



## **Côte d'Ivoire**

### **Human Rights Violations in Abidjan during an Opposition Demonstration - March 2004**

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## Introduction

The events associated with a demonstration in the Ivorian commercial capital of Abidjan by opposition groups planned for March 25, 2004, were accompanied by a deadly crackdown by government backed forces, including the security forces, pro-government militias, and FPI party militants. During a two week mission in May 2004, Human Rights Watch interviewed scores of victims, witnesses, government officials, members of the security forces, hospital workers, and diplomats about what took place from March 24-26, 2004.

The March 25 demonstration, which was planned to protest the lack of progress in implementing the Linas-Marcoussis Agreement, never actually transpired as envisioned by the organizers. The plan was for demonstrators to march from outlying areas of Abidjan and congregate in the city center. While a “red zone” (within which unauthorized people would be treated as “enemy combatants”) was declared by the government within a 5 kilometer radius of the *Place de la Republique*, none of the demonstrators were able to come close to reaching that area.

The violence from March 25-27, 2004 occurred far from the city center, on the periphery of Abidjan particularly in the suburbs of Abobo, Anyama, and Adjame where thousands of demonstrators had gathered in anticipation of marching to the city center. Members of the Ivorian security forces, including pro-government militias, proactively positioned themselves in these areas on the night before the demonstration and established barricades to prevent demonstrators from marching. From their positions, the security forces attacked the demonstrators as they were in the process of coming together or after having gathered into groups of varying sizes.

Local human rights groups and representatives of a victims’ association interviewed by Human Rights Watch suggest that between March 24-26, 2004 at least 105 civilians were killed, 290 were wounded, and some 20 individuals “disappeared” after being taken into custody by members of the Ivorian security forces and pro-government militias.<sup>1</sup> Opposition marchers, some of whom, according to witnesses, were armed with pistols and rifles killed at least two police officers and one pro-government militiaman.<sup>2</sup> Other marchers, some armed with clubs, rocks, bricks, and machetes, attacked the inhabitants

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<sup>1</sup> The methodology of this community-based organization, which asked not to be named, consists of receiving reports primarily from victims and victims’ families, and corroborating these reports with photographs, autopsy reports, death certificates, and individual visits.

<sup>2</sup> These numbers are relatively consistent with findings from the April 2004 United Nations Commission of Inquiry, the Prosecutor of the Republic of Côte d’Ivoire, and the Ivorian Minister of Human Rights.

of homes of security force personnel and those of ethnic groups supporting the ruling party.

Accounts given by victims and witnesses to Human Rights Watch suggest that on many occasions Ivorian security forces, pro-government militias, and FPI militants responded aggressively to the banned demonstration by using unnecessary and deadly means that were disproportionate to the supposed threat the march posed. Instead of dispersing the demonstrators with non-lethal means as they assembled, the security forces shot at and detained them in their communities as they prepared to gather, fired upon them as they attempted to flee to safety, executed many demonstrators after being detained, and, in several cases, stopped wounded civilians and demonstrators from seeking medical attention. In many instances these pro-government forces harassed, detained, and murdered civilians seemingly and exclusively on the basis of their nationality, ethnicity, and/or religion.<sup>3</sup> The numerous instances of what appeared to be the wanton disregard for human life was no doubt fueled by an institutionalized climate of impunity within the security forces

According to several members of the security forces and diplomats interviewed by Human Rights Watch, there may have, in some instances, been other factors which contributed to the excessive use of force by the security forces. These include inadequacies within police units, some of which were understaffed and subsequently panicked when faced with large concentrations of demonstrators; and the presence of some armed demonstrators who might have fired at members of the security forces.

### **Background to Events Surrounding the March 25, 2004 Demonstration**

On March 17, 2004, seven opposition groups, including political parties and rebel factions from a coalition called the Group of 7 (G7), announced their intention to demonstrate to both reiterate their demands for a comprehensive implementation of the Linas-Marcoussis Agreement and protest obstacles to its implementation placed by President Laurent Gbagbo. The demonstration was scheduled for March 25, 2004 in Abidjan.

On March 22, 2004, President Gbagbo issued Presidential decree # 2004-236 that mobilized the military to establish a strict security apparatus in and around Abidjan. The

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<sup>3</sup> The marchers interviewed by Human Rights Watch researchers described being singled out on the basis of their nationality, ethnicity, and/or religion by means of language, identification cards, and interrogation.

same day, Army chief of staff, General Mathias Doue decreed that the area around the presidential palace, which is near the intended point of gathering for the march, be considered a “red zone” in which demonstrators would be considered “enemy fighters and treated as such without warning.” He further admonished all parties to respect the authority of the state, “or else, the defense and security forces will not hesitate to inflict on those, who still haven’t understood, the sanction they deserve.”<sup>4</sup>

