

FIDH – International Federation for Human Rights
MIDH – Ivorian Movement for Human Rights
LIDHO – Ivorian League of Human Rights

Ivory Coast / Attack on Camp Nahibly

An Opportunity for Justice to Triumph



Position Paper
March 2013

The attack on Camp Nahibly

On 20 July 2012, the Nahibly camp for internally displaced persons (IDP), located in the outskirts of Duékoué (west Ivory Coast) was attacked by young people from the Malinkés part of the city, supported and supervised by the Republican Forces of Ivory Coast (FRCI) and the Dozos, traditional hunters. Seven people were killed (shot or burnt) inside the camp.

The attack apparently was revenge for the murder of four people the evening before around Kokoma, one of the Malinké areas of the city, by a gang of highway bandits and members of the militia who use the camp as a hideaway.

The study by FIDH and its member organisations¹, the *Ligue ivoirienne des droits de l'Homme* (LIDHO – the Ivory Coast Human Rights League) and the *Mouvement ivoirien des droits humains* (MIDH – the Ivory Coast Human Rights Movement), indicated that the number of victims was much higher than the seven people who were found dead in the camp and that the attack could probably be motivated by politico-ethnic reasons connected to the post-electoral crisis.

Camp Nahibly is inhabited by internally displaced people mainly from the Guéré community, who were known to support Laurent Gbagbo, people who escaped the massacre in the 'Carrefour' quarter on 28 March 2011 by the FRCI, Dozos and their traditional hunters (*supplétifs*) when their troops took over the city and displaced persons from other villages in the region. The military authorities in the city see the Guéré boys as part of the pro-Gbagbo militia, and the Guéré community in general as a "hostile" population. Furthermore, the camp seems to serve as a fallback position for a group of bandits, even for the militia. This convinced the area's FRCI leaders of the need to destroy the camp.

The facts

At least five people, mainly Malinkés, were killed on the night of 19-20 July in the Kokoma area of Duékoué. Early in the morning, around 7 a.m., possibly more than 300 young overwrought Malinkés headed for Camp Nahibly with machetes and heavy sticks, preceded by the traditional Dozo hunters and FRCI troops who encircled the camp. After some haggling outside the camp, the young men forced their way into the camp, as helpless ONUCI soldiers stood by. A horde of young people poured into the displaced persons camp, beating up the young men and setting the shelters on fire, destroying the whole camp.

Some of the FRCI forces entered the camp while others took up positions outside. Inside the camp, people saw the FRCI troops shoot at certain people they were looking for. The FRCI person called "Tout petit" (the itty-bitty one) apparently shot Franck Gaha in the neck and killed him after he had been severely beaten up and his legs were broken. Seven people were found dead in Camp Nahibly, three of them had been shot to death.

In all this chaos, the men, who were the main targets, tried to escape. Some of them fled through the back of the camp, others through the main gate. The ones who tried to escape through the back of the camp apparently were killed by the Dozos, perhaps by FRCI soldiers who had encircled the camp. One witness said that at least seven were killed in the thickets in the back of the camp. The witness was chased away by armed men so was not able to identify the victims nor the killers nor the total number of people who were killed behind the camp. UNPOL and ONUCI tried to rake through the area after the event, "*but they were shot at and were unable to enter the area for the next seven days*" someone from inside the camp reported. When they finally were able to go to the back of the camp "*there were no more bodies*" the witness said bitterly.

During that same time, the fate of the men who tried to escape through the main gate of the camp fared no better. They were beaten and chased, some were arrested by the FRCI, as shown in videos taken at the camp site². All this occurred in the presence of the then-Prefect of Duékoué, Mr. Benjamin Effoli, and Lt. Daouda Koné, called "Konda". People under arrest were taken by car to the "PC", their place of detention, not far from the *Prefecture*. According to witnesses, thirty-seven (37) people were arrested and held in the "PC" by the end of the morning on 20 July 2012.

1 See esp. www.fidh.org/Cote-d-Ivoire-enrayer-la-logique

2 See the report by France 24 on the attack on Camp Nahibly and the Togouéi mass grave, <http://www.fidh.org/Cote-d-Ivoire-la-justice-pour-12352>

A person who was at the "PC" at that time said that, *"Around 10-11 o'clock when the people arrived at the PC they were seated in the entranceway on the right. There were about 30 men and one young girl. Some people had roughed her up in the city. An FRCI man saw it and deposited her in front of the PC. This girl, a city employee hired to clean the streets, was too scared to cross the street to go to the hospital and preferred entering the PC. People wanted to kill her and said that she was the wife of a Liberian militiaman. Around noon, Konda arrived at the PC and was told about the situation. He called one of the people there and said 'come here, go next to the people who are over there'. If I understood correctly, this is not the first time that that happened. Just then, 'Tout petit' drove in. Konda and 'Tout petit' hardly spoke to each other (...) then 'Tout petit' took four people away in his car. Around 4 p.m. there were only six people left, including the girl. They came to pick them up later. By 6 p.m. no one was left"*.

