



**“Because they have the guns
... I'm left with nothing.”
The Price of Continuing Impunity in Côte d’Ivoire**

I. Summary 1

II. Background..... 4

III. Recent Violence by Government and Pro-government Forces against
Perceived Opponents 7

 January 2006 Riots and Associated Violence and Abuse..... 7

 Attack on Akouédo Military Base Triggers Violence and Abuses across Abidjan..... 7

 Report of torture at the École de le Gendarmerie 8

 Anti-U.N. Attacks, and Associated Rioting and Sectarianism..... 9

 Sectarian Attacks and Incitement in Abidjan and Guiglo 11

 Further report of torture at the École de le Gendarmerie 14

 Attacks by a Pro-government Student Group, and Lack of Police Response 16

IV. Intimidation, Harassment and Extortion of Civilians in both South and
North..... 18

 Situation in the South..... 18

 Passengers and Pedestrians 18

 Drivers..... 20

 Situation in the North 24

 Arbitrary or Absent Judicial System in the North 26

V. International Response to Recent Abuses 30

VI. Future Implications of Unchallenged Impunity 32

VII. Conclusions 33

VIII. Recommendations..... 34

 To the Government of Côte d’Ivoire 34

 To the New Forces 34

 To the United Nations Security Council..... 34

 To the United Nations Mission in Côte d’Ivoire 35

 To the Prosecutor of the International Criminal Court..... 35

 To the United States, the European Union and other international donors 35

I. Summary

A nation divided, Côte d'Ivoire continues to experience the most serious political and military crisis in its post-independence history. For over three-and-a-half years, Côte d'Ivoire has effectively been split between the government-controlled south and rebel-held north, with a buffer zone in between patrolled by United Nations (U.N.) peacekeepers and French troops. Peace has proven elusive, and a succession of political agreements have failed to move beyond a “no peace no war” stalemate. There have been recent signs of a political détente, such as the first meeting between the five main leaders in Ivorian politics—President Laurent Gbagbo, Prime Minister Charles Konan Banny, New Forces leader Guillaume Soro, and opposition leaders Henri Konan Bédié and Alassane Ouattara—on Ivorian soil since the beginning of the crisis.¹ But the human rights fallout from the crisis for ordinary individuals living on both sides of the political-military divide continues to be devastating.

Impunity has taken firm root on Ivorian soil. Neither the government, the leadership of the rebel New Forces, nor the international community has taken meaningful steps to bring to justice those responsible for serious violations of international human rights and humanitarian law in Côte d'Ivoire. This failure has provided a favorable environment for increasingly entrenched lawlessness in which impunity prevails.²

This report describes human rights abuses against civilians by state security forces, militia forces and by the New Forces during the period of November 2005 to March 2006, and serves to illustrate the human cost of the failure to address impunity and lawlessness in Côte d'Ivoire.

In the government-controlled south, recent episodes of heightened political tension brought a repeat of the pattern of abuse, familiar since the start of Cote d'Ivoire's current crisis, whereby nationals of neighboring states and Ivorians from the north of

¹ The meetings were held on February 28, 2006, in Yamoussoukro, see “Côte d'Ivoire: In groundbreaking talks, faction leaders recommit to peace,” IRIN, March 1, 2006, [online] http://www.irinnews.org/report.asp?ReportID=51958&SelectRegion=West_Africa&SelectCountry=COTE_D_IVOIRE.

² For earlier Human Rights Watch comment on the reluctance of the international community to address the growing problem of impunity see “Côte d'Ivoire: The Human Rights Cost of the Political Impasse,” *A Human Rights Watch Report*, December 21, 2005, [online] <http://hrw.org/backgrounder/africa/cote1205/>. For an analysis of the human rights costs of the proliferation of militias, and the government's use of hate speech that incites violence, see “Country on a Precipice: The Precarious State of Human Rights and Civilian Protection in Côte d'Ivoire,” *A Human Rights Watch Report*, Vol. 17, No. 6 (A), May 2005, [online] <http://hrw.org/reports/2005/cdi0505/>.

the country are targeted for abuse by government forces or pro-government militias, on the basis of suspicions that they support the northern rebels. After an attack by unidentified assailants on an Abidjan military base in early January 2006, security forces rounded up dozens of individuals of northern origin, severely beat them over the course of three days, and then released them without any judicial process or explanation for their detention. In another incident around the same time, three individuals from Burkina Faso were allegedly summarily executed by members of the Ivorian security forces. During rioting that took place in Abidjan about two weeks later, government security forces seized, detained and tortured at least seven individuals of both Malian and northern Ivorian origin. One of the victims was tortured to death.³