On March 24, 2004, President Gbagbo convened a meeting with the prime minister, the ministers of defense and internal security, as well as the chiefs of all security forces, including the national police, the gendarmerie and armed forces of Côte d’Ivoire (FANCI). According to members of the security forces interviewed by Human Rights Watch, the planned security operation was to cover the entire district of Abidjan and involved coordination between all branches of the security forces. The task of crowd control and maintaining order was conferred primarily to the national police and the gendarmerie. The FANCI were to ensure the protection of Abidjan in case of a military attack and to participate in patrols around the city.<sup>5</sup>

The security forces took up their positions in the early hours of March 25, around 4:00 a.m., especially at the entry points of traditional political strongholds of the G7 coalition. Their mission was to impede the access to downtown Abidjan by potential marchers originating from the outlying districts of Abobo, Adjame, Anyama, Koumassi, and Yopougon.<sup>6</sup> From the early hours of the morning thousands of marchers began gathering in groups of varying sizes within these districts in anticipation of marching to the city center. However, the security forces often violently broke up the groups and impeded the demonstrators from proceeding both as they were in the process of gathering and after they had formed into groups.

During the week before the march, numerous appeals for peaceful conflict resolution were made by Ivoiran, regional, and international actors. These included the U.N. Secretary General, the U.N. Special Representative to Côte d’Ivoire, the European Union, and the Ghanaian President John Kuffour, in his capacity as chairman of the Economic Community of West African States (ECOWAS). The G7 were urged to desist

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<sup>4</sup> “Côte d’Ivoire: Army mobilized as tensions rise ahead of demo,” Integrated Regional Information Network (IRIN), March 23, 2004.

<sup>5</sup> Human Rights Watch interview Martin Bléou, National Police Chief Abobo Mr. Michel N’Guessan and Police Commissioner G’Nahoua André-Marc Abyoro, Abidjan, Abidjan, June 1, 2004.

<sup>6</sup> Human Rights Watch interview Martin Bléou, National Police Chief Abobo Mr. Michel N’Guessan and Police Commissioner G’Nahoua André-Marc Abyoro, Abidjan, Abidjan, June 1, 2004.

from marching and instead engage in a dialogue promised by President Gbagbo and scheduled for March 29, 2004.

## **The Ivorian Government Position**

The National Police Chief for Abobo, where the vast majority of fatalities occurred, told Human Rights Watch that he and other security chiefs had been given conventional means of crowd control including tear gas canisters, anti-riot shields, and helmets, and had clearly instructed their troops to use restraint and fire only when fired upon. However, he maintained that many of the demonstrators were armed and ‘sought a confrontation.’ He said the security forces had fired into the crowds only after being fired upon by the demonstrators, including by those who had taken the guns of the two policemen killed by demonstrators.<sup>7</sup> Martin Bleou, the minister of internal security, told Human Rights Watch that the police had received information that infiltrators from areas controlled by the New Forces had for several days prior to the march been ‘infiltrating into Abidjan to foment armed uprising and overthrow the regime,’ and that on several occasions on March 25, the security forces had in fact been fired upon.<sup>8</sup>

A few foreign police experts and diplomats based in Abidjan told Human Rights Watch that while concerned about the wanton disregard for human life displayed by the Ivorian security forces in numerous incidents on March 24-26, 2004, some instances of excessive use of force and the ensuing casualties might have resulted from several other factors. These included lack of experience in riot and crowd control by the Ivorian security sector; the understaffing of some police and gendarme units which subsequently panicked when faced with large concentrations of demonstrators; that insubordination by more militant junior ranking officers resulted in the undisciplined and excessive use of force and that there were elements of “agents provocateurs” from the opposition and/or New Forces who fired at the security forces.<sup>9</sup> One foreign military analyst suggested that the New Forces maintain numerous armed cells that function clandestinely within the opposition strongholds of Abidjan.<sup>10</sup>

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<sup>7</sup> Human Rights Watch interview with Mr. Michel N'Guessan, Abidjan, June 1, 2004

<sup>8</sup> Human Rights Watch interview, Abidjan, May 28, 2004.

<sup>9</sup> Human Rights Watch interviews, Abidjan, May 25, May 27, June 3, 2004.

<sup>10</sup> Human Rights Watch interview, Abidjan, May 28, 2004.

## **Violations by Pro-Government forces: Ivorian Police, Gendarmes and Army**

The majority of incidents between demonstrators and pro-government forces documented by Human Rights Watch involved a lethal overreaction by the security forces, which was disproportionate to the apparent threat to peace and security posed by the demonstrators. On numerous occasions the Ivorian security forces, pro-government militias, and FPI militants responded aggressively by using unnecessary and deadly means to stop the demonstrators from gathering or to disperse them after they had gathered in various locations around Abidjan.