According to another witness, about twenty (20) people were released but at least eleven (11) of the thirty-seven (37) detainees were put into cars and taken to various places just outside the city. There they were thrown ruthlessly into wells or holes and shot dead. To dispose of the bodies of the victims of the attack required about a dozen execution sites or sites where the bodies could be hidden. Most of them were in the Togoué quarter where six bodies were found and taken out of wells on 12 October 2012 (see below).

Not only men were taken to the entrance to Camp Nahibly. A young woman, about 20 years old, A., was at the site and was taken away by 4 FRCI who wanted to *"put her in a safe place"*. She was in a daze, traumatised and followed them a very short way. They made her get into a car. *"I asked where we were going but they just said that they were going to take me somewhere safe. They took me to the Kokoma quarters and locked me in a house. They undressed me and then left. Then they came in, one by one and kept raping me. They beat me up. They hit me in the face and on my body. That went on until I fainted some time during the night"* she said. She was found naked on the roadside the next morning, presumed dead.

...and a possible scenario

The official reason for the attack seems to be well known, like a scenario, written in advance: a group of bandits were looting the region and the city of Duékoué and were using Camp Nahibly as their "sanctuary". They committed armed attacks, murder and rape. The group apparently was responsible for murdering the five people in the Kokoma quarter the evening before the attack on the camp. The Dozo hunters had traced them to the camp, identified the gang of bandits as the perpetrators of the five murders and understood more generally that the camp was their base. The local people were exasperated and decided to take the law into their own hands and so set out to destroy the camp early in the morning on 20 July 2012.

The presence of the armed bandits in the camp seems to be confirmed and was indicated by several sources, even in an internal security report dated end May 2012 and written by ONUCI. Some people say that the attackers were pro-Gbagbo militiamen. In any case, *"My services recorded 22 attacks in Duékoué between January and July 2012 and most of them were blamed on bandits in Camp Nahibly"* said Mr. Damou Kouyate, Daloa Public Prosecutor.

Indeed there is a security issue at Camp Nahibly. On 19 May 2012, the UN sent a multidisciplinary mission to assess the security situation. Thus, according to them, *"recent reports of the Office for the Coordination of Humanitarian Affairs (OCHA) echoed concerns raised by the humanitarian staff in charge of managing Camp Nahibly for internally displaced persons (IDPs). For several weeks now, incidents of disturbing gravity take place from the camp, or inside this camp"* wrote the experts upon their return. Elsewhere they detail that *"the Ivory Coast authorities and the local UNPOL reports suspected criminals of taking refuge in the camp between two abuses committed outside or even of hiding the weapons used for criminal activities there"*.

According to the letter that the United Nations High Commission for Refugees (UNHCR) addressed to the Prefect of Duékoué on 15 May 2012, *"between March and May 2012, there were a total of fourteen (14) incidents...These incidents (thefts and aggressions, threats, degradations) led to the disturbance of the peace, threatened the safety of officers and displaced persons, and have created a poisonous climate of general insecurity at the Nahibly site"*.³

Moreover, the active and passive security of the camp remains a concern. The multidisciplinary mission *"concluded that safety at Camp Nahibly deteriorated due to the very likely presence of disruptive elements in the form of armed bands, undoubtedly made up of former soldiers or pro-Gbagbo militants from the Guéré"*

3 Letter from the Head of the Bureau Chief of the HCR Zone Ouest in Man dated 15 May 2012 to the Prefect of Duékoué.

community some of whom were identified by name...The passive security at the camp is just sufficient in the circumstances, and must be improved to make it more difficult to access the camp by any location other than the main gate." As for active security, the UN experts emphasise that "under international conventions it is the responsibility of the Ivory Coast security forces to ensure compliance with the law within the camp of displaced persons", but they do not specify that the Ivory Coast police did not manage to enter the camp to re-establish a semblance of order and even less the FRIC whose senior officials in Duékoué are known for their abuses. For all that, the recommendation of the experts to open "a permanent police station staffed by a mixed team of gendarmes or Ivorian policemen" just like the others, was never implemented.

