogated and ill-treated for 19 days. All were charged with the undermining state security and sent to the MACA. When Amnesty International delegates met them in October 2012 they had not yet been heard on the merits of their cases.

All said they had been beaten. One of them told Amnesty International:

"When we arrived at the Treichville Republican Guard, they took our clothes and beat us while we were naked. Then we were all put in the same cell and regularly beaten at the time we said our prayers. They told us, 'Don't annoy us with your prayers, stop praying' and kicked and punched us. The FRCI treated us as Gbagbo militiamen. They said they were going to slit our throats and poured water into the cell to stop us sleeping."

This prisoner had already been arrested on 16 October 2011 and beaten by FRCI members before being released without charge or trial against payment of a 150,000 CFA francs (about 230 euros) ransom.

All the information collected by Amnesty International indicates that these incidences of torture were committed with the full knowledge of, and often at the instigation of, military police officials or FRCI members.

A pastor who was arrested at his home in Yopougon at 11pm on 7 April 2012 and was detained for seven weeks in the *Génie militaire* told Amnesty International:

"The police chief gave the order to beat me when I arrived at the Military Engineering Headquarters. This happened in the sand in the courtyard. They really gave me a good beating. I was surrounded by three or four people. They hit me with thin cords which had buckles at the end and were used as belts."

Charged on 29 May 2012 for attempts on state security, this man had still not been heard on the merits of his case when the Amnesty International delegation met him in October 2012.

Similarly, a sergeant who was summoned to the Daloa FRCI military camp on 9 October 2012 and arrested for alleged participation in meetings to launch armed attacks, was tortured in the presence of a senior FRCI member:

"They made me lie on the ground, stripped to the waist, and hit me with computer cables, they put clips on my ears, 3 on the left and 4 on the right, and their leader stepped on my fingers, I can no longer bend them. They hit me so that I would say that I held meetings in Abidjan and Daloa. Finally I told them everything they wanted to hear in order to avoid torture."

Taken to the *Génie militaire*, where the Amnesty International delegation met him, he was questioned by one of the military police officials:

"During the interrogations, which lasted two to three minutes, the chief asked me to choose between death and confession. I had to tell him where the weapons were. He accused me of holding meetings to organise attacks of the cities of San Pedro and Daloa. Then when I was interviewed by a policeman in the *Génie militaire*, the chief intervened to say that I held meetings in Abidjan and Daloa and that it must figure in my statement."

Many confirmed that they were not allowed to read the statement that they were forced to sign. Others indicated that the statement had been filled out under the soldiers' dictation. A man arrested on 17 August at 6.30am in Deux Plateaux and then taken to the *Génie militaire* said:

"In the *Génie militaire*, I was beaten and accused of being a militiaman. I was also asked to give the names of people who were also mercenaries. At the hearing, the chief intervened to tell them what to write. He told them: 'We must put that, that he did that' and the officer obeyed without saying anything."

Other prisoners were given death threats so that they would sign their depositions. A policeman assigned to Yopougon and arrested on 28 August 2012 while in a "maquis" told Amnesty International:

"The lieutenant asked me to cooperate and to sign the report, if not my wife might be killed. The chief-sergeant had written a six-page report. I signed the report but without reading it. I was kept for 14 days at the BAE where I was ill-treated. On 14 September I was brought before a judge who asked me about my confession. I replied that I had signed the statement to save my wife's life. He did not react and sent me to the MACA."

As a result of this type of questioning, a large number of detainees told Amnesty International that they were charged on the same criminal charges, in particular, "undermining national defence, attack or conspiracy against the authority of the state, formation of armed groups, organisation of or participation in an armed gang, participation in an insurrectionary movement, undermining public order, rebellion." Given the conditions in which these people were interviewed and the manner in which their statements were signed, it appears that these charges are not the product of an impartial and independent investigation but more the result of an almost automatic determination of preset criminal charges.

Several prisoners also reported having received visits, during their detention in the hands of soldiers, by political and military officials who did protest but did not take measures to put an end to such practices and bring the perpetrators to justice. Thus, all persons held at *Place de la Liberté* and interviewed by Amnesty International indicated that during their detention, the Minister of Defence Paul Koffi Koffi came to see them and protested against the treatment of prisoners in the presence of Zacharia Koné, head of the military police. He said that if the FRCI had something to charge them with, they were to refer them to judicial authorities.

This type of formal protest, which, to Amnesty International's knowledge has not been followed by concrete measures to put an end to these practices, is far from meeting national and international obligations incumbent on authorities in the fight against torture (see Section 6.2.1.1).

3.2.5 RETALIATORY ACTION ON THE POPULATION

In the context of their fight against insecurity, the FRCI members also conducted reprisal operations against the population after certain armed attacks.

Thus, after an attack on the night of 15 to 16 August on the Dabou military camp (around 50 km west of Abidjan) and more particularly against the residence of the FRCI chief, soldiers conducted search operations in villages where the attackers had allegedly found refuge.

Several people were arrested and then released, but in at least one case, a man was seriously injured by FRCI members in one of these villages on 25 August 2012. A witness told Amnesty International:

"They came shooting in the air. The shots fired injured several people. They hit people with the butts of their rifles, including old and young people lying on the ground. They cracked a villager's skull, all the wounded were evacuated to the hospital. The FRCI captain said that the village was home to attackers and weapons and the village chief said he did not know about any of this. The captain replied: 'You are the boss, you will have to deal with the mess'. The chief was arrested and released a few days later. Some men were taken to Dabou and released the next day but one of them has not been seen since; his name is Yao Aka Lambert, aged 47, a farmer who owns a house and was accused of renting a room to an attacker. Several young people left the village after these attacks."

These attacks and intimidation of the population reached a particularly dramatic level during the attack and destruction of the camp for displaced people in Nahibly, near Duékoué, on 20 July 2012 (See Section below).

4. “DOES IT EVER END?” DISPLACED PEOPLE BEAR THE BRUNT OF ONGOING INSTABILITY IN THE WEST

“After the Duékoué massacre [late March - early April 2011], we were forced to leave our homes. The authorities and the UNOCI had promised to protect us. And now, after more than a year, we bury our dead again, victims of the FRCI and the Dozos. We cannot return to the villages where Dozos patrol our plantations. Is there still a place for us somewhere?”

An IDP who survived the attack on the Nahibly camp on 20 July 2012.

4.1. THE WEST: CHRONIC INSTABILITY FOR OVER A DECADE

Throughout the last decade - and even more dramatically during the post-electoral crisis - western Côte d'Ivoire was the scene of the most serious violations and human rights abuses ever known in the country. Three factors can, in particular, explain this: intercommunal conflicts exacerbated by land disputes and fuelled by the “Ivoirité” ideology; the presence of armed militias and; the porosity of the border with Liberia whose instability during the 1990s and early 2000s has since spread to western Côte d'Ivoire. This above situation has also been exacerbated by a lack of political will to solve the structural problems of the region, and in particular the land issues.

Western Côte d'Ivoire has been, for decades, a land of migration, which has attracted millions of citizens from the sub-region as well as people from other regions in the country. These

migrants have worked mainly in the cocoa and coffee plantations and in small business. With the economic crisis, which emerged in the early 1990s, these migrants were considered by some “indigenous” people, to be competitors from elsewhere come to exploit the riches of the region. Many of them, particularly those from Burkina Faso, saw the ownership of their land contested, as most farmers had no land title deeds.

These intercommunal conflicts were exacerbated after the attempted coup of September 2002 and the partitioning of the country that followed. Therefore, in the eyes of those called “indigenous”, the Dioula migrants (referred to as “allogenous”) were generally viewed, not only as foreigners exploiting the economic wealth of the country, but as agents of the New Forces who took control of the north of the country. Impassioned by the “Ivoirité” ideology, several “indigenous” militias were created at the instigation and with the support of Laurent Gbagbo’s government. The names of these militias²² which combine the words “patriot”, “resistance” and “liberation” indicate the willingness of “indigenous” armed groups to fight against the presence and influence of those perceived as foreign.

This phenomenon of militias was fuelled by the use of mercenaries recruited largely from neighbouring Liberia. At the discretion of alliances and their pecuniary interests, these mercenaries were used both in the ranks of the “indigenous” militia and in the armed opposition groups within the New Forces. Between 2002 and 2004, in particular, all parties to the conflict participated in attacks against towns and villages in the west of the country, killing civilians and using rape and sexual slavery as weapons of war.²³ They also forcibly recruited civilians, particularly Liberian refugees, including boys and girls under the age of eighteen.

With the post-electoral crisis between 2010 and 2011 and the progress of New Forces in western Côte d'Ivoire, the region was again a theatre for widespread violations and abuses of human rights committed by all parties to the conflict. This was particularly the case in the Duékoué region where in late March and early April 2011, hundreds of persons were killed in particular by the Dozos and FRCI members in the context of a widespread and systematic attack against the civilian population. These acts have been qualified by Amnesty International as war crimes and crimes against humanity.²⁴

The military victory of Alassane Ouattara supporters, in April 2011, has modified the balance of power in parts of the western region where the rule of pro-Gbagbo militia gave way to a new order imposed by the Dozos and FRCI.

This new balance of power has deterred many people from returning to their villages or their lands for fear of reprisals or because their properties were occupied by others.

This phenomenon of occupation of land belonging to “indigenous” populations by “allogenous” Dioula populations was confirmed to the Amnesty International delegation by several inhabitants of Duékoué region. One of them said:

“We can no longer work on the plantations, they are occupied by allogenous persons, people who worked for us before the events. Those who have lands far from the village do not dare venture there. It has become dangerous, we are threatened.”

The issue of land ownership remains both unresolved and very worrying as it is a source of dramatic intercommunal conflict. In a report published in June 2012, the UN Secretary General expressed concern at the persistence of this problem in noting that “violent intercommunal confrontations continued to take place, mostly in western and central Côte d'Ivoire, often revolving around land tenure issues.”²⁵

4.2. ATTACKS ON LOCAL POPULATIONS BY FRCI MEMBERS AND THE DOZOS

Insecurity in the west of the country has worsened due to the behaviour of the FRCI and the Dozos who, since they took control of the region in March-April 2011, have attacked local people, in particular those belonging to the Guéré ethnic group.

Using the persistence of crime and robberies undertaken by unidentified individuals as justification for their excessive use of force, the FRCI and/or Dozos raided villages and neighbourhoods inhabited by “indigenous” people, arresting, torturing and sometimes killing people with complete impunity.

The Amnesty International delegation visited the Duékoué region twice, from 25 to 29 September and then from 19 to 20 October 2012. The delegates gathered numerous reports of killings, destruction of property and looting villages in Diehiba, Guehibly, Guitrozon and Guezon and in the Carrefour and Togueï neighbourhoods of Duékoué. The widow of a man executed by FRCI members in January 2012, told Amnesty International:

“On the night of 3 to 4 January [2012], I was at home with my husband and my children when four soldiers wearing uniforms arrived at the house. They wanted to rape our daughter. My husband intervened, they hit him and overpowered him, two soldiers held his arms, another held his feet while a fourth cut his tendons. My husband fell, I struggled and shouted. They tied me up and then took my husband outside. With all the shouting, neighbours and friends came to see what was happening, the soldiers escaped in their car. My husband was taken to the hospital, he died there as a result of his injuries on 20 July.”

The Amnesty International delegation also met with witnesses who described the arrest of François Gnablemon, aged 56, by FRCI soldiers in the village of Guéhibly at about 2 am on 19 March 2012. His wife told Amnesty International:

“Four FRCI members knocked on the door. My husband woke up to ask what was happening. They didn't answer. Two of them took him by the arms and took him outside where there were other FRCI members. I wanted to follow but they stopped me. One of the FRCI members asked what my husband's profession was. I replied that he was a shopkeeper. They pushed me and went with my husband without telling me why they had taken him.”

Later that day, a member of parliament representing the region received a phone call in Abidjan, stating that François Gnablemon was dead and providing information about the location where his body was left. The body was actually found in this place and showed bullet wounds. His family filed a complaint but, to the knowledge of Amnesty International, this has

not been taken any further.

This climate of insecurity in which some local populations live has been highlighted by the Special Rapporteur on the human rights of internally displaced persons, Chaloka Beyani when returning from a mission in Côte d'Ivoire in late July 2012. In a statement issued on 31 July 2012, the Special Rapporteur said: "Particularly in the west of the country, IDPs also remain deeply concerned by the security situation. Some communities that were affected by displacement, and some returnees, continue to hide in the forest at night due to fears of attacks. It is critical that the ongoing security sector reforms, measures to strengthen the justice system and rule of law, and the disarmament and demobilisation process be fully set in place as a matter of priority".²⁶

This insecurity has been fed by the prominent role played by the Dozos following the FRCI's military victory in April 2011.

BOX 1: THE DOZOS: A SELF-PROCLAIMED POLICE FORCE WHICH EXTORTS MONEY FROM THE POPULATION

Following the FRCI's victory, the Dozos have imposed themselves - with the agreement and support of political and military authorities - as a police and law enforcement force which demands financial contribution from local populations.

The Amnesty International delegation therefore noted that in the Duékoué region the Dozos had set up roadblocks on several side tracks and controlled access to villages.

