Return from mission

Ivory Coast : Justice to combat human rights violations and insecurity

Date de mise en ligne : Friday 2 November 2012

Description :

Following a two-week mission, FIDH and its member organisations in Ivory Coast, the Ivorian League of Human Rights (LIDHO) and the Ivorian Movement for Human Rights (MIDH), remain concerned about the security situation and the continuing violations of human rights. Our organisations call on Ivorian political and judicial authorities to put an end to the reported human rights violations, to prosecute their authors, and to more resolutely engage in favour of impartial justice and a genuine process of dialogue and reconciliation with all parties and all people. FIDH, LIDHO and MIDH, who support victims of the most serious crimes before national courts, have particularly expressed their concern in the context of the discovery, on 12 October 2012, of a mass grave in Duékoué, which was exhumed in the presence of staff from our organisations.
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Deterioration of the security environment and human rights abuses

FIDH, LIDHO and MIDH condemn the repeated attacks against police and security forces that have taken place over the last months, notably the attacks in Bonoua and Yopougon on 14 and 15 October 2012. With around 11 attacks in four months, authorities face a real security challenge. Impartial investigations must be conducted in order to identify the perpetrators of these acts and bring them to justice. Our organisations are concerned about the information contained in the 15 October 2012 mid-term report of the United Nations' Group of Experts on the Ivory Coast regarding regional agreements between armed groups to destabilise Ivory Coast. We call on all governments and institutions to combine their efforts to put an end to any criminal enterprise that would undermine the integrity of the countries in the region, and in particular Ivory Coast.

This climate of violence and tension in Ivory Coast has provided justification for the return of the military in the domestic security system, which has resulted in further violations of human rights. Illegal detentions, enforced disappearances, arbitrary arrests for ransom, and incidents of torture, have alarmingly reappeared, especially in Abidjan where night roadblocks occur daily, are often illegal and sometimes carried out by unregistered men in uniform and carrying weapons. Our organisations have documented dozens of cases involving these types of violations in recent months.

"The resurgence of Comzones, their poorly-trained men for the most part, with abusive practices and often out-of-control, raises more problems with security and human rights than it solves," said Souhayr Belhasen, FIDH President. "The authorities must not give up the principles of fundamental freedoms in the name of security and for reason of State; it would fall into the trap of those who are trying to destabilise the country," she added.

FIDH, MIDH and LIDHO welcome the continuation of criminal proceedings against members of Ivory Coast Republican Forces (FRCI) responsible for crimes, but regret that those at the highest level of responsibility who order or cover these crimes up, have not been implicated. The on-going reform of the security sector, demobilisation and reintegration of ex-combatants, and the urgent adoption of a legal framework to control the activity of the Dozo (traditional hunters who provide security tasks - but also commit abuses -, as well as respect for human rights, must remain priorities for governmental action.

"A consistent and efficient reform of the security sector must be bound with the fight against impunity. Putting away human rights violators, as well as dismantling auxiliary forces, would guarantee the safety of the Ivorian people," says René Legré Hokou, LIDHO President.
Lastly, the political opposition, in particular the Ivorian Popular Front (FPI), are subjected to acts of intimidation and pressure which our organisations have already condemned [1], and on which the attention of the authorities was drawn during this mission. Such acts include the temporary ban on opposition newspapers for reasons which should not cause such sanction according to the rule of law, nuisance lawsuits against leaders, attacks on the FPI headquarters, and limitations to the freedom to demonstrate, etc... FPI asserts that many of its activists are harassed, imprisoned, or even victims of enforced disappearance and torture. Our organisations are currently attempting to verify these reports.

"Investigations of human rights violations must be conducted in an impartial and independent manner, and the perpetrators must be punished. Reformation of the laws and supervision of the Directorate of Territorial Surveillance (DST) are needed to ensure that this service will not be used for political repression, but for the defense of public order," declared Mr. Yacouba Doumbia. MIDH President.

The mass grave of Duékoué and criminal investigations relating to the post-electoral crisis

Staff of FIDH, MIDH and LIDHO were present at the 11 and 12 October 2012 discovery of a mass grave in the neighbourhood of Togueï in Duékoué. As a result of information collected by our organisations, and in the presence of the Deputy Prosecutor of the Court of First Instance of Man, six bodies were found in a well on the outskirts of the city. According to information in our possession, and confirmed by the preliminary results of autopsies, these six men were summarily executed by members of the Ivory Coast Republican Forces (FRCI) following an attack on Nahibly camp for internally displaced persons in Duékoué on 20 July 2012. The disappearance of dozens of displaced persons after the attack, as well as confirmation of cases of summary and extra-judicial executions, suggest a much higher victim rate than the official figures report. In regards to those presumed responsible, two members of the FRCI have not returned to their barracks since 16 October 2012, and their superiors have not been able to locate them. They are believed to have fled to neighbouring Burkina Faso and are actively sought. One of them is Yaya Doukouré, nicknamed "Tout Petit", who should have reported to the gendarmerie in Duékoué last week, but he never presented himself. According to his superiors, he is an unregistered associated fighter, which complicates searching for him. The other, "Corporal Ben" is also still to be found. Their supervisor, Lieutenant Daouda Koné known as "Konda" - in charge of the Duékoué sector at the time of the attack on Nahibly and transferred after the discovery of the mass graves - should also be interrogated after the appointment of a magistrate by the Prosecutor of Man.

