

CÔTE D'IVOIRE

It is Urgent to Prevent the Escalation to a Civil War

Article 1: All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood. Article 2: Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty. Article 3: Everyone has the right to life, liberty and security



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I – Introduction

Since 1993, Côte d'Ivoire has been facing endless political upheavals preventing the country from building a better future for its population. From the discriminatory concept of “*ivoirité*” to the 1999 coup d'Etat, and from the partition of the country to the United Nations intervention, Côte d'Ivoire is getting bogged down year after year into a state of crisis. The Ivorian presidential election had long been awaited as the solution to the political crisis that has shaken the country since 2002. However, far from having boosted the economy as expected by the population, this election has resulted in a political crisis that has plunged the country into even deeper turmoil. Today, the Ivorian population is living in fear and terror. Worse still, the population fears a negotiated solution will not be possible and looks at the future with anxiety.

FIDH organised a fact-finding mission¹ in Côte d'Ivoire from February 22 to March 2, 2011 to identify the human rights violations perpetrated in the post-electoral context. The mission delegates fear that the country is sinking into the abyss under the eyes of the international community.

1. The mission was composed of Mr. Roger Bouka, FIDH Secretary General and Executive Director of the Observatoire congolais des droits de l'Homme (OCDH), Mr. Benoit van der Meerschen, FIDH mission delegate and President of the Ligue belge des droits de l'Homme and Ms. Marie Yolène Gilles, Programme Officer of the Réseau National de Défense des Droits Humains (RNDDH)

II – Gross Human Rights Violations and Disturbing Signs of an Imminent Conflict

The political crisis prevailing in Cote d'Ivoire since the second round of the November 28 presidential election, and which arose after the former president, Laurent Gbagbo's refusal to step down despite the election results, has been accompanied by a wave of violence and repression of which civilians have been the main victims. According to the information gathered by the FIDH mission, since the second round of the elections, there have been nearly 400 people killed and 68 enforced disappearances. Human rights organisations have identified hundreds of injured, hundreds of cases of torture and mistreatment, hundreds of arbitrary arrests and detentions as well as allegations of sexual crimes. This alarming report is far from being exhaustive and will most likely worsen every day.

Throughout the course of its mission, FIDH witnessed the sudden deterioration of the situation in Abidjan, and fears that the outbreak of an armed conflict is imminent.



A) Clashes seem to point to the beginning of a Civil War

For several days, various parts of Abobo (with a population of more than one million inhabitants), a neighborhood of Abidjan labeled as being pro-Ouattara, have been going through hell. The population is caught between regular gunfire between elements of the Defense and security forces (FDS) loyal to Laurent Gbagbo, supported by supplementary militia, and the “Invisible Commando”², which has resulted in many civilian casualties. The inhabitants are also the victims of looting and arbitrary arrests. These neighborhoods are living in a ‘true urban guerrilla’, according to the expression used by the United Nations Operation in Cote d’Ivoire (UNOCI).

During the eight-day mission, 20 civilians were killed in Abobo. On Thursday, March 3, seven women were killed by bullets in one of its neighborhoods, where security forces loyal to the outgoing president had used disproportionate force to disperse a rally in favor of his rival.

2. Armed Commando which attacked, on February 22, 2011, the FDS - pro-Gbagbo in the district of Abobo. A statement signed by a mysterious individual, Karlinto, claimed to be belonging to the “Movement for the Liberation of populations of Abobo-Anyama [MLP2A]. See in particular: <http://www.jeuneafrique.com/Article/ARTJAWEB20110223164858/>
In reality, this mysterious commando is composed of armed insurgents, probably traditional hunters, defectors of the FDS rallied to Alassane Ouattara and soldiers of the Armed Forces of Forces Nouvelles (FAFN - former rebels)

The clashes and human rights violations committed by the security forces loyal to Gbagbo are forcing the population to flee their homes. The FIDH mission witnessed Abobo inhabitants scrambling through the streets with their few belongings, in order to escape from the city. The number of displaced persons amounts to over 200000 persons according to the UNOCI. This widespread exodus risks provoking a humanitarian catastrophe in the very short term, due in part to the lack of a suitable place to receive these displaced persons. The various testimonies collected by the mission are very telling and lead us to fear the worse for the city of Abidjan.