Furthermore, these facts raise the question of the establishment of the Nahibly displaced camp. Present in the area during the installation of the camp by the UNHCR in May-June 2011, FIDH, MIH and LIDHO had met with the IDPs most of whom want to return to their homes with the help needed to do so. All the political, security, association and religious actors interviewed at the time considered that this camp was not going to solve adequately the issue of IDPs. "The UNHCR imposed the construction of the camp for IDPs against the advice of everyone, including the authorities", explains a humanitarian actor present during that period. With respect to what subsequently happened, it seemed that establishing a camp for IDPs a few kilometres from their homes did not ensure the safety of these persons, in fact on the contrary. Even more serious, the reports of the UN experts indicated that

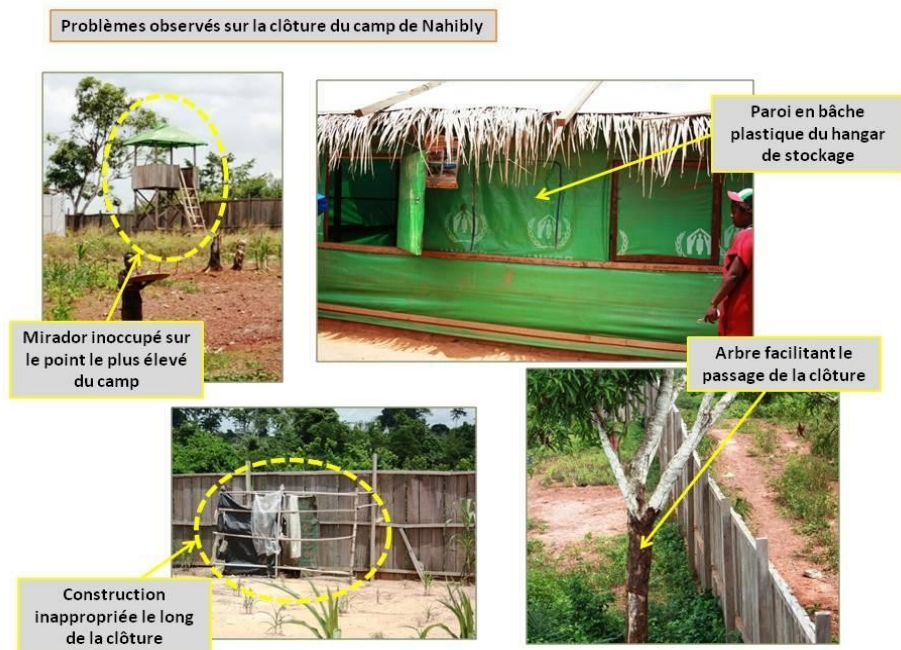


Photo from the report, "Analysis of the security situation of the Nahibly Camp for internally displaced persons JMAC – ONUCI – May 2012"

security was not correctly organised or assured.

The presence of this armed group, security breaches, the conviction of the local military authorities and certain groups among the population that the camp must go probably encouraged them to schedule its destruction.

On 19 July 2012, the day before the attack on the camp, a meeting between Lieutenant Konda, the Dozos and representatives from the young Malinke of the city was held at the Monhessia hotel (an abandoned hotel in Duekoué occupied at the time by the FRCI). On that same day, a similar meeting of Dozos was held at Guiglo in the Ketin bush. According to a witness, these Dozos from Guiglo "were taken and then returned after the attack on the camp".

It would appear therefore that the attack had been well planned: preparatory meetings, pre-established scenario, transport of items, a concerted attack on civilian populations, identification and implementation of targets, concealing crimes and bodies, etc.

Legal proceedings on the attack of Camp Nahibly for IDPs have been launched. An examining judge, attached to the *Tribunal de première instance* (district court) of Man was appointed to hear the case and should allow for all the facts to be established and the implications to be drawn for their authors.

The mass grave of Toguéï

FIDH, MIDH and LIDHO were present when a mass grave was discovered on 11 and 12 October 2012

in the Togueï quarter in Duékoué. In the presence of the deputy prosecutor of the Man district court, six bodies were discovered in a well on the outskirts of the city.

According to information in our possession, confirmed by the preliminary autopsy results, these six men were executed summarily very probably by elements of the FRCI after the attack on the Nahibly Camp for IDPs on 20 July 2012.