Many people have confirmed being regular targets of Dozos racketeering and extortion. A person living in a village not far from Duékoué said:

"When you go to town by scooter, you have to pay at roadblocks set up by Dozos, cyclists pay 500 CFA francs [0,70 euro] while motorcyclists have to pay 1000 CFA francs[1,5 euro]. If you don't pay on the way, you have to pay on the way back, when you can't pay, they take your bike or scooter."

Similarly, in the *Père Thête* district in Duékoué, Amnesty International learned that the Dozos demanded 300,000 CFA francs (about 450 euros) per month from the public to ensure safety in the area. Dozo officials defended claiming this sum by stating that 10 Dozos ensured safety in the area and that they had to pay 30,000 CFA francs to each Dozo. Following protest from local people, negotiations took place and finally the inhabitants agreed to pay 250,000 CFA francs, the local FRCI commander would pay the difference.

This partnership between the FRCI and Dozos was recognized and asserted by the Dozo head of security in Duékoué during a meeting with the Amnesty International delegation on 29 September 2012:

"We have partnered with the FRCI to ensure the security of the region. We patrol at night and when we make arrests, we give the prisoners to the FRCI. We do not extort money from the local population."

The support provided by the FRCI to the Dozos is particularly worrying as the militia has no legal status as a police or security force in Côte d'Ivoire. The Dozos are not governed by a legal framework and are not

specifically required to be accountable to government officials.

In a meeting with the Ivorian Minister of Defence, Paul Koffi Koffi, on 3 October 2012 in Abidjan, the Amnesty International delegation shared its concern to see the Dozos taking on policing tasks.

The Minister responded by saying that the government had published, on 5 June 2012, an inter-ministerial circular “on the presence of ‘Dozos’ at roadblocks”.

The circular states that “individuals claiming to be part of the “Dozo” brotherhood [*confrérie*] have spread across the country. Bearing firearms, providing administrative policing, supervising public protests, they set up roadblocks and take the place of judicial police officers.” This text recalls that, “the exercise of these missions is governed by special legislation and exclusively falls under the jurisdiction of the national police, the gendarmerie and the legal system.” The text also specifies that, “accordingly, from 30 June 2012, any person not belonging to the Armed Forces or National Police and caught disobeying rules regarding roadside checks will be arrested and, where necessary, will be prosecuted.”

Three months after the publication of this circular, the Amnesty International delegation observed that these guidelines went unheeded on the ground.

4.3. THE ATTACK ON THE NAHIBLY CAMP FOR DISPLACED PERSONS (20 JULY 2012)

The close links between the Dozos and the FRCI were again demonstrated during the attack and destruction of the Nahibly camp for displaced persons (4 km from Duékoué) on 20 July 2012 which have been perpetrated against the background of crimes against humanity committed in the same area in March-April 2011. This camp - the last camp for displaced persons still open in Côte d'Ivoire – harboured at the time, around 4,500 people who had fled villages in the region during the post-electoral crisis and ensuing violence.

The delegation visited Nahibly and several surrounding villages and met with dozens of victims and witnesses of the attack. Amnesty International also met with key actors who were onsite during these events: local civil authorities and soldiers, Dozos, members of the UNOCI as well as humanitarian workers and human rights defenders who entered the camp immediately after the attack. Amnesty International delegates went to the site which is now deserted and in ruins and they were able to review videos and pictures from different sources.

The information gathered by Amnesty International shows that the attack was launched by Dozos, supported by young people, Dioula in majority, from the local neighbourhood of Kokoma in Duékoué, and also by FRCI members. The organization has documented the cases of 14 people killed to which we must add an unknown number of persons who were victims of enforced disappearances after being arrested by Dozos or FRCI members. (See Box 2: Death toll of the attack on the camp Nahibly: controversial figures.)

An investigation was opened and referred to the Public Prosecutor of Man (some 80 km from

Duékoué) but this has not so far led to any judicial proceedings.

4.3.1. STIGMATIZATION OF IDPS LIVING IN THE NAHIBLY CAMP

This attack took place against a background of increasing stigmatization of IDPs by both political and military authorities as well as some sections of the population.

This stigmatization stemmed from the fact that some individuals suspected of being responsible for acts of violence (robberies, rape) committed in the region reportedly lived permanently or occasionally in the Nahibly camp. The presence of criminal elements in this camp was also reported on by some humanitarian organizations, including the UN High Commissioner for Refugees (UNHCR). These organizations reported that their staff had been victims of threats, harassment, theft and violence in the camp. Bert Koenders, the Special Representative of the UN Secretary General in Côte d'Ivoire and head of UNOCI recalled this context of insecurity after the attack of the Nahibly camp: "From March 2012, there were 14 attacks against aid workers in the camp, and in May, the UNHCR sent a letter to the authorities addressing these incidents, informing them that the food distribution would be suspended. On 22 May, humanitarian actors were threatened by individuals in the camp."²⁷

According to an Ivorian human rights defender, it was from there that the perception seems to have been born of a camp "full of bandits". This was exploited by some to demonize all camp residents. During its mission in October 2012, Amnesty International met many people who lived in the Nahibly camp before its destruction in July. One of them told Amnesty International that things had degenerated to the point that "whenever a crime was committed in Duékoué, everyone pointed the finger to Nahibly." Some accusations also pointed to the existence of weapons caches in the camp.

This stigmatization was also characterized by taunts and insults and was also fuelled by the fact that these people, mainly from the Guéré ethnic group, were generally regarded as supporters of former President Gbagbo.

A former resident of the camp told Amnesty International: "Dozos and inhabitants of surrounding villages were constantly telling us: 'It is because of Gbagbo that you are there, we are going to kill you'".

Several sources have also told Amnesty International that in the weeks before the attack, it became commonplace to hear about the need to make the Nahibly camp "disappear".



Nahibly Camp
two months after
its destruction,
in September
2012. ©
Amnesty
International

4.3.2. THE ATTACK AGAINST THE NAHIBLY CAMP

In this context of continuing ethnic polarization and rising crime, an attack which happened in Duékoué on the night of 19 to 20 July 2012, really sparked things off.

That night, around 1am, four people were killed and two others were injured in an attack by unidentified persons in the area of Kokoma, mainly inhabited by Dioula populations.

Very quickly, a rumour spread that the killers had fled towards the Nahibly camp. This assertion was based on traces of blood which reportedly led directly to the IDP camp. Around 8 am, a dozen armed Dozos appeared in front of the Nahibly camp which was guarded by UNOCI troops. An UNOCI official told Amnesty International: “We told them that nobody had come in by the camp entrance, that we were guarding during the night and we told them that we could not let them in.” Dozo fighters then began to circle the camp and to take position at various locations.

Very soon, hundreds of people, coming from Duékoué, were stationed at the entrance of the camp. A military officer of the United Nations estimated that the crowd quickly grew to around a thousand people. At least half of these people were armed with machetes, guns and other weapons. He said it was clear that these people “had not come to talk” and that they were “very angry and very determined.”

At the time of the attack, the UNOCI contingent present onsite was composed of 10 Moroccan soldiers guarding the camp entrance and 12 Pakistani police officers stationed inside the camp. A UN officer said that his soldiers had tried to push back the crowd and had

positioned a UN vehicle at the entrance to block access. He confirmed:

“It was clear that we were not going to be able to do anything to control this crowd, without shooting at them. That would have almost certainly led to an explosion of violence and many people being killed. Of course that is what happened in the end all the same.”

Very soon, the crowd overwhelmed the ONUCI contingent, climbing the fence and entering the camp.

Many survivors told Amnesty International that the attack was soon of such a scale that everyone tried to flee in panic. A woman, aged 32 years, who lived in the camp told Amnesty International:

“It was early in the morning. People had begun their daily routine. The men had gone to fetch water and the women were cooking. The children had left for school but suddenly they came running back, very afraid, saying that Dozos had arrived at the camp. I went to the entry and I asked the UN soldiers what was happening. They said not to worry; that the Dozos were not going to do anything and that the soldiers were there to keep us safe. I believed them and I went back to our tent. And then very soon the attacks began. They had gotten through the entrance. I saw Dozos, FRCI members and young Dioulas everywhere, with machetes and guns and axes. People were screaming and running everywhere. All I could think about was my children. I put my baby on my back and took my two other children by the hand. My other child ran beside me. So did my mother. I was very pregnant, but I was still able to run fast. I saw people falling everywhere. I saw someone killed. They were setting all of our tents on fire”.

Things soon became chaotic. Eyewitnesses said hundreds of people were involved in the attack. Many were armed with guns, machetes, axes and heavy wooden sticks with nails on them. Many eyewitnesses also said that most of the attackers, including FRCI soldiers were armed with Kalashnikovs.

An IDP, who survived the attack, told Amnesty International:

“FRCI members and Dozos entered the camp, shouting *Afaga* [kill them in Dioula] and *A be faga* [Kill them all]. People were running in all directions. The Dozos, armed with machetes, began attacking and tearing our tents. They soaked rags in gasoline, then lit them and threw them on our tents. Uniformed FRCI soldiers shot at people. It was complete panic. The Dozos and FRCI members shot their weapons and hit the IDPs who were trying to escape with clubs (some spiked) and machetes. I personally saw the bodies of more than 10 people lying on the ground.”

The assailants began to destroy and burn tents and other camp structures using gasoline or other flammable liquids to set things alight and to accelerate the burning.

“I think they wanted to burn us all alive. They set fire to everything and they wanted it to burn quickly. They poured gasoline on the tops of tents, and then set them alight. Everything caught fire at the same time. People were trapped inside their tents and were beaten and killed while trying to escape. Some people were burned alive. I saw a body on fire. Quickly,

there were flames and smoke everywhere. The smoke was so thick that we could not see anything. This made escaping even more difficult.”

As people tried to escape, the weakest people were particularly vulnerable. The daughter of an old man aged 62, told Amnesty International how her father was killed:

“People were yelling that the Dozos and the FRCI had come into the camp. And then suddenly I saw them. My father, Gaston Sioto, was old and he was ill. He was sleeping in our tent. I went to wake him just before they started attacking us. We had to run. I took my baby and 2 small children but my father couldn't run. He stayed at our tent. I cried for him the whole time I was running. I managed to get outside of the camp. Later in the day I went back to see what had happened to my father. It was around 2 p.m. The Red Cross was there. We found my father's body, right there at our tent. It was burned almost beyond recognition. The Red Cross helped me to take the body to the morgue in Duékoué. But there they told me that it was too badly burned to accept and that it should be buried. That is what we did, in our village of Yrozon.”

Moreover, after the attack, some people, including a human rights defender, managed to get into the camp and stated having seen the body of a woman who appeared to be pregnant. She wasn't wearing a top and was not far from a health clinic of the camp. The burnt bodies of three elderly people were also found, under their tents.

It was not only dangerous on the inside, at the exit, FRCI members were also waiting for the IDPs and arrested the men. One woman told Amnesty International:

“Once we got to the gate, the women were to be spared and so they let me go. But fit and strong men were being arrested. They were forced into a vehicle, a FRCI cordon encircled them. Those who tried to escape were beaten, they hit them and shot at them.”

Beyond the physical attacks, survivors told Amnesty International that the armed assailants shouted insults at the camp inhabitants, calling them bandits and criminals. A witness told Amnesty International:

“They kept saying it was a camp for bandits and it was time to close it down. Even if it is true that there were some bandits who came to the camp or stayed at the camp, we aren't all criminals. How can they treat us all like we are bandits? We are just ordinary people.”

These attacks were accompanied by taunts assimilating all Nahibly IDPs to Laurent Gbagbo supporters. An IDP said:

“While they were setting our tent on fire they taunted us. They said: ‘where is your President now? There is no one to protect you’.”

4.3.3. THE EXTENSION OF THE ATTACK OUTSIDE THE NAHIBLY CAMP

The attack was not limited to the destruction of the Nahibly camp. While violence continued inside the camp, other attackers headed towards the town of Duékoué. They looted and

destroyed an informal market located opposite the Catholic Mission, which had been established a year ago by members of the Guéré community who were displaced during the post-electoral violence in early 2011.

They also attacked and destroyed a site known as the "Annex", located behind the Catholic Mission and in which a number of displaced people who were too afraid to return to their villages were still staying.

A woman, aged 53, who worked at the market at the time, told Amnesty International that the attackers looted goods, set fire to their stalls and ordered them not to return.

4.4. ARREST, EXECUTION AND THE REMOVAL OF BODIES

The attack against the Nahibly camp resulted in serious human rights violations and abuses, dozens of people were also arrested and injured. Some were killed in an extrajudicial or summary manner and an undetermined number of IDPs were then subject to enforced disappearances.

4.4.1. EXTRAJUDICIAL KILLINGS, SUMMARY AND ARBITRARY KILLINGS

All testimonies indicate that the Dozos and FRCI members used their weapons with the intent to injure and sometimes to kill the people who were in their way. Some were killed in the Nahibly camp, others were killed as they tried to escape.

A witness said:

"A group of Dozos and FRCI members got Frank Gaha. He tried to struggle. They held his hands and feet and tore his clothes. They then wrapped him in a white plastic tarp that was being used as a tent. One poured gasoline on it and set it on fire. He was buried in Blody".