One of the two people killed and set on fire in a place called "GESCO" in Yopougon on 24 February, 2011.

A woman interviewed by the mission on February 27 said *"I have just left the district of Colatier in Abobo. The situation there is very serious. The combats are endless. We almost don't go out. For two days, I have had no water or electricity. Everything has become complicated: schools are closed, the market is almost deserted and prices have increased. Even eating has become impossible."* Many people have, like this woman, left the city in haste.



Today, clashes are no longer confined to Abobo but are spreading day by day to other parts of the city, such as in Adjamé, Yopougon, Attécoubé or Koumassi. Thus, in the neighborhood of Yopougon, labeled as pro-Gbagbo, several Ouattara supporters, or people who have been identified as such, were arrested, killed and set on fire by pro-Gbagbo forces. On February 24, two people were killed and burned in a place called "GESCO" and on February 28, two others were killed under the same circumstances in Yopougon at the crossroad in front of the vocational highschool.

In this context, the FIDH mission witnessed the spreading of urban barricades set up by armed youths. *"Civilians armed with Kalashnikovs and machetes, carry out controls in the corridors. Boys, who are often suspected of being potential infiltrated attackers, are the ones mostly subject to these controls"* declared a

woman who left Abobo after the conflict broke out. In these corridors, people are humiliated, and are subjected to extortion "for the war effort" and to threats of all kinds.

Because of its magnitude, this urban guerrilla seems to represent the beginnings of an almost inevitable civil war if nothing is done to prevent it. The first armed confrontation since 2004 between armed forces loyal to Laurent Gbagbo and the elements of the "Forces Nouvelles" pro-Ouattara in the West of the country, and the military weapons being distributed to civilians are further exacerbating the situation. All of these elements lead us to fear the worst for the immediate future of Cote d'Ivoire.

2 pro-Ouattara sympathisers killed and set on fire at the crossroad in front of the vocational highschool in the neighbourhood of Yopougon on 28 February, 2011.

B) An Explosive Economic and Social situation

In its large majority, the population in Côte d'Ivoire, has lived in precariousness for many years. Today, the population is in a complete impasse and has seen its living standards exacerbated by the sanctions imposed on Gbagbo's allies by the international community (sanctions which ultimately are to the detriment of the population). Moreover, the majority of the Ivorian banks have been closed for security reasons for almost two weeks, money is no longer circulating and access to basic services has become impossible. Even eating has become difficult for a large part of the population.



The reinstatement of a prolonged curfew, since over a month in Abobo and Anyama and since two weeks now on the whole territory, has led to financial losses for night businesses (restaurants, "maquis", etc) which are generally owned by individuals, in particular women, with low incomes. This curfew has also resulted in several deaths (the mission has indeed recorded cases of sick people or pregnant women who could not reach hospitals or health centers in time to get help because of the curfew).

The Ivorians are on edge and popular reactions which may result from this situation run the risk of being completely uncontrollable.

C) Hindrances to Public Liberties

Under the current circumstances, the Ivorian press has proved to be very biased and many independent journalists, or those perceived as supporting one or other of the two camps, have been subjected to intimidation, threats, or to judicial harassment. On 25 February, the National Press Council (NPC), the body regulating the Ivorian press, whose former members were discharged by Laurent Gbagbo and replaced by several people considered to be close to him, announced the one-week suspension of the daily *Le Nouveau Réveil*. Additionally, it imposed a fine of 2 million FCFA to several newspapers seen as close to Ouattara, namely *Le Patriote*, *Le Jour Plus* and *Nord-Sud*. The last three daily newspapers, together with five other newspapers (*Le Jour Plus*, *L'Expression*, *L'Intelligent d'Abidjan*, *Le Mandat*, *Le Démocrate*) decided to suspend their publication for a week, to denounce the NPC's sanctions. These newspapers also denounced the kidnapping, in Bouaké, on February 22, of Mr. Ouattara Yacouba, the driver for the editor-in-chief of the *Nord-Sud* daily newspaper. The FIDH mission also reports that several attacks have been perpetrated by pro-Ouattara forces against several newsstands in order to destroy publications which are close to Gbagbo.