In the south, state security forces are buttressed by government-supported militias, such as the Young Patriots (Jeunes Patriotes), that regularly harass and intimidate the populace, particularly persons believed to be sympathetic to the New Forces rebels or the political opposition. In January 2006, these militia forces directed their violence against United Nations and humanitarian personnel and installations, leading to heavy material losses and the near-total paralysis of Abidjan. The violence and associated incitement also forced the retreat of the United Nations and humanitarian personnel from those parts of western Côte d'Ivoire where, due to the presence of thousands of internally displaced persons and refugees, civilian protection is most needed.

As an ongoing phenomenon, in government-controlled areas members of the security forces prey on individuals by extorting, robbing, and, at times, beating the civilians they are entrusted to protect. These abuses typically take place under the guise of routine security checks during which police and gendarmes inspect the identity papers of individuals they stop at road blocks, in markets or in other public places. While this affects all those traveling through the south, its impact is most keenly felt by those communities suspected of supporting the rebels. In the rebel-held north, a similar but less targeted phenomenon prevails, with the New Forces continuing to extort money from civilians at all levels of society by threat, intimidation, or outright use of force.

Moreover, with no functioning judicial system within the zone administered by the New Forces, arbitrary arrests and the imposition of custodial "sentences" on questionable legal authority continue to occur in the north with no independent judicial or executive checks.

³ For a survey of the widespread abuses against civilians that similarly followed a September 2002 army mutiny, see Human Rights Watch, "Trapped Between Two Wars: Violence Against Civilians in Western Cote d'Ivoire," *A Human Rights Watch Report*, Vol. 15, No. 14 (A), August 2003, [online] <http://www.hrw.org/reports/2003/cotedivoire0803/>.

The international community has consistently sidelined initiatives designed to combat impunity in Côte d'Ivoire presumably due to a fear of upsetting negotiation efforts to end the political and military stalemate. For example, the international community has been tepid in its implementation of a U.N. Security Council resolution providing for sanctions against persons implicated in human rights abuses, and in pressing for prosecutions. While the Security Council recently activated travel and economic sanctions against a total of three individuals from the Young Patriots and New Forces, this only occurred after the United Nations itself was the object of attack in January 2006. The U.N. Commission of Inquiry report relating to serious violations of human rights and humanitarian law since September 19, 2002, was submitted to the U.N. Security Council in December 2004, yet still awaits public release or discussion by the Security Council. Release of the report and debate on it, especially its recommendations, would likely generate needed discussion about how to tackle impunity in Côte d'Ivoire.

Continuing violations of the type described in this report, and the impunity which underpins them, raise serious concerns about the potential for peaceful elections later this year. Unless measures to combat impunity are taken now, there could be a repeat of the experience during the 2000 presidential and parliamentary elections, when political, ethnic, and religious violence resulted in hundreds dead and injured.⁴ Such measures, including wider application of travel and economic sanctions, and prompt dispatch of a mission to Côte d'Ivoire by the International Criminal Court, would send a strong signal that the era of impunity in Côte d'Ivoire must be brought to an end and that further violence and abuses, including any committed in the lead up to elections, will not go unpunished.

This report is based on Human Rights Watch interviews in Côte d'Ivoire in March 2006 with victims and eyewitnesses of human rights abuses, along with officials from the Ivorian security forces, the United Nations Operation in Côte d'Ivoire (ONUCI), members of the New Forces leadership, local government officials, militia leaders, representatives from local and international non-governmental organizations, journalists, and diplomats.

⁴ See Human Rights Watch, "The New Racism; The Political Manipulation of Ethnicity in Côte d'Ivoire," *A Human Rights Watch Report*, Vol. 13, No.6 (A), August 2001, [online] <http://www.hrw.org/reports/2001/ivorycoast/>.