One survivor who escaped death told Amnesty International

"The attack was so fast that the whole camp was on fire. FRCI soldiers and Dozos chased me. They used axes and machetes to hit me on my shoulders and on the back of the leg. I fell to the ground. They caught me, but at the same time they saw someone running beside me. It was Naha Roméo. One of the men shouted: 'He is getting away'. They all left me to go after him. They fired several times. They shot him in the back and he fell instantly. I am alive because he is dead. I was able to escape while the men chased Roméo."

Several IDP women said that the attackers had left them alive because they were targeting the young and "strong" men. One of them said:

"We were in our tent when we learned that the site was surrounded and that the front gate had been smashed. Tarpaulins were set on fire, thick smoke rose from them. I ran in all directions. FRCI members and Dozos told me that women would be spared. They burned the tents and pursued the men with guns and machetes. I witnessed the death of two people, one was killed with an axe by a Dozo, the other was killed by the FRCI, he was shot in the back and fell. Both fell to the ground at the gate. The Moroccan UN soldiers did not make a

move to protect them; on the contrary, they were getting back into their vehicles. Many boys were arrested at the camp's exit."

People who managed to escape the camp were also killed after being arrested by the FRCI. This is reportedly the case for at least 14 people. A woman who witnessed the arrest of dozens of IDPs told how she saw several people killed in front of her:

"When we got out of the camp, we tried to escape; the FRCI members were arresting, in particular, young and strong men. Six people, including, Gueï Taha Simplicie, an ambulance driver, were killed in front of me."

In another case, the body of a person arrested by FRCI members was found two months after the attack. Denis Vincent Gnlé Gnlé, aged 22, was arrested by the FRCI in front of the gate of the camp and his body was found 8 km from Duékoué on the road to Man, by his uncle on 22 September 2012. He was shirtless and in his underwear and had three bullets in his back.

4.4.2. ARRESTS, TORTURE AND ENFORCED DISAPPEARANCES

Young men were arbitrarily arrested by the FRCI, either within the camp, or whilst trying to escape. Many were beaten, some were released without charge or trial, and a number of these persons have been victims of enforced disappearances. Various eyewitness accounts, for instance, corroborate the fact that people were forced into FRCI vehicles when they ran out of the camp and were taken to a nearby FRCI crisis post. Several of them, including Eric Yehe Kah and someone whose first name was Amidi, were later seen being forcibly taken out of a small door at the back of the FRCI post. All were stripped down to their underwear. They were put into a vehicle and driven away. A witness obtained the licence number of the vehicle. There has been no news of these persons since.



Children looking at their father's ID. Eric Yehe Kah disappeared after he was arrested in Nahibly in July 2012. © Amnesty International

A boy, aged 13, told Amnesty International:

“I was arrested inside the camp, the FRCI soldiers took me, with eleven others, to the Monhessia Hotel [a Duékoué hotel requisitioned by the FRCI] where I was held for two days. When we arrived, they put us on the ground and beat us twice on our backs with planks. Seven others were taken to the police, four were taken elsewhere, we didn't see them again.”

Reports indicate that these arrests were made outside the camp. A former planter, who lived in the Nahibly camp, said:

“We tried to flee. When I got to the front gate I saw that the tough and strong youths were being put into three Kiat [Korean car brand] vehicles. A Kiat can hold around twenty people. The Dozos and FRCI members were watching those arrested. A Kiat went to Guiglo and two others took the road heading to Duékoué.”

Relatives have witnessed the arrest of family members who they have not seen again since. A mother said:

“The FRCI were rounding up many young men who were running out of the camp and forcing them into FRCI trucks. Suddenly I saw my son was amongst them. I began screaming for them to let him go. The truck started driving away and I ran after it. It went to the military post. I tried to talk to someone, to ask about my son. Other mothers were also there. We were just chased away. I haven't seen my son since.”

The mother of another disappeared person told of her need to know the fate of her son and also to get justice.

“When our child was arrested, we hoped to find him. If they killed him, they should at least give us the body. We ask that justice be done. We would like to have lodged a complaint but with who? We are not going to complain to those who arrested him. We need help, he is the only boy in the family, we have two daughters and two granddaughters.”

In another case, the father of fourteen year old Doué Gouleui Désiré saw his son being captured by a group of Dozos while trying to escape over the fence that surrounded the Nahibly camp. Since then, he has not heard from him and his body has not been found.

Amnesty International has also investigated the case of Alain Téhé who was seriously injured by a machete during the attack on Nahibly. He was taken to the Duékoué Hospital for treatment. FRCI members went to look for him that same day, threatening the medical personnel. Nobody has seen him since. A witness told Amnesty International:

“Alain Téhé told us that the FRCI were looking for him and told us in the hospital that he had

to be protected. One of the FRCI soldiers came to get him, he said that we had to give him the injured man or he was going to attack the hospital. The hospital personnel protested. The FRCI said that the police were looking for the injured man. In the end, the head of the hospital and the departmental director of Health gave in to the FRCI's demands and handed over the injured man."

The rumour that FRCI members were looking for Nahibly camp residents at the Duékoué Hospital deterred some of those hurt or injured, or their family members, from going to this health facility. Amnesty International has gathered information on the cases of two people who died as their families did not dare take them to, or to leave them at, the hospital.

This is the case of Oula Yao Honoré who was injured in the Nahibly camp. A relative told Amnesty International: "Dozos and FRCI members surrounded him and beat him with clubs and machetes. When he fell, his attackers abandoned him. We took him to the hospital for treatment but when we learned that FRCI members were coming to look for the wounded, we took him out of the hospital. We took him to the village where he was unable to receive necessary care, he died a few days later."

This is also the case of a woman who was beaten in the Nahibly camp. One of her neighbours told Amnesty International:

"When the group of civilians and Dozos arrived at her tent, they grabbed her and hit her with clubs with nails on them. She was injured but was too scared to go to the hospital as we had heard that a displaced person had been abducted whilst receiving treatment there. She returned to the village where she died, one week later, as a result of her injuries."

During its mission, Amnesty International asked government officials and the FRCI commander in Duékoué for information on the cases of men who had been arrested and whose families have received no news since. The Prosecutor for Man, in charge of the Duékoué region, told Amnesty International:

"We have received statements from 12 people who were arrested. All were later released. We get lots of information, but it is never credible. If someone is missing it doesn't necessarily mean officials are responsible. We need more detailed information and cooperation to be able to run our investigations."

The FRCI commander told Amnesty International that a number of people were arrested after the attack in order to protect them from the armed mob. He said that they were taken to the FRCI camp "for their own safety" and that amongst them was a group of seven people identified as "major bandits". The FRCI held them at the Hotel Monhessia. He told Amnesty International that the group of seven was then handed over to the police.

4.4.3. BARRIERS TO ACCESSING VICTIMS' BODIES AND THE DISCOVERY OF CORPSES IN A WELL

In the hours that followed the attack on the Nahibly camp, family members and outside observers, including an aid worker visited the scene but FRCI members and Dozos asked them to leave. Officially, this was to prevent any interference during the investigation of events. When the IDPs were able to return to the camp the next day, some found that bodies

had disappeared.

Members of a crisis committee set up by the local Guéré community soon after the attack on the Nahibly camp, visited the camp on 20 July, the day of the attack, in the early afternoon. A member of this committee confirmed to Amnesty International that they had found thirteen bodies, four of which appeared to have been burned. Very quickly, FRCI members asked them to leave the camp while the investigation was ongoing.

A member of the crisis committee told Amnesty International:

"We left the next day [21 July 2012] to see the Prefect. We asked for authorisation to bury the bodies, the Prefect asked us to be patient as the Public Prosecutor was going to come by as part of the investigation. Around 3pm we were given authorisation to bury the bodies. Of the thirteen bodies that we had seen the day before, there were only six left, of the four which were burnt, only two remained. The body of my nephew which was outside of the camp was now inside and in a different position."

A man, aged 54, who lived in the Nahibly camp said he saw Dozos dispose of the bodies of people killed by throwing them over the fence.

At the end of September 2012, an IDP arrested and then released by the FRCI told Amnesty International that the soldiers had thrown men into a well and then shot them:

"We were 12 and we were taken in a vehicle to the Toqueï roadblock [in Duékoué]. When we arrived at the roadblock, we got out of the vehicle. Five people had their hands tied and they were taken and thrown into the old well. I saw other people at the bottom, some of them were lying on the ground, others had their feet against the walls of the well. Then two FRCI members leaned over the well and shot at them. Then they asked us to get up. One of them recognized me. They asked me if I was a tailor, I said yes, I was put to the side with another person. The five others were thrown into the well, one of whom told me he knew me. I told him to put his back against the wall. They shot at the people in the well. I was told that the person who had put his back against the wall was able to get away by scaling the walls, his parents came to see me to thank me."

On 11 and 12 October 2012, a few days after this testimony was taken, six bodies were found in a well in the Togueï neighbourhood of Duékoué. This discovery was made in the presence of three human rights organizations, the *Fédération internationale des droits de l'homme* (FIDH, International Federation of Human Rights), the *Mouvement ivoirien des droits de l'homme* (MIDH, Ivorian Movement for Human Rights) and the *Ligue ivoirienne des droits de l'homme* (LIDHO, Ivorian League of Human Rights). These organizations put pressure for the bodies not to be buried immediately but for them to be forensically examined. Autopsy results have not been made public, but according to Radio France Internationale (RFI), "bullets were found in three of the bodies, but all bodies have lesions similar to those caused by firearms. The bullets will be sent to an expert for analysis and DNA tests are expected. The relatives of those missing from the Nahibly camp will reportedly undergo blood tests in an attempt to identify victims."²⁸

In the days that followed, local authorities, under the direction of the Prosecutor of Man, and

in the presence of the Ivorian and UN security forces, began emptying a dozen wells, located on the outskirts of Duékoué which reportedly contained other bodies. However, these searches were stopped reportedly because of a lack of suitable equipment.



Some bodies were exhumed in this well.
© Amnesty International

The Amnesty International delegation returned to Duékoué a week after the discovery of the well and met with the local FRCI commander. He told them that these exhumations had been conducted as part of an investigation "opened to respond to repeated requests from Guéré community members wanting to know

the fate of missing persons." He noted that the UNOCI had also participated in the operation and that the investigation was ongoing. At the time this document was written (February 2013), this investigation does not appear to have made any further progress.

BOX 2: DEATH TOLL OF THE ATTACK ON THE CAMP NAHIBLY: CONTROVERSIAL FIGURES.

Immediately after the attack against the Nahibly camp, a controversy arose regarding the exact number of victims. The official government figures indicate that six people were killed in the attack and that two other bodies were found later, not far from the camp fence. Among those killed in the attack were Naho Roméo, 22, Gaha Franck, 30, and Yeoue Apodé Joël, 35, whose bodies were all brought to the Duékoué morgue. The morgue refused the bodies of two other people, Sioto Gaston, 72, and Djekoui Gnade Giresse, 20, because they were too burned to be conserved. A sixth body was handed over to the morgue, but they have been unable to formally identify it. The two bodies found outside the camp on 26 July 2012, were identified as those of Gui Die Maurice, 67, and his little son, aged 12, Ulrich Douezahi Guei.

This total of eight people has been consistently quoted by all civil and military authorities met by the Amnesty International delegation in Duékoué.

However, many other sources have indicated that the number of people killed was higher. On the day after the attack RFI spoke of, "at least thirteen dead and dozens injured."²⁹ Outside observers, including aid workers who entered the camp almost immediately after the attack also spoke of 20 to 30 bodies. Two witnesses saw the corpses of men and women, though no woman's name appears on the list established by the government authorities. Three days after the attack, LIDHO issued a statement in which "at least a dozen dead, including a man burned alive"³⁰ were counted.

For its part, the Thirty-first report of the Secretary General on the UNOCI, published on 31 December 2012, gives the following assessment: "Eleven people were killed, 56 injured and the camp was destroyed."³¹

Amnesty International has, for its part, counted from eyewitness statements, the names of six people who were killed during the attack, including two women: Lehekpa Priska, aged 20 and Oula Francois Aubin, aged 36, both killed in the camp and Billy Taha who was shot dead as he tried to cross the camp's fence. Amnesty International was also able to obtain death certificates for three others who were killed in the attack: Guenaman Mondjehi Caroline, aged 45, Tahe Gnonflé Denis Vincent, aged 19, and Angel Guelable Martial, 20 years old.

The unknown number of persons who victims of enforced disappearances after being arrested by Dozos or FRCI members, including those who were reportedly thrown into wells, must also be added to this total.

Moreover, the official total appears to be based on the number of bodies that have been reported to the Duékoué morgue, though a number of people have told Amnesty International that the body of their family member was taken directly to their home village for burial.

4.4.4. PERPETRATORS AND OBSERVERS: THE DETERMINING OF ACCOUNTABILITY IN THIS ATTACK

All the testimonies gathered by Amnesty International indicate that three types of actors were responsible for the attack on the Nahibly camp: FRCI members, Dozos and armed civilians. In addition, the UNOCI contingent watched, as an impotent observer, this outburst of violence without being able to assist people who expected safety and protection from them.

Numerous reports indicate that military and civilian officials, including the Prefect of Duékoué, passively watched the attack on the camp without taking any action to help the victims.