Some of the demonstrators were armed with clubs, machetes, and, in a few instances, fire-arms, and indeed posed a threat to the security forces in isolated cases. However, the majority of demonstrators were unarmed and posed no actual threat to the security forces. Scores of demonstrators were apparently killed by pro-government forces as the demonstrators prepared to gather, attempted to flee to safety after being fired upon by the security forces, and in numerous cases after being detained by members of the security forces. In many instances these pro-government forces harassed, detained, and murdered civilians in the hours leading up to the march, seemingly and exclusively on the basis of their nationality, ethnicity, or religion.

Human Rights Watch found that the majority of witnesses interviewed were able to identify which security force and/or militia group was responsible for the human rights violations they experienced or witnessed. Human Rights Watch researchers could not, however, confirm the chain of command or dynamics of coordination between the security forces and the members of the militias. The majority of witnesses and victims interviewed also said they were able to identify the perpetrators based on their uniforms and insignias, and vehicle markings or because they recognized individuals among them. Those groups identified as having taken part in the crackdown included gendarmes; the Ivorian Police, including those from the elite *Brigade Anti-Emeute* (BAE) and *Companie Republican de Securite* (CRS); and pro-government militias, including the *Groupe Patoiotique pour la Paix* (GPP) and FPI militants. Some witnesses could not identify the perpetrators but noted that they wore either full or, in a few cases, partial military attire.

All of the incidents of excessive use of force by the pro-government forces documented by Human Rights Watch occurred in the opposition strongholds of Abobo, Akouedo, Adjamé, Williamsville or Anyama, and involved victims who were Muslims, northerners, and foreigners. Human Rights Watch found that most victims of pro-government

perpetrated violence on March 25, the actual day of the demonstrations, were either active participants in the march or had planned to participate.

However, attacks on civilians by pro-government forces occurring the evening before the planned demonstration and reprisal attacks on the two days after seemed much more likely to target men specifically on account of their ethnicity or nationality. For example, officials from the embassy of Burkina Faso told Human Rights Watch that the majority of attacks against and some ten deaths of Burkinabé, occurred on March 26.<sup>11</sup> Officials from Mali said that at least ten of their nationals were killed around the time of the planned demonstration.<sup>12</sup> Youssouf Sylla, the Mayor of Adjamé, told Human Rights Watch that on March 26 there were serious reprisal attacks by pro-government forces during which civilians from northern Côte d'Ivoire and foreigners from Burkina Faso, Mali, and Nigeria were specifically targeted.<sup>13</sup>

One incident, on March 24, involved men in civilian dress who broke into a house in Abobo, detained several Muslims originally from northern Côte d'Ivoire and subsequently brought them to a police station in the Plateau neighborhood:

At around 11:00 p.m. on March 24, several people dressed in civilian clothes came beating on my door and eventually broke it down. They threatened to kill anyone who took part in the demonstration the next day. I hid with five others from my neighborhood. As this was happening, I saw one of my neighbors try to run. He was shot and died some hours later. They eventually found the rest of us five and put us in a truck. Along the way, we stopped at a taxi station and there they shot my little brother, who died on the spot. By around 2:00 a.m., the four of us were brought to a police station in the Plateau neighborhood. There my nephew was beaten severely in his side. We were detained until the following Thursday [one week] until they let us go.<sup>14</sup>

Another incident in which civilians were detained on the evening of March 24, occurred in Akouedo. The witness, a Christian from western Côte d'Ivoire, described seeing men in full military dress round up sixteen men who he believed were northerners and

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<sup>11</sup> Human Rights Watch interview, Abidjan, May 25, 2004.

<sup>12</sup> AFP "Parallel forces" behind post-demo atrocities in Ivory Coast: minister," April 2, 2004.

<sup>13</sup> Human Rights Watch interview, Abidjan, May 25, 2004.

<sup>14</sup> Human Rights Watch interview, Abidjan, June 1, 2004.

foreigners, and take them away. The witness subsequently moved from the area and has received no further information about the fate of the men:

Around 6:00 p.m. I was hanging out at my house with some friends. I saw one big military truck arrive. It was driven by military men in uniforms with red berets. I saw there were fifteen civilians inside. I recognized three of them; two were from Burkina Faso and the other was a Malian. Three military came out of the truck and asked many of us for identification. From the group I was with, they took a young Togolese man and then left. A friend of mine recognized another two of those who had been taken and said they were northerners.