II. Background

On September 19, 2002, rebels from the Patriotic Movement of Côte d'Ivoire (Mouvement Patriotique de Côte d'Ivoire, MPCCI) attacked strategic targets in Abidjan, the country's commercial and de facto capital, and the northern towns of Bouaké and Korhogo. Although they did not succeed in taking Abidjan, the MPCCI, with the help of two other rebel groups—the Movement for Justice and Peace (Mouvement Pour la Justice et la Paix, MJP) and the Ivorian Popular Movement for the Far West (Mouvement Populaire Ivoirien du Grand Ouest, MPIGO)—eventually managed to occupy and control half of Ivorian territory. The three groups later formed a political-military alliance called the New Forces (Forces Nouvelles).⁵

The rebel leaders' stated aims were the end of ethnic discrimination against northerners and the removal of President Laurent Gbagbo, whose presidency was viewed as illegitimate given the flawed elections in 2000, in which fourteen of nineteen presidential candidates had been excluded. The rebellion was also viewed by some as the manifestation of a widespread feeling among northerners that since at least 1990 they had been consistently excluded from political power on the basis of ethnicity and identity.⁶

With Côte d'Ivoire effectively divided in two, efforts to resolve the conflict between the government and the New Forces have rested on a string of unfulfilled peace agreements (the Linas-Marcoussis, Accra III and Pretoria agreements).⁷ Although these agreements have brought about and so far maintained a cessation of civil war, they have not brought peace or unity to the country. The failure of the parties to fully implement the last of the three agreements, Pretoria, led the government in September 2005 to cancel elections scheduled for October 2005.

To avert a constitutional crisis arising from the expiry of President Gbagbo's mandate on October 30, 2005, the African Union (A.U.) issued a communiqué on October 6, 2005, reaffirming that the Linas-Marcoussis, Accra III, and Pretoria agreements were the "appropriate framework" for resolving the crisis in Côte d'Ivoire. The A.U. called for a

⁵ See Human Rights Watch, "Trapped Between Two Wars."

⁶ *ibid.*

⁷ Linas-Marcoussis was brokered by the French government in January 2003, Accra III was brokered by West African countries and U.N. Secretary-General Kofi Annan in July 2004, and the Pretoria Agreement was brokered by South African President Thabo Mbeki on behalf of the African Union and signed in South Africa on April 6, 2005.

one-year extension of Gbagbo's term as head of state; the creation of a new power-sharing government and appointment of a new prime minister who would have "full authority" over the cabinet; and the continuation of efforts to implement the provisions called for under the previous agreements.⁸ The plan set out in the communiqué also mandated the creation of an International Working Group (IWG)—consisting of officials from individual African countries as well as from the A.U. and the West African regional grouping ECOWAS, as well as the United States, France, the United Kingdom, and the World Bank—to monitor implementation of the plan through monthly meetings. The U.N. Security Council formally endorsed the plan on October 21, 2005, in Resolution 1633, and called for a credible election to be held no later than October 31, 2006.⁹

On December 4, 2006, Charles Konan Banny, the governor of the Central Bank of West African States (BCEAO), was appointed prime minister of the Republic of Côte d'Ivoire in accordance with U.N. Security Council Resolution 1633, which called for the selection of a prime minister "acceptable to all."¹⁰

Prime Minister Banny's first months in office were tumultuous, characterized by civil and political unrest. On January 2, 2006, political tensions spiked when unidentified assailants attacked one of the main Ivorian military bases in the Abidjan area, and again just over two weeks later when United Nations bases and the premises of humanitarian organizations came under attack after a controversial IWG communiqué appeared to call the continuation of the sitting parliament into question. Human rights violations in the context of these events are described below.

Since the January events and their aftermath, there have been signs of a political détente, including increased contact and dialogue between key Ivorian political and military leaders. After originally refusing to come to Abidjan due to security concerns, New Forces leader Guillaume Soro, who was appointed by Prime Minister Banny to be the minister of reconstruction, is now participating in ministerial meetings in Abidjan. Opposition candidate Alassane Ouattara returned to Côte d'Ivoire after more than three years in exile to begin campaigning for the presidential elections. The Independent Electoral Commission, which had been hamstrung for months due to a dispute about its composition, has finally been constituted based on a compromise reached between major political parties.¹¹

⁸ See African Union Peace and Security Council, "Communiqué of the 40th Meeting of the Peace and Security Council," PSC/AHG/Comm (XL), October 6, 2006.

⁹ U.N. Security Council Resolution 1633, 2005, S/RES/1633 (2005).

¹⁰ *Ibid.*

¹¹ "Côte d'Ivoire: In groundbreaking talks, faction leaders recommit to peace," IRIN, March 1, 2006.