It was the Dozos who first arrived outside the Nahibly camp. Several UNOCI troops stationed at the camp entrance told the Amnesty International delegation that they had refused access to a group of twelve Dozos armed with guns. Following this refusal, the Dozos began to circle the camp. An UNOCI officer said: "The Dozo combatants threatened and insulted persons inside the camp, calling them bandits. I think the Dozos combatants took up positions around the perimeter of the camp so that no one would escape."

Another UNOCI officer said about half an hour after the arrival of this group of Dozos, "a crowd came to the camp. There were about a hundred or so, armed with machetes and other weapons. Very soon, their numbers increased." IDPs, who survived the attack, have consistently told Amnesty International that they saw gunmen in civilian clothes that they identified as "young Dioulas" alongside the Dozos.

In addition, numerous testimonies attest not only to the presence and inaction of FRCI members but also to their active participation in arrests, extrajudicial executions and enforced disappearances.

Survivors and witnesses all stated that in the chaos of the attack, the attackers were all motivated by the same goal: erase the Nahibly camp. A woman who survived told Amnesty International that the attackers were "all mixed and all working together." Some people said that among the large number of armed men, they recognized FRCI soldiers who were not wearing their uniforms.

In this respect, the attitude of the local authorities and FRCI members must be considered in particular. Those who witnessed the attack from outside the camp described the passivity of local authorities. One of them said: "The authorities looked on from afar and did not take the necessary steps to prevent the attack or to call for reinforcements." Amnesty International saw video footage showing representatives of the civil and military authorities witnessing the destruction of the camp without taking proactive measures to protect the IDPs beaten, arrested and killed right in front of them. A witness, who was close to the group of local authorities, told Amnesty International:

"They just stood there. People were fleeing from the camp. People were being attacked before their very eyes. A body was lying in front of them. But they didn't move. They did not even look very concerned. I wondered if they might even be pleased with what was happening. After all the Prefect was one of the ones who used to say that Nahibly was full of bandits."

During its mission to Duékoué, the Amnesty International delegation met with the Commander Kounda, a FRCI official. The latter explained the measures taken on the morning of 20 July 2012: "When we learned that a group of young people was going to attack the camp following the murders in Kokoma, we mobilized a patrol. But due to insufficient reinforcements, we were unable to control the crowd and if we had used excessive force, it would have ended in a massacre."

The FRCI commander added that his soldiers had not taken part in the fighting and were not responsible for any abuses against camp residents. This contradicts numerous reports indicating that FRCI soldiers were among the attackers and had fired at the camp residents.

Amnesty International delegates also met with the sub-prefect of Duékoué who said: "When we learned that angry youths were headed for the Nahibly camp, we went there. We tried to talk to them but they would not listen. There was also a small contingent of five or six FRCI soldiers who tried to dissuade the crowd from attacking the camp, but their efforts were in vain. The soldiers did not enter the camp but remained at a distance of about 500 metres."

Over and above assigning specific responsibilities, another question arises regarding the attitude of political and military authorities toward IDPs generally considered to support the former President Laurent Gbagbo. Upon his return from a mission in Côte d'Ivoire at a press conference held on 24 October 2012, the Special Rapporteur on the human rights of IDPs, Chaloka Beyani affirmed that "the attack on the camp had been planned and that the perpetrators had likely intended to "send a message", both as a warning to former Gbagbo supporters and about not wanting the internally displaced persons camps in the area. "³²

The circumstances in which the attack against the Nahibly camp occurred also calls into question the attitude of the UNOCI troops present that day. As soon as the Dozos arrived,

many IDPs ran to the camp's entrance to seek protection from UNOCI. Moroccan soldiers stationed there told them not to worry and to return to their tents.

Amnesty International has also received many testimonies of people who rushed to the area in the camp where the Pakistani police contingent was based. Many said they were pushed back and sent away. A man living in the camp said:

"I ran to the Pakistani police inside the camp, there were 15 of them. When I approached them, they made a sign with their guns for me to go away. I saw women who were trying to huddle up against them, they were also told to leave."

Several people have confirmed being beaten by Dozos in front of the Pakistani police officers without the latter intervening. A 40 year-old man expressed his dismay at the attitude of the UN soldiers: "We trusted the UNOCI peacekeepers but they abandoned us. They did nothing when the camp was surrounded and attacked by Dozos and FRCI members. They could have asked for reinforcements, they pushed us away when we huddled against them for protection."

The Amnesty International delegation met with UNOCI peacekeepers based in Nahibly as well as officials of this UN operation in Abidjan. UNOCI firstly recalled that the contingent of Moroccan soldiers refused to let the group of armed Dozos into the camp, all the while specifying that when Dozos started to circle the perimeter of the camp, UN soldiers did not follow them. When the crowd of angry youths arrived, the UNOCI contingent tried to physically block the entrance of the camp, including placing one of their vehicles in front of the entrance. UNOCI also pointed out that the crowd set fire to one of the guard towers near the entrance. The UNOCI soldiers then had to leave this area and provided escorts for humanitarian workers who were in the camp.

Summarizing the situation in which the UNOCI contingent found itself, a UN official based in Duékoué said:

"The situation quickly got out of control. And I was even afraid for my own safety. I was surrounded by a group that was shouting at me and insulting me, telling me that it was UNOCI's fault that UNOCI had protected the bandits and now they had come to do our work."

This UNOCI officer also told Amnesty International:

"We expected the FRCI soldiers to actively intervene to protect the IDPs, but in reality we saw FRCI soldiers being celebrated as heroes by the armed crowd. I saw a number of people fleeing the camp who were beaten by members of the crowd in front of the FRCI soldiers who did nothing to stop the violence."

The UNOCI officials in Abidjan, for their part, reacted officially soon after the attack. Special Representative of the UN Secretary General in Côte d'Ivoire and head of UNOCI Bert Koenders, said at a press conference held at the UNOCI headquarters on 27 July 2012: "On the morning of 20 July, a crowd of between 500 and 1,000 people arrived at the camp. At this time, the UNOCI contingent had 12 policemen inside the military camp and 10 on the

outer perimeter, as had been agreed with the Duékoué Prefect [...] According to the information that we have now, the Ivorian police were not in the camp. Twenty-four other soldiers then came to help. The crowd overwhelmed the security apparatus.”³³

In more general terms, UNOCI confirmed that it was not responsible for camp security. The Deputy Special Representative of UNOCI, Arnauld Akodjenou, told the *Agence France Presse* (AFP), the day after the attack, that with regards to camp security, “the prime responsibility is not the responsibility of UNOCI, but we have always worked with the authorities to manage the camp.”³⁴

Amnesty International acknowledges these precisions and is fully aware of the threats posed to the physical integrity of the UN contingent. However, the organization remains concerned about the attitude of some ONUCI soldiers who pushed away people begging for their help and literally abandoned them to their attackers.

This inability to protect civilians is all the more worrying as UNOCI does not seem to have learned the lessons of the Duékoué killings of late March - early April 2011 when a UN contingent found itself unable to help the people being attacked.

The delegates raised the issue at a meeting with Mr. Koenders in Abidjan on 22 October 2012. The latter noted that UNOCI had “conducted a review of its response to the attack.” At the time of finalizing this document (February 2013), the results of this review do not appear to have been made public.

The attack against the Nahibly camp was perpetrated against a background of crimes against humanity committed in the same area in March-April 2011. The various acts involved in the assault on the camp are part of a widespread and systematic attack on a civilian population targeted on the basis of their ethnic groups or alleged political affiliation.

Amnesty International calls for the establishment of an international commission of inquiry to investigate the attack on the Nahibly Camp on 20th July, 2012 and human rights violations and abuses committed following the attack, including arbitrary detention, enforced disappearances and extrajudicial executions.

5. OBSTRUCTED JUSTICE: THE FATE OF LAURENT GBAGBO'S RELATIVES AND AIDES DETAINED IN THE NORTH OF THE COUNTRY

Since the end of the post-electoral crisis, Amnesty International has repeatedly called upon the Ivorian authorities to bring to justice, in full and fair judicial proceedings, those responsible for serious violations and abuses committed by both sides in the conflict. The organization has also, on several occasions, warned of the danger of a "victor's justice" that would only be a settling of scores based upon a logic of revenge that would exempt the Alassane Ouattara supporters responsible for serious abuses from all accountability, thus destroying long-term hopes for reconciliation.

And yet, it is clear that, nearly two years after the end of the post-electoral crisis, only people associated with Laurent Gbagbo's government were arrested by the Ivorian or international legal system. To Amnesty International's knowledge, not a single member of the former New Forces, the FRCI or the Dozos nor a single civilian or military official responsible for serious human rights abuses, supporting Alassane Ouattara, has had to account for their actions in a court of law for the time being.

In addition, the Ivorian authorities have not implemented any measures to ensure fair hearings nor to ensure veritable respect for Laurent Gbagbo's relatives and aides' rights of defence. The organization has also noted very serious irregularities in the investigation of their cases.

Almost two years after the arrest of these people, the argument that a slow-moving approach is necessary to ensure the proper administration of justice no longer holds weight. All information collected by Amnesty International indicates that the preliminary inquiry has only taken into account the prosecution's evidence and there has not been to date (February 2013) a confrontation with the victims nor has any element of physical evidence been presented to the defence. For the moment, only one trial has taken place; in October 2012, involving five soldiers. This included the former commander of the Republican Guard, General Brunot Dogbo Blé, convicted for an isolated event: the kidnapping and the assassination of the retired Colonel Adama Dosso on 12 March 2011.

The delays and shortcomings of the legal proceedings against Laurent Gbagbo's relatives and aides raise concerns that these people will be held for a long time without trial or that they will be subject to trials which fail to meet international standards of fair trial.

5.1 CIRCUMSTANCES OF ARREST AND CONDITIONS OF DETENTION

During its research mission, the Amnesty International delegation was able to meet, between 15 and 19 October 2012, all of Laurent Gbagbo's relatives and aides currently being held in five places of detention in the centre and north of the country; Katiola, Korhogo, Boundiali Odienné and Bouna (for the non-exhaustive list of these people, see Box 3: Gbagbo's relatives and aides held in the centre and north of the country). Some of these persons were released on bail on 20 December 2012.

Most prisoners interviewed by Amnesty International in these five places of detention were arrested alongside Laurent Gbagbo on 11 April 2011 at the President of the Republic's residence; others went to the authorities of their own will believing that this would guarantee their safety. The organization has already mentioned, in an earlier document, the abuse and humiliation suffered by these people at the time of their arrest and during their detention at the Hotel du Golf which served as the Headquarters of Alassane Ouattara's government during the post-electoral crisis³⁵.

Many of them were beaten and ill-treated upon their arrival to the Hotel du Golf when they had to pass a "Guard of Honour" consisting of armed men and supporters of Alassane Ouattara.

Very soon, Laurent Gbagbo as well as some of his relatives and aides, officials of his administration including his wife Simone Gbagbo, were sent to five cities in the centre and north of the country, officially for security reasons, which has made it very difficult for these prisoners to stay in contact with their families and lawyers.

Above and beyond these practical difficulties, this transfer of unconvicted prisoners does not seem to be in accordance with the Ivorian legislation. In fact, Article 9 of Decree 69-189 of 14-05-1969, regulating prisons and laying down methods for the implementation of custodial sentences provides: "The defendants are to be held at the headquarters of the seized court for the criminal proceedings to which they are subject." In this instance, the judges assigned to the case are all attached to the Court of First Instance of Abidjan. Therefore, in accordance with the cited text, the accused should have been held at the MACA.

BOX 3: RELATIVES AND AIDES OF LAURENT GBAGBO HELD IN THE CENTRE AND NORTH OF THE COUNTRY

Below is a non-exhaustive list of Laurent Gbagbo's relatives and aides met by the Amnesty International in October 2012.

1) Boundiali (680 km from Abidjan)

- Gilbert Ake N'Bo, former Prime Minister, released on bail on 20 December 2012.
- Alcide Djedje, former Minister of Foreign Affairs
- Henri Dacoury-Tabley, former Governor of the *Banque centrale des États de l'Afrique de l'Ouest* (BCEAO, Central Bank of West African States)

- Désiré Dallo, former Minister of Finance, released on bail on 20 December 2012.
- Christine Adjobi, former Minister of Health, released on bail on 20 December 2012.
- Martin Sokouri Bohui, Deputy National Secretary of the FPI
- Norbert Gnahoua Zibrabi, Technical Advisor to Laurent Gbagbo released on bail on 20 December 2012.

2) Bouna (570 km from Abidjan)

- Michel Gbagbo, eldest son of Laurent Gbagbo.
- Pascal Affi N'Guessan, President of the FPI, former Prime Minister
- Moïse Lida Kouassi, former Minister of Defence of the first Gbagbo government, extradited from Togo

3) Katiola (430 km from Abidjan)

- Aboudrahmane Sangaré, former Minister of Foreign Affairs
- Narcisse Kuyo Téa, former Chief of Laurent Gbagbo's cabinet
- Jean-Jacques Bechio, Former Minister for Civil Service
- Genevieve Bro Grebe, Former Minister for Sport

4) Korhogo (600 km from Abidjan)

Nearly thirty prisoners, including 22 soldiers, police and gendarmes and four civilians are detained at the Korhogo Territorial Company. Amongst the soldiers and police detained who acted as security for Laurent Gbagbo including:

- Commander Norbert Dua Kouassi, Aide to the President, released on bail on 20 December 2012.
- Commissioner Monnet, Palace Commissioner
- Commissioner Remy, Head of Laurent Gbagbo's bodyguard

5) Odienné (700 km from Abidjan)

- Simone Gbagbo

These people arrested in April 2011 were detained outside of all legality for five months until they were charged in August 2011. The authorities denied the illegality of these detentions assuring that these people were placed under house arrest under decree. However, when several detainees asked to see this decree, the Prosecutor did not show them this document.