Since the beginning of the conflict the Ivorian civil society has repeatedly denounced the increasing and serious acts of violence ongoing throughout the country and call on political and military leaders to take all necessary measures to put an immediate end to the violence. Today, human rights defenders in Cote d'Ivoire fear for their lives. They moderate their declarations and use self-censorship for fear of reprisals. On February 28, while the FIDH mission was still ongoing, Drissa Traoré, President of the *Mouvement ivoirien des droits humains* (MIDH), an FIDH member organisation, was arrested by the police during a raid on the home of one of his colleagues. Drissa Traoré's contact numbers were copied by the police and he was subjected to verbal threats before being released. Other human rights activists, whose testimonies were gathered by the mission, continue to be subjected to threats and other forms of intimidation, which has led some of them to flee the country.

D) Incendiary Hate Speeches

The Brigadier General Dogbo Blé Bruno, Commander of the Republican Guard, and loyal to Laurent Gbagbo recently declared: "*if a war must occur, let it rage*". At the beginning of the crisis, Charles Blé Goudé made a similar declaration saying "*the recess is over! I ask all Ivorians to be prepared for this combat. We will completely liberate our country*". Meanwhile, Guillaume Soro, Prime Minister of Alassane Ouattara has recently called on Ivorians to "*start building their revolution. The people of Cote d'Ivoire must have their revolution. They must not wait for the ECOWAS and the AU. They must take charge of their destiny and remove Gbagbo from power.*"

The FIDH mission was able to take note of the fact that incendiary speeches made by one side or another are always immediately followed by acts of violence and other human rights violations.

The partisan press is also making incendiary speeches. For example, the *Soleil d'Abidjan* in its February 22, 2011 publication entitled an article : Alassane Dramane Ouattara : "this criminal who wants to govern Cote d'Ivoire". The article further states that: "This citizen from Burkina, who became Ivorian in the blood, has built his career on lies (...), he continues to kill, rape and massacre innocent people". These "hate speeches" are echoed in the streets where one can read, for example, "Cote d'Ivoire to Ivorians" at a dam established by the Young Patriots in Abidjan.

For several weeks Laurent Gbagbo's camp has been conducting, with different levels of intensity, a violent media campaign against the UNOCI and certain political or ethnic groups of the national community. The purpose of this campaign seems to be to demonise all those opposing him , and to stir a feeling of hatred against them.

III – What is the International Community doing ?

A) A discredited mediation

The mediation initiated by the African Union (AU) is taken seriously by few people in Côte d'Ivoire and unfortunately, as evidenced by the recent visit to Abidjan of 4 of the 5 mediators mandated, this mediation is even stirring up further tensions. Considering the profile of the mediators (of the 5, only Jacob Zuma, president of the Republic of South Africa and Jakaya Kikwete, president of the Republic of Tanzania came to power in their respective countries through democratic processes) for many Ivoirians they are already disqualified. From the negotiation of the departure of the outgoing president to the global resolution of the Ivorian crisis, the terms of reference of the mission of the Heads of State has evolved, including over time. On February 28, the Peace and Security Council of the African Union decided to extend the mandate of the Panel which must now give its conclusions “during the month of March”³.

This mediation is considered as the last chance to find an alternative solution to resolve the electoral dispute and to end the escalation of violence. The African Union must not fail with regard to the Ivorian crisis and must continue to concentrate its efforts to resolve the situation. A failure of the AU would cast doubt over the organisation's ability to resolve an open crisis and would create a *carte blanche* for any other undemocratic initiative, which may result in further conflicts throughout the continent.

B) The United Nations: Present but Distressed

For representatives of UNOCI the facts are clear: the current insecurity bears the marks of a possible armed conflict. And this insecurity is also of great concern for its staff who has been subjected to harassment by pro-Gbagbo supporters. The latter respond to declarations by their leaders that threaten the UN which has been accused of supporting the Ouattara camp since its Special Representative, Mr. Choi, certified the results of the second round of the elections announced by the National Electoral Commission (CEI) in conformity with the provisions of the 2005 Pretoria Agreement accepted by all parties.