Several witnesses described how policemen and gendarmes fired upon demonstrators as they attempted to flee to safety, and in several cases executed them after having detained them. A demonstrator from Anyama described seeing gendarmes execute two young men detained by them minutes earlier:

Between 9:00 and 10:00 am I went to meet friends to prepare for the march. There were about 300 youths and about twenty gendarmes at the barricade, all of whom were wearing red berets. At this time the military, gendarmes, and police (*BAE*) were arriving in tanks, and helicopters and planes were coming from Anyama toward Abobo. We saw three helicopters and two jets. I could see they were piloted by whites. The ones in tanks started firing first. We all ran, and the gendarmes trapped three of us. They killed the other two in a roadside ditch by shooting them with Kalashs [AK-47 assault rifles]. I started praying, and the gendarmes said they were going to kill me too. I ran, and they tried to fire at me three times but the guns didn't work. One gendarme caught me, and beat me until I lost consciousness. He later left me there."<sup>15</sup>

A resident of Abobo recounted how police in armored cars fired an explosive round at a group of marchers, killing one. It is not clear what class of ammunition was involved:

Around 8:00 a.m. I saw tanks going to Anyama. At about 8:30 am I saw three trucks with military personnel wearing military uniforms going to

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<sup>15</sup> Human Rights Watch interview, Abidjan, June 1, 2004.

Anyama. After this, gendarmes in red berets passed by us and shot gas into the demonstrators. The military and gendarmes were mixed in the cargo trucks and on the ground. At 9:00 a.m., a tank launched an explosive at the Depot 9 intersection, then another. There were two tanks, both armed by gendarmes. I saw the second explosive hit a marcher in the side, and his intestines were hanging out.<sup>16</sup>

A marcher from the Williamsville section of Adjamé described how three friends attempting to flee to safety were pursued and later shot to death by members of an elite police unit:

By 8:30 a.m., I saw a tank coming and police firing from it. The police were BAE. Another tank with eight officers followed from the same direction. Once the officers from the tank started firing, other police in hiding came out. I recognized some of the policemen from my neighborhood. I saw marchers who were armed with guns, but they were just posing to create the image of an armed rebellion. The police chased us, and caught four of my group, while the three others followed me. The chief of the police told us to stop and when we didn't they fired and killed two. Then the two of us remaining encountered another group of police in front of us we were surrounded. My remaining friend took a bullet in the side, fell down, and was then hit by another bullet in the head. I saw the bullet hole in the back of his head.

Then the police hit me in the arm with a Kalashnikov and in the back with pieces of wood over 30 times. They put the barrel of a Kalashnikov in my ear, but the gun did not work when they pulled the trigger. They called me a rebel devil who couldn't die, so they brought bricks and beat me in the legs and head. I was bleeding profusely at this time and the police told me to say my last prayer. I heard one of them speaking English- he was wearing a tan uniform like all of the other policemen on the tanks. I took off all of my clothes on their command, and they took all of my money. When they saw my identification and knew I was from the north by my name, the police said they were going to kill us all. Luckily, a new chief came and told the others, "leave him, let's go."<sup>17</sup>

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<sup>16</sup> Human Rights Watch interview, Abidjan, June 1, 2004.

<sup>17</sup> Human Rights Watch interview, Abidjan, May 28, 2004.

## Violations by Pro-Government Forces: Militias and FPI Militants

Numerous witnesses and victims confirmed that during the events of March 24-26, pro-government militias and pro-FPI militants perpetrated serious violations against unarmed civilians, including murder. The militiamen, most of whom appeared to be affiliated with the *Groupement de Patriotes pour la paix* (GPP) were usually armed and appeared to be working alongside Ivorian police and gendarmes. While witnesses were unable to ascertain if there was overt collaboration or coordination between the security forces and militias, nor establish the chain of command, members of the security forces on several occasions stood by while the militias committed serious violations. FPI militants also committed serious abuses although their relationship with the security forces seemed more tenuous. Police officers interviewed by Human Rights Watch denied working together with the militia groups, and further stated that they didn't know who they who they were nor who dispatched them into their operational area.<sup>18</sup>

On April 1, 2004, Martin Bléou, Minister of Internal Security indicated that some atrocities during March 2004 were committed by armed individuals, or “parallel forces”<sup>19</sup> working outside the command of the security forces, that is, with no established connection to a state or governmental institution. However, witnesses interviewed by Human Rights Watch suggest that the individuals he described were likely security personnel in civilian dress or members of one of several militia groups who often appeared to be working side by side with the security forces. Existing tensions between police, gendarme, and army officers based on seniority and ethnicity might have contributed to insubordination and indiscipline within the security forces. Human Rights Watch is concerned that the government's attempt to label perpetrators of human rights violations as ‘parallel forces’ may diminish their intent to take responsibility for the practices of the militias they allegedly support, or address existing problems of insubordination and indiscipline within the security forces.<sup>20</sup>

A local human rights activist described how on March 25, he saw armed GPP militiamen operating jointly with Ivorian gendarmes in Adjame. At least three demonstrators and one GPP militiamen were killed in the incident he described:

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<sup>18</sup> Human Rights Watch interviews, Abidjan, May 28, 2004.

<sup>19</sup> The term “parallel forces” refers to armed militias, such as youth groups, that act both independently of, and in conjunction with, official government security forces (i.e. police, gendarmes, and military).

