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Open letter to Alassane Ouattara, President of Côte d'Ivoire

May 7, 2018

Your Excellency, Mr. President,

Seven years ago, you were inaugurated as president for the first time after a post-election crisis in which more than 3,000 Ivoirians lost their lives. Soon afterwards, you committed to ensuring impartial justice for crimes committed by both forces loyal to ex-president Laurent Gbagbo and to your own cause, stating: "Justice will be the same for all. There is no exception, there is no discrimination, the law is the same for everyone. We will go ahead with these trials."¹

You followed through on this commitment by creating a National Commission of Inquiry (Commission nationale d'enquête (CNE)) to identify and document crimes perpetrated between 2010 and 2011, and a special investigation unit (Cellule spéciale d'enquête et d'instruction (CSEI)), appointed to prosecute those responsible. After receiving the report of the CNE, you stated that: "All individuals who will be found guilty of wrongdoing during the postelection crisis will be held accountable in court. It is at this price that Côte d'Ivoire will be able to definitively turn the page of this crisis and find a lasting and definitive peace."²

In April 2015, as the International Criminal Court prepared for the trial in The Hague of Gbagbo and Charles Blé Goudé, his former youth minister and militia leader, you said that all future trials would occur in Côte d'Ivoire, but that, "Everyone responsible for atrocities will be tried." You reaffirmed this promise to victims following your reelection in October 2015, stating that: "There will be no impunity in Côte d'Ivoire."³

Mr. President,

Seven years after the end of the post-election crisis, victims are still awaiting justice.

Although Ivorian judges in the CSEI have charged dozens of military and civilian officials with human rights crimes committed during the 2010-11 crisis, the only trial so far for war crimes or crimes against humanity is that of Simone Gbagbo, the former first lady. Her trial and acquittal in March 2017, amid an overly hasty investigation wracked by multiple fair trial concerns, did little to advance the cause of justice.

Despite your earlier promises to deliver impartial justice, the investigation and prosecution of crimes attributed to the Republican Forces (Forces Républicaines de Côte d'Ivoire, FRCI) and other forces who fought on your side during the conflict has appeared not to have occurred with the same diligence as those attributable to the security forces, militia and mercenaries who sided with Laurent Gbagbo. The failure of the judicial authorities, for example, to complete exhumations in Duékoué, where at least 198 people were buried in mass graves in March and April 2011 following an attack by FRCI forces and affiliated militia,⁴ has prevented judges from completing investigations into one of the worst crimes of the post-election crisis. The promotion in January 2017 of several senior FRCI officials who have been charged by Ivorian judges with crimes against humanity was also seen as a worrying sign for those of us who believe that all those

1 "Le président ivoirien Alassane Ouattara prêche la réconciliation" *TV5 Monde Afrique*, May 20, 2011, <https://afrique.tv5monde.com/information/le-president-ivoirien-lassane-ouattara-preche-la-reconciliation> (accessed May 7, 2018).

2 "Remise officielle du rapport de la Commission nationale d'enquête : l'allocation de SEM Alassane Ouattara, Président de la République," *Abidjan.net*, August 9, 2012. <http://news.abidjan.net/h/438612.html> (accessed May 7, 2018).

3 "Cote d'Ivoire : interview exclusive du président Alassane Ouattara," *TV5Monde*, October 28, 2015, <http://information.tv5monde.com/afrique/cote-d-ivoire-interview-exclusive-d-lassane-ouattara-63229> (accessed May 7, 2018).

4 According to the United Nations Report on violations of human rights and international humanitarian law perpetrated in Western Côte d'Ivoire, May 10, 2011, p. 20.

responsible for abuses during the post-election crisis should face justice, regardless of their political affiliation.

Mr. President,

Midway through your second term, we believe that justice should be a priority for your government. The CSEI has conducted extensive investigations, and your government's task should now be to remove the last hurdles to the closure of investigations and to organize realistic trials that draw lessons from failures of past proceedings.

We were therefore alarmed to hear that your office may be preparing a bill to amnesty those responsible for abuses during the post-election crisis.⁵ Such a measure would both contravene your own repeated commitments to fight against impunity and the various international instruments that protect victims' right to justice, starting with the African Charter on Human and Peoples' Rights.

Our organizations ask you to reaffirm your commitment to justice by rejecting any amnesty and ensuring that every measure is taken to allow for speedy trials of crimes related to the post-election crisis, including by moving forward with exhumations. It is only at this price that Côte d'Ivoire's emergence in 2020 will be secure.

We request an audience with you, at your convenience, to discuss these issues. In the meantime, please accept, Your Excellency, Mr. President, the assurance of our highest consideration.

Signatories: Club UA – Club Union Africaine
CIDDDH – Coalition ivoirienne des défenseurs des droits humains
COSOPCI – Coalition de la société civile pour la paix en Côte d'Ivoire
FIDH – Fédération internationale des ligues des droits de l'Homme
HRW - Human Rights Watch
LIDHO – Ligue ivoirienne des droits de l'Homme
MIDH - Mouvement ivoirien des droits humains
OIDH – Observatoire ivoirien des droits de l'Homme
OFACI – Organisation des femmes actives de Côte d'Ivoire
SOS Exclusion

⁵ "Cote d'Ivoire: et si Simone Gbagbo était amnistiée ?" *Jeune Afrique*, April 9, 2018, <http://www.jeuneafrique.com/mag/547360/societe/cote-divoire-et-si-simone-gbagbo-etait-amnistiée%e2%80%89/> (accessed May 7, 2018)