During a mission in June 2011, Amnesty International raised the question of the legality of their detention with the Minister of Justice and the Prosecutor of the Republic and was told that the Ivorian legislation did not include an obligation to prosecute these people as they were under house arrest and were therefore not considered prisoners.³⁶

Amnesty International had, at the time, noted that, 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' Rights³⁷. 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.

Held without charge for five months, these people were deprived of any right to challenge the legality of their detention.

Over and above the respect of these fundamental guarantees, the conditions of detention to which some of these prisoners, transferred north, have been subjected, raise major concerns. This is notably the case for soldiers, police and body guards sent to the Korhogo territorial company. Several of these detainees told Amnesty International that they were locked up for 49 days in a cell without a toilet. One of them said: "We had to go to the toilet there in bags. We were 27 people in a space of 4.5 m by 4. During these 49 days, we were only allowed one meal a day which we were given at 2 or 3 pm and we were only given one litre of water for 48 hours."

Several of these prisoners who arrived injured to Korhogo as a result of blows received at the Hotel du Golf and told the Amnesty International delegation that they had received no treatment. They saw no doctor and could not get in touch with their families.

Thus, a member of President Laurent Gbagbo's bodyguard, arrested on 11 April 2011 and detained at the Presidential Palace in Korhogo, told the Amnesty International delegation:

"I was wounded by shrapnel from missiles in the face and on the whole body during the bombing of the Presidential Palace on 10 April 2011. I was also beaten at the time of my arrest, I got three broken ribs. Today, I can't hear in one ear and my body hurts. Despite this, I have never been examined by a doctor and have not been able to contact my family."

In Korhogo, the Amnesty International delegation also met a detainee who was not part of this group. It is Mamadou Sanogo, aged 43. This person said: "On 30 November 2011, I was called to meet Guillaume Soro [then Prime Minister of Côte d'Ivoire and currently President of the National Assembly]. I went there accompanied by Zacharia Koné. They asked me questions about people I knew, then they left, leaving me alone in the room. After they left, some men came to arrest me. I was detained in a secret house, handcuffed with chains on the feet and blindfolded. Then I was sent to Korhogo without knowing why."

5.2 SLOW AND PARTISAN LEGAL PROCEEDINGS

Once charged, most of the detainees had to wait several months before being heard by an investigating judge. Substantive hearings only began in May 2012, a year after the arrest of these persons, and in Simone Gbagbo's case this did not happen until November 2012.

Over and above these deadlines which cannot be termed as reasonable, the independence of the investigation is also seriously in question.

In fact, it appears that:

- The charges against these people were fixed almost automatically without determining the individual responsibilities of each inmate. These charges include “offenses against national defence, attack or conspiracy against the authority of the state, the formation of gangs, organisation of or participation in an armed gang, participation in an insurrectionary movement, the breach of public order, rebellion.” Moreover, eight people were subsequently charged of genocide.³⁸
- No confrontation has taken place between possible witnesses and detainees.
- The lawyers have not received any notification of statements taken from hearings with victims or with civil parties.
- The questions asked of the accused indicate an evident bias and relate more to their attitude during the post-electoral crisis rather than to the serious charges of which they are accused.

This last point is particularly worrying as it shows that even though the very serious charges must be supported by material facts as well as evidence and testimonies, prisoners have been blamed for remaining loyal to Laurent Gbagbo.

Following is a non-exhaustive list of questions systematically asked of this group of prisoners: “Why did you not recognize the victory of Alassane Ouattara? Why have not you left Mr. Gbagbo after the victory of Alassane Ouattara? Why did you go to the residence of Mr Gbagbo [in the days before his arrest]? Did not you know that he lost the election?”

Amnesty International is concerned that political choices, which do not in themselves constitute criminal offenses, are used in the context of legal proceedings which must instead respect Ivorian law and the norms of international law.

5.2.1 VIOLATIONS OF THE RIGHTS OF DEFENCE

In addition to the lack of impartiality with which the trial is conducted, Amnesty International is particularly concerned by the repeated violations of the rights of defence which seriously hampers the work of the detainees' lawyers.

The items below relate only to civil proceedings brought against Laurent Gbagbo's relatives and aides (military and other security personnel detained in Korhogo are subject to a separate military procedure).

All information gathered by Amnesty International indicates, in effect, that the detainees and their lawyers face a series of obstacles which impede their defence.

- Most detainees remain under the scope of financial sanctions and have had their accounts blocked by request of the Prosecutor of the Republic outside all legal provisions providing for this. As a result of this assets freeze these detainees cannot pay their lawyers'

fees.

BOX 4: ASSETS FREEZE: A MEASURE APPLIED IN A PUNITIVE AND SELECTIVE WAY

The freezing of assets of officials close to Laurent Gbagbo, detained in the centre and north of the country, is a result of a requisition order made by the Prosecutor of the Republic on 3 May 2011. This request was based upon the set of “specific restrictive measures directed against certain persons and entities in view of the situation in Côte d'Ivoire” taken by the European Union (EU) in late 2010 and early 2011³⁹.

However, whilst referring to the decisions made by the EU, the Prosecutor did not demand the freezing of the accounts of all persons targeted by the EU. He has, in a discretionary way, added the names of other individuals allegedly close to Laurent Gbagbo who were not the object of UN or EU sanctions.

This decision deprived a number of prisoners and other known or suspected supporters of Laurent Gbagbo from their means of subsistence and has impeded their ability to defend themselves in court

The selective nature of this request is clearly illustrated by the fact that the Ivorian legal system has not, on the other hand, asked that Martin Kouakou Fofié, head of the New Forces in Korhogo, have his assets frozen even though he has been the object of UN sanctions since 2004, “for violation of human rights and the recruitment of child soldiers”⁴⁰ and had his assets frozen by the EU in October 2010.⁴¹

The transfer of these detainees hundreds of kilometres from Abidjan constitutes an additional difficulty for the proper exercise of their right to defence. This distance is a barrier insofar as the travel costs for consultation and assistance from lawyers cannot be paid whilst the detainees' accounts are frozen. This distance poses other kinds of problems. Indeed, under the law, all proceedings (hearing or examination) must be provided to the council 24 hours before the set date.⁴² However, this deadline does not allow lawyers to visit the outlying areas, some of which are only accessible by car on track-roads.

In general, it appears that every effort has been made to complicate the work of lawyers and to hinder their access to their clients. Thus, even when one detainee was transferred to Abidjan for treatment, his lawyers were not allowed to see him. This was the case for Michel Gbagbo who was arrested with his father on 11 April 2011 and detained at Bouna. He was transferred to the *Polyclinique internationale Sainte Anne-Marie* (PISAM) in Abidjan on 7 March 2012 for health problems following a scorpion sting. He was held for nearly three months without access to his lawyers. The former asked the court for permission to visit their client without success and were not informed of him being sent back to Bouna on 1 June 2012.

During its mission, Amnesty International raised some of these concerns with one of the investigating judges in charge of this case. This judge hid behind the confidentiality of the investigation and simply stated that he hoped to close his cases by the end of 2012. At the

time of writing this document (February 2013), Amnesty International has not yet heard the closure of these files.

In conclusion, almost two years after the arrest of this group of people, the shortcomings and bias present in judicial proceedings are particularly worrying. Based on these factors, it appears that nothing has been put in place to ensure a fair judicial review of these cases.

5.2.2 A ONE-SIDED JUSTICE SYSTEM

Though the arrest of Laurent Gbagbo gave the signal for a wave of arrests of real or alleged supporters of the former President, no civilian or soldier who supported Ouattara and who was allegedly responsible for similar acts committed during the post-electoral crisis has been arrested, prosecuted or even disciplined nor relieved of their functions.

Yet, as soon as he took office, President Ouattara confirmed his commitment to the fight against impunity in order to lay the foundations for reconciliation and to build a state governed by the rule of law. In an interview on French radio, *Europe No. 1*, on 28 May 2011, the Ivorian Head of state said that all those responsible for crimes committed during the post-electoral crisis "will be judged equally. (...) Whoever they are, wherever they are, whether they are people on my side, whether they are Laurent Gbagbo's people, nobody is above the law."⁴³

One year later in April 2012, during his first visit to Duékoué, where exactly one year earlier, hundreds of people were killed by all sides in the conflict, including the FRCI and Dozos, the Ivorian President promised that "All murderers will be punished and brought to justice, none will be spared."

Indeed, the Ivorian authorities have established a "National Commission of Inquiry on violations of human rights and international humanitarian law committed in Côte d'Ivoire in the post-electoral period from 31 October 2010 to 15 May 2011 included." This commission submitted its report to the Head of State on 8 August 2012, but only a summary of some 30 pages was released officially to protect the presumption of innocence of the alleged perpetrators of these violations mentioned in the full document.

Unable therefore to comment on the report itself, Amnesty International has examined the summary that was published and has many questions about the impartiality of the investigation.

Indeed, the Commission concludes that all parties in the conflict have committed violations and maintains that "1452 cases of violations of the right to life [are] attributed to pro-Gbagbo forces and 727 cases to the FRCI (...), the rest to members of various non-conventional forces".⁴⁴ However, almost all of the facts cited as examples involve violations committed by supporters of the former President. The extremely serious events of Duékoué during which the FRCI and the Dozos committed war crimes and crimes against humanity at the end of March-beginning April 2011, are only very briefly mentioned and the document does not establish any responsibility for these crimes, stating merely that, "mass graves were found (...) in the Duékoué region".⁴⁵ The Dozos whose responsibility in these acts was highlighted by many documents published by the UN and non-governmental organizations,

including Amnesty International, are not described as a militia benefiting from the support of Alassane Ouattara's government but simply as a brotherhood of "traditional hunters".

Moreover, in its recommendations, the National Commission of Inquiry does not require the authorities to immediately suspend of their duties and bring to justice any person in authority suspected of having committed violations of human rights or of international humanitarian law. The Commission merely quotes as part of the measures aimed at putting an end to impunity, the "exhaustion of pending proceedings in the courts" as well as three general recommendations aimed at promoting fair justice.

Despite its shortcomings, the National Commission of Inquiry's report concluded, for the first time officially in Côte d'Ivoire, that not only Laurent Gbagbo's supporters but also armed forces that had supported Alassane Ouattara, including the FRCI, were responsible.

However, six months after the publication of this report, no action has been taken to Amnesty International's knowledge to bring to justice those members of the FRCI or Dozos responsible.

6. RECONCILIATION UNDERMINED BY IMPUNITY

“The tragic incident at Nahibly reminds me of the scenes in Duékoué on my last visit in 2011. Bodies were being exhumed from mass graves. The victims of those crimes are still waiting for justice. Such impunity – the failure to hold the perpetrators of horrendous crimes accountable – creates a grave risk of continuous violence.”

Ivan Šimonović, United Nations Assistant Secretary General for human rights, 1 December 2012⁴⁶

The Ivorian authorities have repeatedly stressed the urgency of reaching reconciliation between all Ivorians following a decade of conflict. Thus, when President Ouattara received the report of the National Commission of Inquiry, he expressed confidence that the process initiated by the Commission “will reach the goal of healing hearts and reconciliation that we have set out to achieve if this is accompanied by reforms that will strengthen the guarantees of non-repetition of acts which violate human dignity.”⁴⁷ It is with this in mind that the Head of State established in July 2011, a *Commission dialogue, vérité et réconciliation* (CDVR, Commission of Dialogue, Truth and Reconciliation), which has not been able, unfortunately, as yet to begin its work in earnest.

6.1. THE TRUTH, DIALOGUE AND RECONCILIATION COMMISSION (CDVR): A BODY BESET BY INERTIA

Chaired by former Prime Minister Charles Konan Banny, the CDVR was quickly confronted with many difficulties. Firstly its mandate is unclear. Thus, under the ordinance establishing this body, the CDVR is committed to “seek truth and determine where responsibilities lie

regarding past and recent national socio-political events."⁴⁸ The events in question are not clearly defined and more importantly, no timeframe has been set for this work.

During a meeting with the Amnesty International delegation on 4 October 2012, a member of the CDVR noted that due to the lack of precision as to the period covered by this governing body, the CDVR had "therefore decided to hold a national consultation to determine the period to be covered in line with the wishes of the Ivorian people. This consultation covers the entire country and should be as inclusive and participatory as possible." This official added that pending the outcome of this consultation, the Commission had set a work period from September 2002 to present and stated that "the period will be readjusted according to the results of the consultation."

On the other hand, there is concern that the ordinance establishing the CDVR is not binding in any legal way regarding the Commission's final report, which is simply to be "transmitted to the President of the Republic" and that it is unexpected that the findings be made public.