<sup>20</sup> According to Mr. Bléou, “several reliable witnesses have said that individuals in combat uniform and armed with automatic handguns and Kalashnikov travel around at night and wreak terror on some neighbourhoods by committing all sorts of atrocities against the people AFP “Parallel forces” behind post-demo atrocities in Ivory Coast: minister,” April 2, 2004.

Around 9:30 a.m. I saw gendarmes (*identified by uniform and insignia on sleeves*) leaving the gendarmerie of Agban to go to the Latin quarter (*approximately 200-300 meters from the gendarmerie*). There were armed civilians with them wearing t-shirts with “GPP” on the left breast and in big letters on the back. I saw both the gendarmes and the GPP firing into the demonstrators. There were around 30 gendarmes, 50 GPP, and 200 demonstrators. The gendarmes fired first, and I saw three marchers fall to the ground. I later saw that they had died. I saw three demonstrators who had guns. I also saw one GPP fall; he was left, dead, where he fell and was later killed and mutilated by the crowd.<sup>21</sup>

GPP members carrying pistols and semi-automatic weapons were also present in Abobo:

I marched in the demonstration in Abobo on March 25 and by the time I arrived at the 14 Commissariat stations, the policemen started firing gas into the air and I ran to go home. I then saw approximately 30 people in black t-shirts with “GPP” in white letters. They were hidden in groups of four or five in several different areas. I saw that they were armed with pistols and Kalashnikovs, which I saw them firing. Although I did not directly see anyone killed by them.”<sup>22</sup>

Another witnesses described what appeared to be a joint operation involving gendarmes, police, and GPP militiamen in Williamsville:

On March 25, between 6:00-7:00 a.m. we went toward the local police headquarters. We were around 100 strong. Around 7:30-8:00 a.m., the CRS police (*identified by vehicles, and wearing blue helmets*) tear-gassed the marchers near the outskirts of Williamsville. We tried as a group to escape but encountered gendarmes from the Agban gendarmerie and found ourselves caught between the two groups. We ran to a bridge between where we encountered the police of the 27 Commissariat above on the bridge and another group of the same below. The CRS and Agban gendarmes were still chasing us too.

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<sup>21</sup> Human Rights Watch interview, Abidjan, May 28, 2004

<sup>22</sup> Human Rights Watch interview, Abidjan, June 4, 2004.

As we crossed the bridge we encountered 7 or 8 men from the GPP – they had “GPP” in white letters on their black t-shirts. There were also police in blue helmets below the bridge near the Pharmacie du Latin, and they fired gas again. Our group ran but three fell and the police came and kicked them, and they also beat an elder dressed in a boubou (traditional African garment). We encountered a large group of GPP who had slingshots with big stones. The marchers picked up stones and started throwing back. One of the marchers hit a GPP militant on the head, causing him to fall, and then the GPP got up and ran away. After this, we cancelled our plans. Crossing the bridge, the police surrounded us again and gassed us and the Agban gendarmes fired bullets at us, but nobody was killed.<sup>23</sup>

A witness from Anyama saw FPI militants armed with machetes, clubs and bricks murder three civilians. Different from the GPP militiamen, the FPI militants appeared to be trying to hide from the security forces:

From where I hid I saw several FPI militants with machetes and pieces of wood. I knew that they were FPI militants because they were wearing Gbagbo t-shirts. Others had “FPI” on their t-shirts and wore red hats. I heard them threatening the marchers saying that they would get what they deserve. I saw them kill two people with bricks. These two had both been wounded – I think they’d been earlier shot by the gendarmes -- and were trying to return to their houses. They were finished off by the FPI militants. While hiding behind a wall, I heard the FPI militants ask for their identity cards at a barricade. They said that if they were northerners they were going to kill them. The FPI militants would not come out with their machetes when the security forces were present, but when the forces left they would come back out. It seemed they were afraid of the authorities, so they were not operating together.

Later that day I saw three people dead on the road. I also saw a man named Sanogo Ibrahim taken by FPI militants near the forest, and he was reported dead two hours later. I saw yet another person who I did not know killed by FPI militants with machetes.<sup>24</sup>

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<sup>23</sup> Human Rights Watch interview, Abidjan, May 28, 2004.

<sup>24</sup> Human Rights Watch interview, Abidjan, June 1, 2004.

## The Role of Armed Demonstrators

Official sources interviewed by Human Rights Watch said the Ivorian government's consideration of the demonstrators as members of an armed opposition was justified because members of the G7 coalition, particularly its armed elements (New Forces), wanted to use the demonstration to provoke the fall of Gbagbo's regime. Police and government officials said they had credible information that in the days prior to the demonstration, armed elements had infiltrated into Abidjan from the north and sought to foment a street uprising. A western intelligence source said they were aware of the presence in Abidjan of 'armed groups in several quarters of Abidjan who are supported by Ouagadougou (ie.the Burkina Faso government) and the New Forces and are ready to fight with the FPI.'<sup>25</sup> The Minister of Internal Security, Martin Bléou, pointed out that the freedom of movement prevailing in the area under government control allowed for the infiltration of combatants and weapons from rebel-held areas.<sup>26</sup>

Several witnesses described the presence of demonstrators with firearms, and two described how they had been provided with firearms. One witness, whose statement Human Rights Watch could not corroborate, was told to shoot into the crowd of the demonstrators in an apparent effort to discredit the security forces. While Human Rights Watch cannot confirm the identity or intent of these armed individuals, their presence among hundreds if not thousands of unarmed demonstrators may have in some incidents on March 25, increased the likelihood of use of force by the security forces.