Indeed, according to an independent medical examiner contacted who analysed the photos of the six cadavers found in the well, *"the cramped hole protected the bodies located below, the deeper they were the better preserved they were. 30°C is still very high for the conservation of biological tissues. However, the parched skin and the condition of internal organs suggest a date of death up to several weeks (between one and two months, perhaps more if rainfall was very heavy). The body lying on the stomach near the man holding the rope to remove a body is well preserved and can reinforce the date mentioned. The second series of photos widens the window of time to three months. The third series of photos raises the question of cadavers of different ages. Photos 1 and 2 show a rather well preserved body, photos 3, 4, 5 and 6 are reminiscent of older bodies. The external examination of the bones and members can reveal fractures from machetes and studies of the flat bones may show lesions from firearms. X-rays may show only projectiles (bullets, shots) included in the deep organs."*



Mass grave at Togueï, on 12 October 2012 before the six bodies were exhumed.

This preliminary analysis is backed up finally by the autopsy results which were leaked to the press one month after the discovery of the mass grave at Togueï: *"RFI has obtained the autopsy results that show six men, who have been dead for at least eight months. The age of the victims is unclear: one was at least 30 years old – the others at least between 35 and 40 years old. Bullets were found in three of the bodies – but all presented lesions similar to those cause by firearms."*⁴

The disappearance of several dozens of IDPs after the attack at Camp Nahibly, including the confirmation of cases of summary and extra-judicial executions, therefore suggest a much higher number than the official figures reported.

Since this discovery, the ONUCI had 11 other wells monitored which might contain the bodies of victims of the attack at Camp Nahibly. This decision was motivated by surveys conducted at these sites which indicate that a certain number of these wells did contain bodies. As such, the bodies must be exhumed to specify the exact number and to conduct autopsies and establish identification.

Taking these facts into consideration, FIDH, LIDHO and MIDH welcomed the response of national authorities since the President of the Republic, Mr. Alassane Ouattara, indicated clearly in a press release on the evening of the discovery of the mass grave, that the bodies would undergo an autopsy and that the investigation would be completed.

Indeed, another legal proceeding was commenced with respect to the discovery of the mass grave. It was assigned to the same judge hearing the proceedings related to the attack of Camp Nahibly.

March 2013: The Proceedings Begin

On Thursday, 21 March 2013, the investigating judge in charge of the legal proceedings into the attacks on Camp Nahibly and Duékoué, traveled to the sites to identify the supposed mass graves. The identification was made possible from the information provided by our organisations, the ongoing support of the Justice Ministry, the Human Rights and Public Freedom organisation, as well as the ONUCI, who did all they could to make this inquiry possible. During the previous week, the investigating judge had the opportunity to hear many of the victims' families describe the circumstances of the disappearance or death of their loved ones.

4 Maureen Grisot, RFI, 26 November 2012

These are actually the first investigations of the attacks on Camps Nahibly and Toguéï.

Ideally, the judge should soon be able to combine the two investigations given that we now have sustained and corroborative evidence regarding this incidence, that is the attack on Camp Nahibly. It is also becoming increasingly urgent to exhume the bodies from the identified mass graves. In spite of the inherent degradation of the material evidence due to the decomposition of the bodies nine months after the attacks, the actors are nevertheless all ready to conduct the complicated, delicate, but necessary exhumations. The will of the Ivory Coast authorities was re-affirmed on several occasions during the various missions of FIDH, LIDHO, MIDH, and more recently, in mid-March 2013, by the Minister of Justice. The latter even approached the ONUCI formally for technical and logistical aid. The United Nations mission to the Ivory Coast had already assigned the necessary resources and staff to provide support to this excavation operation on the dozen suspected mass graves. It is now up to the team leader, the investigating judge to launch the primordial judicial action to establish the truth. According to a legal source familiar with the case, this must proceed quickly, not only to help with the investigation, but also to meet national and international demands to see the investigation move forward rapidly.

The identification of mass graves conducted on 21 March 2013, shows that the Ivory Coast authorities are prepared to carry out concrete actions to arrive at the truth about the serious crimes perpetrated in Duékoué in July 2012. Our organisations welcome those steps and hope that the excavation of all the listed and monitored mass graves proceeds as rapidly as possible. It is also crucial that the suspected perpetrators of these crimes appear before the judge, or, be prosecuted as soon as possible.