In addition, this body faces organizational and financial difficulties. In this respect, it is particularly worrying that the CDVR does not seem to have received specific funding from the government and that it must rely on external funding. This lack of public funding is particularly worrying and shows a lack of political will to give the body the means to fulfil its mandate.

Thus, more than a year after its inauguration, its action has been mainly symbolic (organization of public prayers and of a "month of mourning and purification" from 17 March to 17 April 2012).

The inaction of the CDVR motivated civil society actors to act. Thus, on 18 May 2012 following a seminar on national reconciliation in Yamoussoukro, the country's capital (around 230 km from Abidjan), on an ONUCI initiative, "opinion leaders" called the CDVR to "review and [...] accelerate its activities."⁴⁹

Shortly after, the CDVR made the decision to denounce, on several occasions, some of the abuses committed by the authorities. In June 2012, following the arrest of Martial Yavo, the acting President of the *Congrès panafricain des jeunes et des patriotes* (Cojep, Pan-African Congress of Youth and Patriots), the head of the youth commission within the CDVR, Karim Ouattara, strongly criticized the increase in arbitrary arrests. During a press conference on 20 June 2012 he declared, "This intimidation cannot lead to reconciliation (...) I cannot understand how that in this process of reconciliation we are in, youth leaders of the opposition are being hunted, pursued or abducted."⁵⁰

A month later in July 2012, the President of the CDVR, Charles Konan Banny, expressed in a more cautious manner his concern at the "continuing tensions" in the Ivorian political arena stating that "feelings are beginning to run high and the Commission is concerned about it".⁵¹

Apart from public statements, the CDVR has not really begun its substantive work with the public and with the victims of human rights violations and abuses committed during the post-electoral crisis.

Even though more than half of its term has already expired (term of two years from its inception in July 2011), the inertia which besets the CDVR does not suggest that the mission entrusted to this body will be accomplished.

6.2. THE JUDICIAL SYSTEM: SHORTCOMINGS, THE NON-APPLICATION OF STANDARDS AND A LACK OF INDEPENDENCE

Though a process of dialogue, truth and reconciliation is needed after the decade of conflict experienced in Côte d'Ivoire, this would not be a substitute for launching legal procedures to investigate serious human rights violations, for bringing to justice the perpetrators of these acts and for providing reparation to victims and their families.

This need for justice is hampered by two major types of obstacles: Ivorian legislation does not meet international standards of human rights in many respects. Moreover, the judicial system, severely affected by a decade of conflict, also continues to demonstrate a worrying lack of independence vis-à-vis political power.

6.2.1. LEGISLATION MARKED BY SERIOUS FLAWS

The fight against impunity must be based on a legal framework that allows for the definition and criminalization of serious violations and abuses of human rights in order to bring to justice the perpetrators of these acts. In this regard, the Ivorian legislation has serious gaps in defining human rights violations such as torture, rape and forced disappearances.

6.2.1.1 Torture: neither defined nor constitutes an autonomous criminal offense

Ivorian law does not provide a definition of torture and does not criminalize this as a specific criminal offense.

Article 3 of the Ivorian Constitution provides that "Forbidden and punished by law [...] are inhuman and cruel, degrading and humiliating, physical or moral torture, physical violence and mutilation and all forms of degradation of the human being."

This lack of definition of torture prevents Ivorian courts specifically investigating and prosecuting this offense.

This lack of specific criminalization results in no provision of the Penal Code prohibiting the use of confessions extracted under torture as evidence. Article 419 of the Code of Criminal Procedure provides that: "The confession, as any piece of evidence, is left to the discretion of the judges." Declarations and statements of accused persons are regarded as mere information and can be taken into account or not by the judge assigned to the case. In a context where the security forces, including the military police, regularly use torture to extract confessions such a gap can only encourage this practice.

Even given the lack of a definition in national law, torture and other ill-treatment are prohibited by the UN Convention against Torture, ratified by Côte d'Ivoire in 1995. Consequently, the authorities are obliged to respect the provisions of the instruments and in

particular article 2 (2) which provides that: "The prohibition against torture shall be absolute and shall be upheld also in a state of war and in other exceptional circumstances".

The Convention against Torture also requires each state party to proceed "immediately to an impartial investigation, wherever there is reasonable ground to believe that an act of torture has been committed in any territory under its jurisdiction." (Article 12).

This same instrument states that: "Each state party shall ensure that any statement which is established to have been obtained by torture cannot be invoked as evidence in any proceedings, except against a person accused of torture as evidence that a statement was made." (Article 15).

This obligation does not seem to be respected by the judges because many detainees told Amnesty International that no investigation had been opened after they reported being tortured or showed signs of torture

In addition, Côte d'Ivoire has not ratified the Optional Protocol to the Convention against Torture (OPCAT), which establishes an international and national prevention of torture in places of deprivation of liberty.

6.2.1.2. Rape: a lack of definition preventing the repression of this crime

Ivorian law punishes rape but does not define the crime in accordance with international standards.

Article 354 of the Penal Code states that:

"Rape is punishable by imprisonment of five to twenty years. The penalty shall be life imprisonment if the offender:

1. is assisted in his crime by one or more persons; (...)

The penalty is that of life imprisonment if the victim is under fifteen years"⁵².

However, the Ivorian Penal Code does not define the term "rape" which makes it difficult for victims to obtain effective reparation, including an equal and effective access to justice and adequate, effective and swift reparation.

For years, human rights organizations in Côte d'Ivoire, including the *Association des femmes juristes de Côte d'Ivoire* (AFJCI, Women Lawyers Association of Côte d'Ivoire), and Amnesty International, have publicly called on the authorities to include a definition of rape in the Ivorian Penal Code.

The Penal Code should define rape and other crimes of sexual violence in accordance with the evolution of international law. The definition of rape in national law must reflect the most advanced international principles, including some of the most progressive aspects of the recent case law.⁵³

6.2.1.3. Enforced Disappearance: A crime that does not exist in Ivorian law

Ivorian law contains no provision on enforced disappearances, which prevents any investigation or any legal proceedings with respect to this crime.

In addition, Côte d'Ivoire has not ratified the International Convention for the Protection of All Persons from Enforced Disappearance adopted by the UN General Assembly on 20 December 2006.

Under this Convention, state parties are required to establish the enforced disappearance offense under criminal law (Article 4), make this crime punishable by appropriate penalties (Article 7) and strictly limit any prescription (Article 8). They must also hold anyone involved in enforced disappearance criminally liable, as well as their superior who knew or should have known what his subordinate was doing and to prohibit invoking an order given from a superior as a defence (Article 6).

The non-ratification of this instrument and the absence of definition and criminal punishment for this crime enables the perpetrators to use enforced disappearances with impunity.

6.2.2. NON-APPLIED NORMS

In addition to the gaps in terms of definition and sanctions, it is concerning to see that some basic guarantees of human rights enshrined in the legislation are not implemented. This is especially the case for the provisions governing arrest, remand in custody (police custody) and detention.

6.2.2.1. Arbitrary arrests by unauthorized agents

The Code of Criminal Procedure provides, in articles 11-19 that the task of "determining violations of the penal law, collecting evidence and tracking down the perpetrators as long as it is not open information"⁵⁴ is entrusted to the judicial police, which includes the gendarmes but not members of the armed forces (Articles 12-29).

This disposition has continuously been violated throughout 2012 wherein the vast majority of arrests of individuals suspected of attempts against state security have been carried out by FRCI soldiers and members of the military police.

6.2.2.2. Detention outside of any legal framework

Under the Code of Criminal Procedure, any person arrested by the police can be held in custody for a period of 48 hours (Article 63). Article 76 states: "The Prosecutor may grant permission to extend the detention of a further period of forty-eight hours."

These delays are intended to apply to legal detention procedures in official places of detention. However, almost all of the cases that Amnesty International has investigated concerned individuals subjected to incommunicado detention or detention in unofficial places of detention for long periods outside of any legal framework.

6.2.3. A WEAK JUDICIAL SYSTEM LACKING IN INDEPENDENCE

In Côte d'Ivoire, the judicial system has always been strongly influenced and pressured by the political power and, at the mercy of changes at the head of government; many judges have sentenced individuals for their opinions.

The judicial system imploded following the partition of the country in 2002. In the north, the vast majority of court staff fled the area to seek refuge in the south and for eight years, the commanders of the New Forces have imposed their will on people who have no legal recourse. In the south, the lack of political will of the Gbagbo government to fight violations and abuses perpetrated by its security forces and supporters have paralyzed the judiciary.

President Ouattara's coming to power has not changed the balance of power that keeps the Ivorian justice in a state of dependence vis-à-vis the authorities. The manner in which the cases of Laurent Gbagbo's relatives and aides have been processed as well as the deafening silence of the judges faced with the innumerable cases of evidence of torture is blatant proof of this.

This judicial inertia as a result of a lack of political will is clearly illustrated in the way investigations of serious human violations are conducted. Thus, the information gathered by Amnesty International indicates that the investigation into the attack on the Nahibly camp suffer from a lack of financial and human resources. This investigation was entrusted to the Prosecutor of the Duékoué area based in Man. At the end of September 2012, the latter told the Amnesty International delegation that the investigation had progressed very little. He indicated being unable to get to the scene (the camp) until two days after the attack on 22 July 2012. He also stated that efforts had since been hampered by the fact that his office had very few resources.

The prosecutor added that his team had not been in the position to obtain the trust of the survivors and their families, which had prevented them from gathering detailed information on these events. He said that this attitude of distrust was "consistent with the fact that justice has not been effective in the region for over ten years."

In this regard, the fact that no person who supported Alassane Ouattara has been brought to justice, nearly two years after the arrest of Laurent Gbagbo, only fuels this suspicion.

6.3 INTERNATIONAL JUSTICE

On 3 October 2011, the Pre-Trial Chamber of the International Criminal Court (ICC) authorized the Prosecutor to commence an investigation into crimes committed in Côte d'Ivoire following presidential elections on 28 November 2010, and future crimes within the jurisdiction of the ICC committed in the context of the 'Ivorian situation'.

Although Côte d'Ivoire has yet to ratify the Rome Statute, the state accepted the jurisdiction

of the ICC by making a declaration to the Court under Article 12(3) RS on 18 April 2003. This was further confirmed by President Alassane Ouattara on 14 December 2010 and 3 May 2011.

In response to the Pre-Trial Chamber's decision, ICC Prosecutor Luis Moreno Ocampo declared that "effective, independent and impartial investigations" will be conducted in Côte d'Ivoire, and that the ongoing investigations "should be part of national and international efforts to prevent future crimes" in the country.

Although the Prosecutor Luis Moreno Ocampo had originally indicated that investigations would focus on the post November 2010 election violence, on 22 February 2012, the Pre-Trial Chamber also authorized the Prosecutor to investigate other relevant crimes committed between 2002 and 2010. The Court declared that:

"The violent events in Côte d'Ivoire in the period between 19 September 2002 and 28 November 2010, although reaching varying levels of intensity at different locations and at different times, are to be treated as a single situation, in which an ongoing crisis involving a prolonged political dispute and power-struggle culminated in the events in relation to which the Chamber earlier authorized an investigation".⁵⁵

To date, the Office of the Prosecutor, now led by Prosecutor Fatou Bensouda who succeeded Luis Moreno Ocampo in June 2012, has not announced any expansion of the investigations to events prior 2010.

6.3.1. The first cases

Two arrest warrants have been issued so far for crimes against humanity against the former President Laurent Gbagbo and his wife Simone Gbagbo. Both warrants of arrest were first issued under seal on respectively 23 November 2011 and 29 February 2012. The warrant of arrest against Laurent Gbagbo was unsealed shortly after, on 30 November 2011, while the one against Simone Gbagbo was unsealed only recently, on 22 November 2012.

Laurent Gbagbo and Simone Gbagbo are both charged with individual criminal responsibility, as indirect co-perpetrators, for four counts of crimes against humanity, namely murder, rape and other sexual violence, persecution, other inhumane acts, allegedly committed in the context of post-electoral violence in the territory of Côte d'Ivoire between 16 December 2010 and 12 April 2011.

On 29 November 2011, soon after the warrant of arrest against Laurent Gbagbo was unsealed, the latter was surrendered to the ICC's detention center in the Hague (Netherlands).

Laurent Gbagbo appeared for the first time before the Pre-Trial Chamber on 5 December 2011. Concerns raised by the defence about his health led the Chamber to postpone the commencement of a confirmation of charges hearing until his fitness to participate in the proceedings was determined. On 2 November 2012, the suspect was declared fit to stand trial and the confirmation of charges hearing were scheduled to commence on 19 February 2013.

Simone Gbagbo remains in house-arrest in Côte d'Ivoire and has yet to be transferred by the authorities to the ICC, despite calls by Amnesty International for the authorities to do so

immediately. Domestic proceedings for a number of charges, including genocide, have reportedly been initiated against Mrs. Gbagbo. To date, the national authorities have yet to publicly announce whether they intend to cooperate with the ICC's request or whether they intend to challenge the ICC's case in order to prosecute her before national courts.