A thirty-two year old ethnic Sénoufo from Abobo, described his recruitment and role:

I live in Derrière Rail. It's a quartier of Abobo where people from the North represent the majority. On the night of 19 March, I was playing football when some individuals approached me and promised to give me 200,000 CFA if I followed them to Anyama. I needed money so I went there and stayed until the 21<sup>st</sup> with a person I was instructed to contact. We were told instructors would be coming soon from Bouaké, bringing uniforms and weapons, in preparation for the march. Our job was to cover those who would attack policemen. The "instructors" spoke Dioula but with a Malian or Burkinabé accent.

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<sup>25</sup> Human Rights Watch interview, Abidjan, May 28, 2004

<sup>26</sup> Human Rights Watch interview, Abidjan, May 28, 2004

On March 25 at 5:00 a.m., I left Anyama with 10 other men toward the entrance of Abobo. I had a shotgun and was wearing a black T-shirt with a dead head on it. My face was covered with coal. We were told to go around the nearby neighborhood *of l'Avocatier*. As soon as the police started firing tear gas, some of the demonstrators with arms were sent to divert the attention of the police and started firing with their weapons. We barricaded our neighborhood to impede any reprisals by the police. I've lived in hiding since then because I am afraid of reprisals from both the RDR or rebels"<sup>27</sup>

Another resident of Abobo, a thirty-four year old Dioula who claims to be an RDR supporter, described his experience:

Three weeks before the rally, I was contacted by RDR people to assist them in organizing the march. They told me the purpose of the march was to force Gbagbo out of power. I was brainwashed: they told me that our brothers – the Dioulas - are killed everyday. They spoke about the frustrations and inequalities we face. Some of the leaders I met said they came from Bouaké.

On the evening of March 24, the distribution of weapons took place. I was given a shotgun which had been fabricated by traditional metal workers in Anyama. The instructions were that those who are not armed will march first. Those bearing arms would stay behind to cover them. We were told to shoot as soon as the security forces would react. We were to shoot at them and into the crowd.

On March 25, we were about 500 young men in the street. I was participating in the march in the Kennedy neighborhood of Abobo. I saw that the ones who came from Bouaké had assault rifles, AK-47. The brothers from Anyama had only shotguns (caliber 12) because they lacked the proper training to use the AK-47. I personally threw my weapon and ran away. I was too scared. Infiltrated rebels were wearing similar uniforms as security forces."<sup>28</sup>

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<sup>27</sup> Human Rights Watch interview, Abidjan, June 4, 2004.

<sup>28</sup> Human Rights Watch interview, Abidjan, June 4, 2004.

## Mob Violence by the Demonstrators

Human Rights Watch documented a few incidents of mob violence involving demonstrators armed with clubs, rocks, bricks, machetes, and firearms, including the brutal killing of two policemen. The incidents documented below occurred in the opposition stronghold of Abobo on March 25, which was one of the suburbs where the security forces were implicated in having used excessive and disproportionate force against the demonstrators.

According to the local police commissioner, a unit of sixteen armed policemen was dispatched that morning to prevent the marchers from proceeding to central Abobo. At around 10:00 a.m., the policemen were overwhelmed by a large crowd of several hundred demonstrators and then ran and hid in nearby houses. The demonstrators pursued the policemen, one of whom was already wounded. Two were murdered with machetes, bricks and rocks, and later mutilated, and six others were severely beaten and wounded with firearms, machetes and rocks. Neighbors who tried to hide them were beaten and their houses looted and severely damaged by the mob.<sup>29</sup>

Staff Sergeants Allou N’Goran and Tanou Yao, who were both injured with rocks and machetes during the incident, recognized many of those involved in the attack. They heard them saying the attack was a way of settling scores with corrupt police who routinely extorted money from the local population.<sup>30</sup> A resident of the house in which one of the police officers was killed described the events:

Around 10:00 a.m., I was home with the children and my husband was at the door of the house. There were eleven police deployed at the roadblock on the road facing our house. Then, a crowd of around 300 started to gather and stormed the roadblock. Some of the marchers were talking about settling scores with police officers they accused of extortion. The marchers had machetes, wooden clubs, knives, and rocks. Three policemen took refuge in my house. Soon the marchers broke into my courtyard, then into my house. They said they were going to burn the house. We hid one of the policemen in the bedroom under the bed. Then, the demonstrators entered in the living room and started beating up the other two policemen who were with us in the living room. They killed one with rocks and machetes and took his gun and