Report by Maureen Grisot for France 24 on the discovery of Togueï mass grave in Duékoué and interview of Florent Geel, Head of FIDH Africa Desk

Given these facts, our organisations welcome the response of national authorities since the Ivorian President, Alassane Ouattara, has clearly indicated in a press release published the same evening of the discovery of the mass grave, that the bodies would be autopsied and that the investigation must be carried out to its completion. FIDH, LIDHO and MIDH who support and represent the families of victims in the proceedings initiated on this case, call on Ivorian political and judicial authorities to pursue the investigation to its conclusion. It is essential that justice is rendered in this case, which is particularly emblematic of the types of crimes perpetrated, and the judicial and security challenges faced in Ivory Coast. Our organisations also call upon Burkinabe authorities to fully cooperate with the Ivorian authorities to identify and locate the suspects responsible for these crimes so they can answer for their actions before the courts of their country.

At the same time, investigations into crimes committed during the post-electoral crisis continue. The National Commission of Inquiry (CNE) has finalised and submitted its report, of which a large part has been made public. The report (attached) points to the presumed responsibility of approximately 700 members of the FRCI, and 1200
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ex-military members of the Defense and Security Forces (FDS), and militiamen for serious crimes committed during this period. Our organisations welcome this report and its publication, as well as the commitment of the authorities to forward it to justice (including its annexes not made public), in order to contribute to the fight against impunity for all perpetrators of this period of time. Our organisations note with satisfaction the 29 October 2012 declaration by Ivorian Prime Minister Jeannot Kouadio Ahoussou indicating that charges against perpetrators of human rights violations identified by the CNE will begin in mid-November 2012.

Judgments against those allegedly responsible for crimes committed during the post-election crisis have restarted as were held from 2 to 11 October 2012 the trials of General Brunot Dogbo Blé, a former commander of the Republican Guard, and of four other members of the military, accused of the 12 March 2011 kidnapping and murder of Retired Colonel Adama Dosso, a close ally of President Ouattara. The military court of Abidjan sentenced General Dogbo Blé, his Chief of Staff Yagba Kipré and Sergeant Leo Lagaud to 15 years imprisonment. Sergeant Ferdinand Toh has received a sentence of 12 years, and Christmas Toualy a sentence of 5 years. The two soldiers who had fled prosecution, Yapi Yapo and Lobé Lobé, were sentenced in absentia to 15 years in military detention.

As to other on-going judicial proceedings regarding crimes committed during the post-electoral crisis, our organisations note their smooth progress, though they are currently too obviously focused on supporters of former Ivorian President Laurent Gbagbo, which may seem like a "biased and manipulated justice." MIDH, LIDHO and FIDH, whose Legal Action Group (GAJ) represents more than 75 victims from different parties to the conflict, believe that the efforts and resources allocated, and the capacity of the three magistrates are positive and are consistent with rendering impartial justice. In particular, our organisations also welcome the additional indictment made by the prosecutor, on the recommendation of our organisations, which expanded the referral of investigating judges to rape and other sexual crimes cases committed during the crisis. Our organisations are involved in these legal proceedings, whether those resulting from the post-electoral crisis or from the attack on Nahibly, to ensure that all victims have access to an impartial trial in Ivory Coast, and to fight against impunity of those responsible for serious human rights violations, conditions which are essential for future national reconciliation.

At the international level, on 26 October 2012, the Appeals Chamber of the International Criminal Court (ICC) confirmed the 13 July 2012 decision of Pre-Trial Chamber I, which had rejected the request for interim release of Laurent Gbagbo. According to the Appeals Chamber, the release of the former president could hamper the investigation because of the financial resources still available to him and the existence of a network of "important and well-organised" supporters. Detention of a suspected leader comes under review every 120 days before the ICC.

On 30 October 2012, Pre-Trial Chamber I held a new hearing regarding former president Gbagbo's state of health resulting from the conditions of detention in Ivory Coast and his ability to participate in proceedings, notably at the hearing confirming his charges, which has been postponed to 2013 pending the decision. The Court ruled that the hearing on 30 October would be mainly public that the former president was not required to be physically present. Laurent Gbagbo remains the only person subject to a public arrest warrant, who has been arrested and transferred to the ICC as a result of a referral to the Court by Ivory Coast.

"Justice cannot be a selective process, a la carte, and on this principle some FRCI will be held accountable before an Ivorian judge and, when appropriate, internationally. Many challenges remain to see the Ivorian and international judiciary pursue all major human rights violators during the electoral crisis regardless of their political side," said Patrick Baudouin, Head of FIDH Legal Action Group and Honorary President. "This is a difficult and exacting task, but essential for restoring peace, national unity and achieving true reconciliation," he concluded.

The 24 October 2012 announcement by Ivorian authorities regarding the pending suspension of six, and perhaps eight, magistrates for “abuse of authority, dereliction of duty, corruption and extortion of funds” is good news, as there is a large component of corruption in the Ivorian judiciary. The two trial judges suspected of these crimes are banned from acting as judges, pending completion of the investigation and the decision of the High Council of the Judiciary. "Ivorians must have confidence in their judiciary, and to resolutely fight against its corruption is a positive signal," said
René Legré Hokou, LIDHO President. “The fight against impunity also involves integrity of magistrates,” he added.

Our organisations call on the Commission for Dialogue, Truth and Reconciliation (CDVR) to involve civil society more in its work, and to put victims at the heart of the process. Its action must be clarified as soon as possible, especially with regards to its action plan, investigations, hearings and composition of its sub-committees, as well as its interaction with the criminal and international judiciaries. “The action of the CDVR must be a complement to the criminal justice system, not an alternative,” said Mr Yacouba Doumbia, MIDH President.

[1] See 5 September Press release Ivory Coast: The respect for fundamental freedoms, the independence and impartiality of the judiciary must be guaranteed