Tensions are so strong throughout the country that on February 27, the UNOCI declared it could use force if their freedom of movement was impeded by the protagonists of the urban guerrilla raging in Abidjan. Such a firm stance against those who threaten the security and integrity of the civilian population, in particular in the neighborhoods of Abobo, Koumassi, Treichville, Yopougon and others would mark a welcome shift in the ongoing standoff. The mandate of the UNOCI, consolidated by Security Council Resolution 1993 (2010), is primarily to “protect civilians under imminent threat of physical violence, within its capabilities and its areas of deployment, including in high risk areas identified on the basis of the comprehensive protection of civilians strategy and the threat assessment”.

3. See the press release of the AU Peace and Security Council of February 28, 2011 : <http://www.au.int/en/sites/default/files/263rd%20PSC%20Communique%20%28Cote%20d%27Ivoire%29%20-%20EN-1.pdf>

However, during his meeting with the FIDH mission, the Representative of the Secretary General of the United Nations recognised that it was not possible for the UNOCI to visit every nook and cranny of Abidjan and that some districts were indeed inaccessible.

These findings are worrying. If its mandate to protect civilians is already being hindered, how would it be able to respond if the situation was to deteriorate? The perspective of the UN as a mere spectator of the Ivorian drama must be prevented. UNOCI's capacity for action must immediately be strengthened.

IV – Conclusion et Recommendations

The former President Laurent Gbagbo and his allies, including foreign states and private donors who provide him economic support, have a clear responsibility with regard to the crimes which have been committed in Cote d'Ivoire since the second round of the presidential election. His refusal to step down despite the results announced by the National Electoral Commission (CEI) and certified by the Representative of the UN Secretary General, generated a political crisis which may lead to exacerbating tensions and to the perpetration of serious human rights violations throughout the country.

Worse, the violence and deadly clashes which have occurred recently are the direct consequences of the campaigns of hatred and the incitements to violence launched against the Ouattara camp, the UN, France and foreigners, by Gbagbo's inner circle of supporters and backed by media groups that are partisan or depend on the Palais de Cocody. These "hate speech" constitute crimes under international law and fall within the jurisdiction of the International Criminal Court. The Court will also have to focus on the hawkish declarations coming from the Ouattara camp and establish whether they are likely to hold their authors responsible, even if, so far, they have not had the same direct consequences as statements released by the Gbagbo camp. The policy of tension, hatred and confrontation, which Laurent Gbagbo decide to engage in order to influence diplomatic mediations and to force the community to accept his *de facto* coup d'Etat, has led to serious human rights violations which amount to crimes against humanity. This situation establishes the jurisdiction of the International Criminal Court to which the situation in Côte d'Ivoire has been referred and should lead the prosecutor to open an investigation to prosecute the authors of these crimes without further delay.

FIDH's Recommendations

In order to end the political crisis in Cote d'Ivoire which has been ongoing since 2002 and to end the dispute over the presidential elections, FIDH recommends:

To Laurent Koudou Gbagbo and his supporters to:

- Contribute to a peaceful resolution of the electoral disputes, recognising the outcome of the presidential election under the terms and conditions provided by the Pretoria agreements and which agreed upon by all parties involved in the process of ending the crisis, and facilitating the return to the constitutional order;
- Immediately put an end to the attacks against civilians, enforced disappearances, extrajudicial killings, arbitrary arrests and detentions, acts of torture and ill treatment, and intimidation and illicit control by the Defense and Security Forces (FDS), militias and armed elements loyal to Laurent Gbagbo;
- Immediately put an end to the attacks against the United Nations Operation in Cote d'Ivoire;
- Immediately put an end to hindrances of the press, suspensions of newspapers and guarantee the freedom of press;
- Immediately put an end to the campaigns inciting hatred and hate speeches against political or ethnic groups of the national community, the UNOCI and foreigners in general;
- Ensure in all circumstances the safety of the Ivorian and foreign population, displaced

persons, human rights defenders, humanitarian personnel, United Nations agencies' personnel and journalists;

- Ensure and facilitate access of humanitarian and human rights organisations and UN agencies to displaced persons and victims of violations of human rights or international humanitarian law;
- Ensure and respect the rights and freedoms stipulated by the regional and international instruments for the protection of human rights ratified by Cote d'Ivoire;

To the President Alassane Dramane Ouattara and his supporters to:

- Contribute to a peaceful resolution of the electoral disputes and to the return to a constitutional order;
- Ensure in all circumstances the safety of the Ivorian and foreign population, displaced persons, human rights defenders, humanitarian personnel, United Nations agencies personnel and journalists in accordance with the international human rights and humanitarian law instruments;
- Immediately put an end to the declarations calling for the population's revolution;
- Ensure and facilitate access of humanitarian and human rights organisations and UN agencies to displaced persons and victims of violations of human rights or international humanitarian law;

To the African Union and the Economic Community of West African States to:

- Condemn the violations of human rights and of international humanitarian law and insist on the fact that the authors of the exactions will be brought to justice either at the national or at international level;
- Solemnly call on Laurent Gbagbo to recognise the results of the presidential election according to the terms and conditions provided by the Pretoria and Ouagadougou agreements, which were agreed upon by all parties involved in the process of crisis resolution, including Gbagbo himself ; and to facilitate the return to a constitutional order;
- Support the mediation to resolve the crisis while respecting the will expressed by the majority of Ivorians during the presidential election;
- Adopt individual sanctions against those who interfere with the peaceful resolution of electoral disputes and the return to a constitutional order;
- Contribute, if need be, to strengthening the United Nations Operation in Côte d'Ivoire (UNOCI) with forces of the African Union or the Member States to protect civilian populations against human rights abuses of all violations of human rights and international humanitarian law and preventing further electoral disputes from turning into armed conflicts;

To the Security Council of the United Nations:

- Ensure and implement the effective protection of civilians in accordance with the principle of responsibility to protect, including by establishing as soon as possible an emergency plan to protect people in case of a deterioration of the situation into an armed conflict;
- Deploy without further delay the 2,000 supplementary peacekeepers under resolution 1967 adopted on January 19, 2011 by the United Nations Security Council;
- Strengthen the capacities of the United Nations Mission in Côte d'Ivoire (UNOCI) to meet the challenges for the protection and assistance of the civilian population, in particular of displaced persons and refugees;
- Implement and, where appropriate, extend the sanctions under resolution 1572 against any state/company that breaks the embargo;
- Continue to support the mediation to resolve the crisis while respecting the will expressed by the majority of Ivorians during the presidential election;

To the United Nations Human Rights Council to adopt a resolution:

- Condemning the violations of human rights and international humanitarian law perpetrated in Cote d'Ivoire;
- Solemnly calling on Laurent Gbagbo to recognise the results of the presidential election according to the terms and conditions provided by the Pretoria agreement, which was agreed upon by all parties involved in the process of crisis resolution, including Gbagbo himself; and to facilitate the return to a constitutional order;
- Creating a International Commission of Inquiry on the human rights violations perpetrated in Cote d'Ivoire since the second round of the presidential election;

To the European Union to:

- Maintain and, if need be, strengthen the individual sanctions against those who interfere with the peaceful resolution of electoral disputes and the return to a constitutional order;
- Continue to support the mediation to resolve the crisis while respecting the will expressed by the majority of Ivorians during the presidential election;

To the Prosecutor of the International Criminal Court to:

- Open an investigation into the situation in the country, considering that Cote d'Ivoire is the subject of a preliminary analysis by his office, especially after the declaration of Cote d'Ivoire recognising the jurisdiction of the ICC on its territory according to Article 12.3 of the Statute;
- Publicly and consistently remind the perpetrators of international crimes within the jurisdiction of the ICC, that they will be held accountable before the international criminal court;
- Recall that the calls and incitements to hatred in the media, by politicians and other circles are likely to constitute crimes within its jurisdiction;
- Recall that anyone who breaks the embargo on arms and the exportation of diamonds will be held responsible.

This report has been produced with the support of the Swedish International Development Cooperation Agency (SIDA). Its content is the sole responsibility of FIDH and should in no way be interpreted as reflecting the view(s) of the SIDA.

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of person. Article 4: No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms. Article 5: No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. Article 6: Everyone has the right to recognition everywhere as a person before the law. Article 7: All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination. Article 8: Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law. Article 9: No one shall be subjected to arbitrary arrest,

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- FIDH takes action for the protection of victims of human rights violations, for the prevention of violations and to bring perpetrators to justice.

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