The suspects responsible

As for the suspects responsible for these crimes, many of them have fled since the discovery of the 12 October 2012 Toguéï mass grave and have not been seen since. One of them is Yaya Doukouré, also known as "*Tout petit*" who was to have appeared before the Duékoué police during the week of 12 October 2012, but never showed up. According to our sources, he was a *combattant associé* without a service number who was being trained to be a member of the FRCI. Since he was not part of the army, he did not have a service number, which will complicate his apprehension. Several other persons have been identified and located. They are all currently in the Ivory Coast. Their immediate superior, Lieutenant Daouda Koné, known as "Konda", who was in charge of the Duékoué sector when Nahibly was attacked, and who was transferred after the mass grave discovery was also scheduled appear before the investigating judge overseeing the case. All these individuals are considered dangerous and are believed to have taken part, under various guises, in battles during the post-election crisis. They formed a sort of armed band or death squad because some are FRCI and some are not. They created a climate of terror in the area of Duékoué between April 2011 and October 2012 and are thought to be responsible for many extortions.

Conclusion and recommendations

FIDH, LIDHO and MIDH, which support and represent the families of victims in the open proceedings into the Camp Nahibly attack and the Toguéï mass grave, are pleased with the progress that the Ivory Coast Justice made in March 2013 with the support of the political authorities and the United Nations mission to the Ivory Coast in this highly symbolic incident, that is the attack on Camp Nahibly, but call for the acceleration of the proceedings and investigations, especially in regard to the need to preserve the evidence and the security of the actors involved with the case.

The importance of these judicial actions is not to be underestimated. First, regarding the context: a town particularly affected by the post-election crisis (battles, attacks by pro-Gbagbo militia, the 'Carrefour' quarter massacre, etc); Camp Nahibly victims who are mostly Guerés and often considered as pro-Gbagbo, and an increase in human rights violations by the FRCI and its auxiliaries in the area in the last two years. A resolute action to combat impunity would allow justice to be rendered to the victims of these crimes, no matter who they are, to re-establish order and security, and to sanction the perpetrators of serious violations.

The State would thereby demonstrate that the application of the law and the protection of its citizens must be conducted without discrimination or distinction. The pursuit of criminals must demonstrate that no one is above the law and that the perpetrators of these serious human rights violations are, and will be pursued, regardless of affiliation.

It is therefore indispensable, in the fight against impunity, to complete the entire process of arriving at the

truth and the application of justice. As soon as the facts are clearly established, those who are responsible must be held accountable. Consequently, the next phase must be to summon the suspects responsible for these crimes and if possible to charge them. Stopping in the middle of the proceedings would send a negative message to all: the victims who are waiting for justice and security, and the international community which is hoping to see real progress in the fight against all forms of impunity.

It must be recalled that there is an ICC investigation being conducted currently on the situation in the Ivory Coast and that if the authorities of that country – who, recently, have again become committed to the ICC by ratifying its Statute – are not truly investigating and pursuing the perpetrators of the crimes against international rights committed in the country since July 2002, the ICC may refer the matter to its court by applying the principle of complementarity.

To not complete the legal proceedings in the Nahibly matter would send a negative message about the necessary progress of justice, particularly during the legal proceedings underway related to the post-election crisis.

FIDH, LIDHO and MIDH, recommend that the:

Judicial authorities:

- ✦ conduct and complete the investigations;
- ✦ combine the two open investigations of the attack on Camp Nahibly and of the Togueï mass graves since evidence is sustained and corroborative (*faits continus et connexes—ongoing and related events*), to allow for full transparency of the tragic incidents;
- ✦ proceed, as soon as possible, with the exhumation of all mass graves identified in this affair in order to determine the total number of victims and to conduct autopsies to determine the causes of their death and their identity; summon the suspects responsible for these crimes so that they may be heard and, if appropriate, face all legal consequences;

Political authorities:

- ✦ continue providing support to the judicial authorities in their quest for the truth, especially by providing them with the resources necessary to conduct their investigations;
- ✦ ensure that individuals being investigated because of their alleged responsibility in the crimes committed at Nahibly and Duékoué on 20 July 2012 be made available to the courts;
- ✦ ensure the safety of victims, their families and the judicial actors, particularly the magistrates in charge of this case;
- ✦ more generally, continue conducting actions to fight impunity

ONUCI:

- ✦ provide assistance to the Ivory Coast authorities in their effort to arrive at the truth and to administer justice for the serious human rights violations perpetrated in Nahibly, particularly by providing technical and logistical support for the exhumations;
- ✦ ensure that reports on the Nahibly case are made available to the public.