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<sup>29</sup> Human Rights Watch interview with G’Nahoua André-Marc Abyoro, Abidjan, June 1, 2004

<sup>30</sup> Human Rights Watch interview, Abidjan, June 1, 2004

uniform. Then they dragged his body out to the road. They wanted to burn him. The other policeman was severely beaten up and left for dead. He was in a coma. They broke our windows, doors and furniture, and looted many of our belongings. When the police arrived, the marchers were all gone.<sup>31</sup>

An apartment building designated for the families of local gendarmes was attacked by demonstrators who, according to witnesses, believed that someone inside the building was responsible for the death of a demonstrator. Witnesses claimed there were no gendarmes present when the attack took place. One particularly brutal attack took place against two elderly Nigerian women:

On the morning of March 25, around 10:00, I was with my co-wife inside our apartment when we heard screams from a crowd. Quickly, the demonstrators started throwing stones at the windows of our building. They were very numerous. Then, they broke our doors and forced into the houses. My co-wife and I locked ourselves in our apartment. The young people threatened to burn the building if we did not open the door. Then, over ten of them broke down the door to my apartment. They carried machetes and wooden clubs. They stole all the money I had, about 700,000 CFA. They threatened me and struck me in the neck with a machete. They stole everything: TV, suitcases, food, including live animals. They attacked defenseless women. My husband is in Nigeria, where he is a trader. There were no men in the building at the time of the attack, only women and children. The police later came to our rescue and took us to shelter at their barracks. We returned to the building the next day.”<sup>32</sup>

At least five victims of this assault said that as gendarmes were in the process of evacuating the residents of the building, armed demonstrators fired on them and that a short exchange of gunfire took place. A witness explained:

I was home, on the 2<sup>nd</sup> floor during the events. They started throwing rocks at the façade and breaking doors. A rock hit me in the chest while I was watching from a window. Then I hid with three of my kids in a closet. My husband was in bed then as he was sick that day. I saw that

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<sup>31</sup> Human Rights Watch interview, Abidjan, May 27, 2004.

<sup>32</sup> Human Rights Watch interview, Abidjan, May 29, 2004.

they had machetes and wooden clubs with them. During the evacuation by the police, the demonstrators fired at the convoy. The police fired back and shootings followed. It was like a war. Someone threw a grenade, but I do not know who, and there was a tank that came to the area. We then were all evacuated to the Gendarmerie headquarters in Abobo.<sup>33</sup>

### **Lack of Civilian Protection by Foreign Military Forces**

Human Rights Watch researchers spoke with several individuals who reported that during the night of March 24 and throughout the day on March 25 they telephoned the headquarters of the United Nations Mission in Cote d'Ivoire and/or Licorne (French military operation in Côte d'Ivoire) force headquarters in Abidjan to report violations in progress including raids on neighborhoods, shooting of demonstrators by the Ivoiran security forces, and the rounding up or beating of civilians. In all cases, the individuals were told that help could not be sent either because it was not within their mandate to act, or they lacked the logistical means to intervene effectively.

French security personnel and United Nations personnel told Human Rights Watch that the international forces of MINUCI were deployed as a peacekeeping operation, and were thus not there to do police work and/or riot control; that their zone of operation is exclusively within the 'Confidence Zone' which separates the areas of government and rebel control; and that they lacked the human or logistical resources to have intervened effectively.<sup>34</sup> One French source noted Licorne's willingness to actively protect civilians within their zone of operation, but said that doing so in Abidjan, given the inherent volatility and demonstrated anti-French sentiments of militia groups, would have led to more confrontation and very likely loss of life.<sup>35</sup>

Local human rights groups interviewed by Human Rights Watch interpreted Article 9 of United Nations Security Council Resolution 1464 of February 4, 2003, which states that the French and ECOWAS military forces, operating under Chapter VII were authorized to "...ensure the protection of civilians immediately threatened with physical violence within their zones of operation using the means available to them," as including Abidjan, particularly given the concentration of abuses which regularly occur there.

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<sup>33</sup> Human Rights Watch interview, Abidjan, May 29, 2004.

<sup>34</sup> Human Rights Watch interviews, Abidjan, May 28 & 31, 2004.

<sup>35</sup> Human Rights Watch interview, Abidjan, May 28.