While welcoming the opening of the procedures, Amnesty International has repeatedly reminded publicly that both sides the conflict in Côte d'Ivoire have indeed been accused of crimes while the two ICC arrest warrants to date focus on alleged crimes by the FDS, youth militias and mercenaries who were loyal to President Gbagbo. Amnesty International has urged the ICC to investigate and prosecute crimes committed by both sides, address the full range of crimes, including sexual violence and to ensure that justice should be rendered for "all victims regardless of their political affiliation or ethnic group". The organization has also urged the Prosecutor to expand its investigations to cover crimes committed between 2002 and 2010.

Answering to this concern, the Office of the Prosecutor stated, on 30 November 2011 : "Investigations continue. We will collect evidence impartially and independently, and bring further cases before the Judges, irrespective of political affiliation"⁵⁶.

6.3.2. Ratification and implementation of the Rome Statute

Steps towards ratification of the Rome Statute have been undertaken by Côte d'Ivoire. On 12 December 2012, the country's parliament adopted a bill to amend the Ivorian constitution, thereby removing all domestic legal barriers to ratification. A week later, the same parliament adopted a bill authorizing ratification, which remains to be enacted. Amnesty International is also calling on the government to complete the ratification process promptly and to also enact legislation, in accordance with the organization's *Updated checklist for effective implementation*⁵⁷, to ensure full cooperation with the Court and the effective investigation of crimes under international law before national courts.

7. CONCLUSION AND RECOMMENDATIONS

Almost two years after the arrest of Laurent Gbagbo and the swearing in of President Alassane Ouattara, the promises made by the new authorities to respect and protect human rights and the fight against impunity remained unheeded.

As was the case during the last decade, individuals continue to be targeted because of their ethnic origin and their real or alleged political affiliations.

It is urgent that the Ivorian authorities break this cycle of human rights violations committed with impunity by state agents or militias receiving the state's support, such as the Dozos.

If measures for justice and control of the security forces are not taken immediately, the future of Côte d'Ivoire is likely to be marked by successive political crises wherein hopes of reconciliation will continue to decline.

In this regard, Amnesty International welcomes the decision of the National Assembly of Côte d'Ivoire which voted in, in December 2012, a bill providing for the ratification of the Rome Statute establishing the International Criminal Court. The organization calls on President Ouattara to ratify this instrument which constitutes an important part of efforts to put an end to impunity in Côte d'Ivoire

So that the authorities of Côte d'Ivoire can restore the rule of law and reassure and protect populations, Amnesty International makes the following recommendations:

Amnesty International urges the Ivorian authorities to:

Exercise effective control over security forces

- Ensure in law and practice that any forces performing law enforcement functions conform their actions to relevant international standards, including the *UN Code of Conduct for Law Enforcement Officials*, adopted by General Assembly resolution 34/169 of 17 December 1979 and the *UN Basic Principles on the Use of Force and Firearms by Law Enforcement*, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990.
- Issue clear public instructions to all security forces to comply with Ivorian law and international human rights law and make clear that anyone responsible for ordering, carrying out or failing to prevent human rights violations and abuses, especially those involving extrajudicial execution, unlawful killings, enforced disappearances, torture or sexual violence, will be held accountable for their actions.

- Exercise strict chain-of-command control over their armed forces and hold to account any member of those forces for their actions constituting human rights or international humanitarian law violations, or for allowing others to commit those violations.
- Take immediate action to stop the formal and informal law enforcement and security roles played by the Dozos and ensure that all allegations of human rights abuses committed by Dozo fighters are promptly, thoroughly, and impartially investigated by ordinary civilian courts.
- Immediately suspend, pending investigation, any person in a position of authority suspected of committing violations of international humanitarian or human rights law since November 2010, including those committed in the Duékoué region, so that they are not in a position to commit further abuses.

Combat torture

- Define torture in accordance with the definition proposed by the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and define it as a separate offense under Ivorian penal law.
- Define rape and other crimes of sexual violence in accordance with the evolution of international law as required in the Rome Statute of the International Criminal Court and the Elements of Crimes.
- Carry out prompt, in-depth, independent and impartial investigations on all cases of torture allegations or other ill-treatment during detention in accordance with international treaties, particularly, with regards to the *Principles of effective investigation of torture and other cruel, inhuman or degrading treatment or punishment to establish the true facts*, and with regards to the *Principles on the Effective Prevention and Investigation of Extrajudicial, Arbitrary and Summary Executions and to the means needed to investigate these executions*.
- Remove from office any person who may be suspected of having committed, or participated in, serious human rights violations, until the allegations against this person are subject to an investigation
- Immediately take legal action, whenever there is sufficient admissible evidence, against all persons suspected of committing serious human rights violations, particularly torture and other ill-treatment of persons held in police custody or in preventive detention.
- Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Combat extrajudicial executions

- Carry out investigations on all allegations of extrajudicial executions. These investigations must be prompt, thorough, independent and impartial in accordance with international standards including the *UN Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions*, Recommended by Economic and Social Council resolution 1989/65 of 24 May 1989.

- Exercise strict chain-of-command control over their armed forces and hold to account any member who has committed or allowed to commit acts constituting extrajudicial executions.

Combat enforced disappearances

- Promptly ratify the *International Convention for the Protection of All Persons from Enforced Disappearance*.
- Implement the Disappearance Convention in law and practice promptly as set forth in Amnesty International, *Checklist for effective implementation of the International Convention for the Protection of All Persons from Enforced Disappearance*.

Combat arbitrary arrest and unlawful detention

- Released immediately and unconditionally all prisoners of conscience, including Laurent Akoun, detained for having made use of their freedom of expression without calling for violence or advocate its use.
- Put an immediate end to the arbitrary arrests and unlawful detention perpetrated in particular by the military police and the FRCI against real or presumed supporters of Laurent Gbagbo and ensure that these people are brought before the courts.
- Ensure that all detainees have access to legal counsel as required by international law and standards, including : Article 14 (3) (b) and (d) of the *International Covenant on Civil and Political Rights* (ICCPR), Rule 93 of the *UN Standard Minimum Rules for the Treatment of Prisoners*.
- Ensure that all detainees have access to a doctor of their choice and medical care, as required by international law and standards, including the Rule 91 of the *UN Standard Minimum Rules for the Treatment of Prisoners*.
- Ensure that all detainees can contact their relatives as required by international law and standards, including the Rule 92 of the *UN Standard Minimum Rules for the Treatment of Prisoners* and Principles 15 and 19 of the UN Body of Principles for the Protection of All Persons Under Any Form of Detention or Imprisonment.
- Ensure in law and practice that everyone detained or imprisoned has immediate access to a judge able to determine the lawfulness of the detention and order release if the detention is unlawful and to supervise any such detention, as required by international law and standards, including Article 9 (3) and (4) of the ICCPR and Principles 4, 9, 11 (1) and (3) and 32 of the UN Body of Principles for the Protection of All Persons Under Any Form of Detention or Imprisonment.
- All detainees must be charged with a recognizable criminal offence or be released.

Legal proceedings and investigations

- Ensure that all persons arrested for endangering the security of the State and related offenses, including Laurent Gbagbo's relatives and aides, receive a fair trial in which their

rights of defense are fully respected. Such fair trial standards are set forth in detail in Amnesty International, Fair Trials Manual.

- Set up an international commission of enquiry into the human rights violations and abuses committed during and after the attack of the Nahibly camp on 20 July 2012.
- Carry out impartial and thorough investigations, in accordance with international standards, of the evidence indicating that serious violations of international human rights were committed and publish the result of these investigations. Wherever there is sufficient admissible evidence, prosecute any alleged perpetrator in proceedings that fully respect international fair trial standards. If necessary seek international assistance in the investigation and prosecution of the alleged perpetrators of these acts.
- Commit to protect persons who may provide information or testimonies to these investigations from reprisals and take pro-active steps to protect witnesses.
- Provide full reparations to victims of serious violations under international law and human rights violations, as recognized in international law and standards, including : the UN *Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law*.
- Such reparation must include restitution, rehabilitation, compensation, satisfaction and guarantees of non-repetition.

Ensure that the Dialogue, Truth and Reconciliation commission (CDVR) can carry out its mandate

- Ensure that the CDVR can carry out its mandate by providing it adequate resources as set out in Amnesty International, *Truth, justice and reparation: Establishing an effective truth commission*⁵⁸.
- Ensure that this process does not serve as a substitute for bringing those responsible for serious violations of human rights and international humanitarian law to justice nor preclude victims from also seeking compensation through the courts.

Continue the disarmament programme

- Continue the disarmament, demobilization and reintegration programme for militia members and other irregular forces, provide it with sufficient financial resources and prioritize the reintegration of fighters into society.

Guarantee the protection internally displaced people

- Guarantee the protection of internally displaced people including those living in the region of Duékoué and ensure that these persons can return voluntarily and safely to their homes.

ENDNOTES

- ¹ Le Monde, *Alassane Ouattara : "Rendre la démocratie irréversible en Côte d'Ivoire"*, available at : http://www.lemonde.fr/afrique/article/2012/01/25/ouattara-rendre-la-democratie-irreversible-en-cote-d-ivoire_1634358_3212.html.
- ² Amnesty International, 'They looked at his identity card and shot him dead': Six months of post-electoral violence in Côte d'Ivoire, May 2011, Index : AFR 31/002/2011.
- ³ Agence France Presse, *Des pro-Gbagbo responsables des attaques meurtrières d'Abidjan (ministre)*, 7 August 2012.
- ⁴ Group of United Nations experts on Côte d'Ivoire, *Midterm report of the Group of Experts submitted in accordance with paragraph 16 of Security Council resolution 2045* (2012), 15 October 2012, paragraph 37.
- ⁵ Le Patriote, *Tentative de coup d'État des pro-GBAGBO*, 26 juin 2012, disponible sur <http://www.rdr.ci/presse-14.html>.
- ⁶ In addition, the Expert Group cites a source stating that a meeting was reportedly held on 12 July 2012, in Takoradi (Ghana) during which, " various exiled groups supporting the regime of former President Gbagbo decided to unite their efforts and define a common course of action, with a view to regaining power in Côte d'Ivoire, including the development of a regional political and military strategy to identify possible bases of operations in neighbouring countries such as Mali", The United Nations Expert Group on Côte d'Ivoire, Op. cit., paragraph 29.
- ⁷ Afriscoop, *Côte d'Ivoire : le FPI condamne les « multiples attaques »*, 18 August 2012.
- ⁸ The United Nations Expert Group on Côte d'Ivoire, Op. cit., paragraph 5.
- ⁹ The Forces of Defence and Security (Les Forces de défense et de sécurité, FDS) included soldiers, gendarmes and police.
- ¹⁰ Ordonnance N° 2011-002, *Ordonnance portant unification des Forces armées nationales et des Forces armées des Forces nouvelles*, 17 March 2011, available at : <http://www.primaturecotedivoire.net/site/suite.php?newsid=117>.
- ¹¹ President Ouattara is also Minister of Defence since March 2012. Previously, this position was held by Guillaume Soro, who was Secretary General of the New Forces and is currently President of the National Assembly.
- ¹² Text establishing the Military Police, 19 December 2011.
- ¹³ Heirs to an ancient tradition, the Dozo (or "Doston"), which means in Bambara "he who returns home after hunting in the forest," is a very powerful and united brotherhood of hunters, widely represented in Mali, Guinea, Burkina Faso, Senegal, Niger and Côte d'Ivoire.
- ¹⁴ Amnesty International, 'They looked at his identity card and shot him dead' Six months of Post-Electoral violence in Côte d'Ivoire, Op. cit.
- ¹⁵ In particular the agreements in Linas-Marcoussis and Ouagadougou in 2003 in 2007.

¹⁶ Estimates made by Sophie Da Camara, Director of the Division Disarmament, Demobilization and Reintegration (DDR) of UNOCI. See Irin, Humanitarian news and analysis, service of the United Nations Office for the Coordination of Humanitarian Affairs, *Côte d'Ivoire: Will DDR work this time?*, 29 June 2012.

¹⁷ The term "Dioula" can mean, depending on the circumstances, anyone with a Muslim family and a native of northern Côte d'Ivoire and the states of the sub-region (Mali, Burkina Faso, Guinea, Senegal, etc.) .

¹⁸ Notre Voie N°4219, [Laurent Akoun face au juge, vendredi 31 août, le procès comme si vous y étiez](http://www.abidjandirect.net/index2.php?page=poli&id=6190), 4 September 2012, available at : <http://www.abidjandirect.net/index2.php?page=poli&id=6190>.

¹⁹ Code of Criminal Procedure, first book, title II, chapitre 3, article 76, available at: <http://www.loidici.com/codeprocepenalecentral/codepropenaleavocat.php>.

²⁰ Several detainees arrested in San Pedro, spoke of the existence of the "slab" of concrete on which they were trampled on and sprayed with water.

²¹ Christian religious movement which appeared in Benin in the mid 20th century.

²² Patriotic Alliance of ethnic Wè (Alliance patriotique de l'ethnie Wè, APWé), Union of Patriots for the Resistance of the Great West (Union des patriotes pour la résistance du Grand Ouest, UPRGO), the Front de libération du Grand Ouest (le Front de libération du Grand Ouest , FLGO), Ivorian Movement for the Liberation of Western Cote d'Ivoire (Mouvement ivoirien pour la libération de l'Ouest de la Côte d'Ivoire, MILOCI).

²³ Amnesty International, *Côte d'Ivoire: Women and girls forgotten victims of conflict*, March 2007, Index : AFR 31/001/2007.