## Legal Aspects

Ivorian security forces repeatedly violated fundamental rights in its response to the March demonstrations, including the right to life, the right to be free from torture and other mistreatment, and the right not to be arbitrarily arrested or detained. Ivorian security forces acted contrary to the provisions of the U.N. Code of Conduct for Law Enforcement Officials (the Code of Conduct) and the U.N. Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (the Basic Principles). The Code of Conduct calls upon those exercising police powers to “respect and protect human dignity and maintain and uphold the human rights of all persons.”<sup>36</sup> According to the Code of Conduct, “law enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty.”<sup>37</sup> It also provides that “no law enforcement official may inflict, instigate or tolerate any act of torture or any other cruel, inhuman or degrading treatment or punishment secure medical attention whenever required.”<sup>38</sup>

The Basic Principles provide that law enforcement officials, in carrying out their duty, shall, “as far as possible, apply non-violent means before resorting to the use of force” and may use force “only if other means remain ineffective or without any promise of achieving the intended result.”<sup>39</sup> When the use of force is unavoidable, law enforcement officials must “(a) exercise restraint in such use and act in proportion to the seriousness of the offence and the legitimate objective to be achieved; (b) minimize damage and injury...; and (c) ensure that assistance and medical aid are rendered to any injured or affected persons at the earliest possible moment.”<sup>40</sup> In the dispersal of assemblies that “are unlawful but non-violent,” the Basic Principles state that law enforcement officials “shall avoid the use of force or, where that is not practicable, shall restrict such force to the minimum extent necessary.”<sup>41</sup> Finally, the Basic Principles, provide that

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<sup>36</sup> U.N. Code of Conduct for Law Enforcement Officials (Code of Conduct), G.A. res. 34/169, annex, 34 U.N. GAOR Supp. (No. 46) at 186, U.N. Doc. A/34/46 (1979).

<sup>37</sup> *Ibid.* The official commentary published as part of the Code of Conduct notes that “national law ordinarily restricts the use of force by law enforcement officials in accordance with a principle of proportionality” and stresses that while law enforcement officials may authorize use of force “as is reasonably necessary under the circumstances for the prevention of crime or in effecting or assisting in the lawful arrest of offenders or suspected offenders, no force going beyond that may be used.”

<sup>38</sup> *Ibid.*, article 3 (a).

<sup>39</sup> U.N. Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, 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, U.N. Doc. A/CONF.144/28/Rev.1 at 112 (1990), principle 4.

<sup>40</sup> *Ibid.*, principle 5.

<sup>41</sup> *Ibid.*, principle 13.

governments shall ensure that arbitrary or abusive use of force and firearms by law enforcement officials is punished as a criminal offence under their law.<sup>42</sup>

## Conclusion

Key international actors working to resolve the crisis in Côte d'Ivoire, namely France, the United Nations, the African Union and the Economic Community of West African States (ECOWAS), must work to develop a concrete strategy to bring to justice those who bear the greatest responsibility for the most serious human rights crimes committed in the country since 1999, including those killed by all sides during the events of March 24-26, 2004. Only then can the rule of law be established and political stability take root. Justice is an indispensable element to building long term stability and sustainable peace in Côte d'Ivoire. Clearly, symbolic gestures to bring about accountability for serious crimes, like those employed by the Ivorian government in the past, will do nothing to stop the vicious cycle of violence that has engulfed the country. The pursuit of justice for victims must play a central role in all future peace summits, negotiations and other efforts by the international community to end the conflict.

The United Nations has taken a proactive role in investigating serious crimes committed in Côte d'Ivoire. Since 2000 the Office of the United Nations High Commissioner for Human Rights (OHCHR) has dispatched three independent commissions of inquiry into the grave human rights situation in Côte d'Ivoire; the first following the election violence of October 2000; the second following the violent crackdown of an opposition demonstration in March 2004; and the third, following a request by all parties to the Linas-Marcoussis Agreement to investigate all serious violations of human rights and humanitarian law perpetrated in Côte d'Ivoire since September 19, 2002, which began in July 2004.

Human Rights Watch takes the view that national courts have primary responsibility for prosecutions of crimes committed within national borders; however, when national justice systems are unwilling or unable to prosecute serious violations of international law, alternative judicial mechanisms must be considered. There are serious concerns about the willingness and ability of the Ivorian national courts to prosecute serious international crimes committed since 1999. The Ivorian government has demonstrated little political will to hold accountable perpetrators within the government or security forces. Within rebel-held areas – thought to be at least fifty percent of the national territory – there are no legally constituted courts, nor has the rebel leadership established

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<sup>42</sup> Ibid., principle 7.

a legitimate judicial authority or shown any political will to try serious crimes in which their commanders or combatants were involved. While the constitution provides for an independent judiciary, the Ivorian judiciary has in practice succumbed to pressure from the executive branch and outside influences, most notably corruption. There are also frequent cases of arbitrary arrest and detention, and extended pre-trial detention without the benefit of public defenders. Lastly, the security situation in the country remains divided and polarized along ethnic, religious and political party lines, and would thus create huge challenges for the adequate protection of witnesses and court staff.

Given serious concerns about the ability and willingness of the Ivorian national courts to try these crimes as well as concerns about the degree of social and political instability in the country, justice for victims of serious human rights crimes in Côte d'Ivoire cannot be achieved without significant support and engagement from the international community.