²⁴ Amnesty International, *Côte d'Ivoire: "We want to go home, but we can't": Côte d'Ivoire's continuing crisis of displacement and insecurity*, July 2011, Index: AFR 31/007/2011

²⁵ *Thirty-first progress report of the Secretary-General on the United Nations Operation in Côte d'Ivoire* (S/2012/506) 29 July 2012, paragraph 8.

²⁶ United Nations High Commissioner for Human Rights, *Expert de l'ONU : Respect des droits humains, confiance en le secteur sécuritaire et consolidation de la paix nécessaires pour assurer des solutions durables pour les PDI en Côte d'Ivoire*, 31 July 2012, available at: <http://www.ohchr.org/FR/NewsEvents/Pages/DisplayNews.aspx?NewsID=12399&LangID=F>.

²⁷ L'Inter, *Attaque du camp de Nahibly : Les révélations de Bert Koenders*, 28 July 2012, available at: <http://news.abidjan.net/h/438056.html>.

²⁸ Radio France Internationale, *Fosse commune de Duékoué : l'ONU demande au gouvernement ivoirien d'accélérer l'enquête*, 25 November 2012, available at : <http://www.rfi.fr/afrique/20121125-fosse-commune-duekoue-onu-demande-acceler-enuete>.

²⁹ Radio France Internationale, *Dans l'ouest de la Côte d'Ivoire, des affrontements font au moins 13 morts*, 22 July 2012, available at : <http://www.rfi.fr/afrique/20120720-duekoue-cote-ivoire-affrontements-morts-braquage-refugies-onuci>.

³⁰ Ivorian League of Human Rights (Ligue Ivoirienne de Droits de l'Homme), *Nahibly : La LIDHO accuse les FRCI et les Dozos*, 23 July 2012, available at : <http://www.connectionivoirienne.net/massacre-du->

[camp-de-refugies-de-nahibly-duekoue-la-lidho-se-reveille-enfin/](#).

³¹ In this report, UNOCI gives the following version of the attack Nahibly: "*In a serious incident, an armed robbery on 20 July in Duékoué during which five persons were killed prompted a large group of youths and dozos (traditional hunters) to attack the Nahibly camp for internally displaced persons, which was believed to host some of the robbers. The group, some of whom were armed with sticks and machetes, forcefully entered and set fire to the camp, which had hosted up to 5,000 persons, including many supporters of former President Gbagbo. Eleven people were killed and 56 injured, and the camp was destroyed. The national security forces responded to the incident, while UNOCI coordinated humanitarian response efforts and launched initiatives to ease tensions. The Government and UNOCI are conducting separate investigations.*". Report available at : http://www.un.org/french/documents/view_doc.asp?symbol=S/2012/964.

³² United Nations News Centre, *Conférence de presse du Rapporteur spécial sur les droits de l'homme des personnes déplacées*, 24 October 2012, available at : http://www.un.org/News/briefings/docs/2012/121024_IDP.doc.htm.

³³ L'Inter, *Attaque du camp de Nahibly : Les révélations de Bert Koenders*, Op. Cit.

³⁴ Radio France Internationale, *Les autorités ivoiriennes se rendent à Duékoué sur les lieux de l'attaque meurtrière*, 21 July 2012, available at : <http://www.rfi.fr/afrique/20120721-autorites-ivoiriennes-duekoue-lieux-attaque-meurtriere>.

³⁵ Amnesty International, Côte d'Ivoire: Arbitrary detention of actual or perceived supporters of Laurent Gbagbo, June 2011, Index : AFR 31/006/2011.

³⁶ These officials told Amnesty International that these people were simply "held" under section 7 of Act No. 63-4 of 17 January 1963 which provides for the arrest of "any person whose action s' is detrimental to the economic and social advancement of the nation. "See Act No. 63-4 of 17 January 1963 on the use of persons in order to ensure the economic and social advancement of the nation.

³⁷ 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.

³⁸ The eight persons are: Simone Gbagbo, Pascal Affi N'Guessan, Gilbert-Marie Aké N'Gbo, Alcide Djédjé, Désiré Dallo, Dogbo Blé, Geneviève Bro-Grébé, Abourahmane Sangaré.

³⁹ Council Regulation (EU) No 25/2011 of 14 January 2011 amending Regulation (EC) No 560/2005 imposing certain specific restrictive measures directed against certain persons and entities in view of the situation in Côte d'Ivoire.

⁴⁰ United Nations News Centre, *Côte d'Ivoire : annonce officielle de l'entrée en vigueur des sanctions individuelles prévues par la résolution 1572*, 7 February 2006, available at : <http://www.un.org/apps/newsFr/storyF.asp?NewsID=11832&Cr=ivoire&Cr1=ONUCI>.

⁴¹ *He is accused of the following: "The forces under his command engaged in recruitment of child soldiers, abductions, imposition of forced labor, sexual abuse of women, arbitrary arrests, and extrajudicial executions, in violation of agreements relating to human rights and international humanitarian law; obstacle to the action of the GTI,, UNOCI and the French forces, and the peace process as defined by the resolution 1643 (2005). "European Union, Council Decision 2010/656/CFSP of 29 October 2010.*

⁴² Article 115 of the Criminal Procedure Code prescribes that : The defendant and the plaintiff can not be heard or brought face to face unless they expressly abjure, uniquely in the presence of their counsel or of those duly summoned.

The Board is convened either by registered letter no later than three days before the hearing or examination of the plaintiff, or by notification made twenty-four hours before this hearing or examination by the court clerk or a law enforcement officer.

The procedure should be available to the counsel of the accused twenty-four hours at the latest before each examination. It must also be provided to the plaintiff's counsel, twenty four hours, at the latest, prior to the hearings of the latter.

The formalities prescribed by this section are only required if the council reside at the seat of the instruction »

⁴³ Interview given by President Ouattara to radio station Europe No 1, *Ouattara: "nul ne sera au-dessus de la loi"*, 27 May 2012, available at: <http://www.europe1.fr/International/Ouattara-nul-ne-sera-au-dessus-de-la-loi-E1-560875/> .

⁴⁴ National Commission of Inquiry,, *Rapport d'enquête sur les violations des droits de l'homme et du droit international humanitaire survenues dans la période du 31 octobre 2010 au 15 mai 2011*, July 2012, page 30.

⁴⁵ *Idem*, page 11.

⁴⁶ United Nations News Centre ,*UN official calls for justice in wake of human rights violations in Côte d'Ivoire, warns of renewed violence*, 1 December2012, available at : <http://www.un.org/apps/news/story.asp?NewsID=43653&Cr=cote#.U01z0YLZAko> [Last consulted : January2013].

⁴⁷ Abidjan.net, *Remise officielle du Rapport de la Commission nationale d'enquête : l'allocution de SEM Alassane Ouattara, Président de la République*, 9 August 2012, available at : <http://news.abidjan.net/h/438612.html> [Last consulted : January2013].

⁴⁸ Article 5 of Ordinance No. 2011 -167 of 13 July 2011 establishing the responsibilities, organization and functioning of the dialogue, truth and reconciliation commission.

⁴⁹ Xinhuanews *La Commission dialogue appelée à « accélérer » ses activités*, 18 May 2012, available at : <http://www.connectionivoirienne.net/la-commission-dialogue-appellee-a-accelerer-ses-activites/> [Last consulted : January 2013].

⁵⁰ Le nouveau courrier, *Traque des pro-Gbagbo. Un conseiller de Banny crie son indignation*, 21 June 2012, available at : http://africaview.net/?action=show_page&id_page=2583 [Last consulted : January2013].

⁵¹ Xinhuanews, *Côte d'Ivoire : la CDVR s'inquiète de la "persistance des tensions" dans le milieu politique*, 11 July 2012, available at : http://french.china.org.cn/autreshorizons/2012-07/11/content_25874748.htm [Last consulted: January 2013].

⁵² Penal Code, Chapter II, section 1, article 354.

⁵³ The constituent elements of the crime of rape shall in particular include: (i) a physical invasion of a sexual nature, (ii) the absence of consent of the victim. Such a definition should clarify that rape

includes penetration of the vagina or anus with an object or penetration without consent of the penis into the anus or vagina. See the judgment of the International Criminal Tribunal for Rwanda (ICTR), *Prosecutor v. / Jean-Paul Akayesu*, Judgment of the Trial Chamber 1, 2 September 1998, ICTR-96-4-T, paragraph 688. Amnesty International believes that this approach is preferable to the more restrictive approach adopted by the jurisprudence of the International Criminal Tribunal for the former Yugoslavia (ICTY) and partially adopted in the Elements of Crimes.

⁵⁴ Act No. 60-366 of 14 November 1960 regarding the Code of Criminal Procedure, available at : http://iccdb.webfactional.com/documents/implementations/pdf/Cote_dIvoire-Criminal_Procedure_Code_AB_05072012.pdf.

⁵⁵ Decision on the "Prosecution's provision of further information regarding potentially relevant crimes committed between 2002 and 2010, Pre-Trial Chamber III, N° : ICC-02/11, 22 February 2012.

⁵⁶ ICC, Office of the Prosecutor, "Ivorian victims will see justice for massive crimes: Mr. Gbagbo is the first to be brought to account, there is more to come", 30 November 2011.

⁵⁷ Amnesty International, *Updated checklist for effective implementation*, 6 May 2010, <http://www.amnesty.org/en/library/info/IOR53/009/2010>.

⁵⁸ Amnesty International, *Truth, justice and reparation: Establishing an effective truth commission*, Index: POL 30/009/2007, June 2007.

ANNEX: OFFICIAL ANSWER FROM THE IVORIAN AUTHORITIES

Answer received on 11 February 2013

MINISTERE DE LA JUSTICE,
DES DROITS DE L'HOMME
ET DES LIBERTES PUBLIQUES
REPUBLIQUE DE COTE D'IVOIRE

Union – Discipline - Travail

J'ai l'honneur d'accuser réception de votre mémorandum sur la situation des droits de l'homme en Côte d'Ivoire que vous m'avez communiqué par mon adresse électronique en vue de recueillir mes observations avant sa publication dans la dernière semaine du mois de février 2013.

Je voudrais d'emblée me féliciter de cette démarche que le gouvernement ivoirien a toujours souhaitée des Organisations Non Gouvernementales de défense des droits de l'Homme dans le cadre de leurs missions en Côte d'Ivoire.

En ce qui concerne votre document, les informations qu'il renferme ont été déjà citées dans les rapports des organisations Non Gouvernementales et l'Organisation des Nations Unies au cours du dernier trimestre de l'année 2012. Toutes ces productions accusent les Forces Républicaines de Côte d'Ivoire (FRCI) et les chasseurs traditionnels « dozos » de violations massives des droits de l'Homme, traitent la justice ivoirienne d'impartialité et non indépendante ainsi qu'une inertie de la politique de réconciliation nationale...

A cette occasion, le Gouvernement avait pris la résolution de poursuivre les auteurs si les allégations rapportées sur les Forces de Sécurité étaient avérées.

Par ailleurs, quant à vos recommandations, certaines n'ont plus les besoin d'être au regard des actions posées par les autorités ivoiriennes dans le sens de l'amélioration de la situation des droits de l'Homme en Côte d'Ivoire. je pourrais citer entre autres :

- l'organisation des sessions de formations sur les droits de l'homme au bénéfice des forces militaires, paramilitaires et de sécurité en 2011 et en 2012 ;
- création d'un groupe de travail sur l'éthique et la déontologie militaire par le ministre auprès du Président de la République chargé de la Défense (arrêté n°494 du 24 décembre 2012). Les résultats sont attendus pour le mois d'avril 2013 ;

- création d'un groupe de travail sur les allégations de tortures et de mauvais traitement dans les lieux de détention, soutenus par des rapports des Organisations Non Gouvernementales de défense des droits de l'Homme sur la période allant du 1^{er} juin 2012 au 30 octobre 2012 ;
- l'organisation par le Ministère chargé de la Sécurité des actions de sensibilisation à l'endroit des chasseurs traditionnels « Dozo » à l'effet de les exhorter à ne plus se substituer aux forces publiques et de se confiner désormais que dans leurs missions traditionnelles, celles de dépositaires de la tradition et de protecteur.
- La mise en liberté provisoire de huit (08) personnes proches de l'ex-président de la république en décembre 2012.
- création en août 2012 de la nouvelle Autorité pour le désarmement, la démobilisation et la réintégration des ex combattants (ADDR) en Côte d'Ivoire. Celle-ci a démarré ses activités en octobre 2012 avec le lancement d'une opération de désarmement et de démobilisation des ex-combattants sur l'ensemble du territoire ;
- la priorité accordée par le Gouvernement à l'harmonisation de la législation nationale aux standards internationaux relatifs aux droits de l'homme. L'insertion de l'article 85 bis dans la constitution en vue de la ratification du traité de Rome sur la Cour Pénale Internationale, la modification de certaines dispositions de la loi sur le mariage et la ratification de certaines conventions internationales témoignent les bonnes dispositions des autorités ivoiriennes à travailler pour l'amélioration des droits de l'homme en Côte d'Ivoire.

Tous ces efforts déployés par l'Etat dans le sens d'un cadre apaisé en Côte d' Ivoire méritent d'être signalés et félicités.

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