Despite these encouraging developments, which have surpassed previous progress towards a political settlement, concrete measures required for elections, such as disarmament, the issuing of appropriate identity documents to Ivorian nationals who have hitherto been denied identity documents, and the registration of those eligible to vote, have yet to take place.¹² Few, if any, of the problems at the heart of the Ivorian conflict—such as the eligibility for citizenship of millions of immigrant residents and competition for land resources between “indigenous” and immigrant communities in the volatile western region—have been resolved.¹³

¹² It is estimated that three million Ivorians do not have nationality documents or voting cards, see “Côte d’Ivoire: Key pre-electoral identification process delayed,” IRIN, March 31, 2006, [online] http://www.irinnews.org/report.asp?ReportID=52549&SelectRegion=West_Africa. This issue has come to be seen by many as the *raison d’être* of the rebellion, according to New Forces officials interviewed by Human Rights Watch in Abidjan and Bouaké in March 2006. The sequencing of disarmament and identification in the lead up to elections has been a continuing stumbling block in peace negotiations, see “Côte d’Ivoire: Storms still brewing over disarmament,” IRIN, April 28, 2006, [online] http://www.irinnews.org/report.asp?ReportID=53066&SelectRegion=West_Africa.

¹³ Côte d’Ivoire was one of the most stable and prosperous countries in West Africa for thirty years after independence from France in 1960. Due in part to the open-door immigration policies of president Felix Houphouët-Boigny, who ruled Côte d’Ivoire from 1960 until his death in 1993, Côte d’Ivoire has been the main recipient country for immigrants from all over the region, with the population of Burkinabe, Malians, Guineans and other immigrants from West Africa estimated to be as high as one-quarter of the population. During Houphouët-Boigny’s era, there were no legal obstacles to immigrant use of land: his oft-cited policy was that “the land belongs to those who give it value.” The presence of land-owning immigrants in western Côte d’Ivoire has become a source of great intercommunal friction and has led to claims that indigenous Ivorians should reclaim the land from the immigrant population.

III. Recent Violence by Government and Pro-government Forces against Perceived Opponents

January 2006 Riots and Associated Violence and Abuse

There were two episodes of political tension spilling over into violence during January 2006. In both of these episodes, members of the Malian and Burkinabe communities and Ivorians originating from northern rebel-held regions of the country appear to have been singled out for abuse by law enforcement agents such as the police, gendarmes and members of the Security Operations Command Center (Centre de Commandement des Opérations de Sécurité, CECOS) an elite, rapid reaction force created by Presidential Decree in July 2005 and tasked with fighting crime in Abidjan.¹⁴

Attack on Akouédo Military Base Triggers Violence and Abuses across Abidjan

On January 2, 2006, unidentified assailants attacked one of the main military bases in the Abidjan region, called Camp Akouédo. The attack appeared to originate from within the military camp itself. While there has to date been no official report on the identity of the assailants or the motivation for the attack, some political observers believe that it was planned by a group of government troops as an act of protest against non-payment of wages.¹⁵

Whatever the motivation behind the attack, government security forces, including gendarmes and members of CECOS, responded by committing numerous serious abuses across Abidjan, primarily against West African immigrants and northern Ivorians. According to interviews with victims, witnesses, local human rights groups, and U.N. officials, these abuses included arbitrary arrests, unlawful detention, torture and summary execution.

One alleged case of extrajudicial execution was reported by officials from a local human rights group and residents from M'Badon village near Akouédo. They told Human Rights Watch that on the morning of January 6, 2006, three men from Burkina Faso

¹⁴ CECOS members are recruited from the army, police, and gendarmerie. In interviews with Human Rights Watch, U.N. sources, journalists and local human rights monitors said that far from assuring security in Abidjan, CECOS is frequently implicated in crimes and is responsible for multiple human rights violations, especially in the so-called *quartiers defavorisés* (slums) or other areas heavily populated by supporters of the political opposition.

¹⁵ Human Rights Watch interview with journalist, Abidjan, March 5, 2006.

who worked as garbage collectors in the area were surrounded by youths from the local community and accused of taking part in the Akouédo attack. The youths summoned the security forces, who allegedly summarily executed the three men with guns.¹⁶ Those interviewed by Human Rights Watch had not witnessed the alleged executions, but one of the residents showed researchers photographs of the three dead men which he claimed to have taken shortly after the incident.

Report of torture at the École de la Gendarmerie

Among interviews conducted by Human Rights Watch concerning abuses in the wake of the Akouédo attack, HRW researchers spoke to two Burkinabe manual laborers who were subjected to three days of beating and torture in the Gendarmerie Training Center (École de la Gendarmerie) and several more days of detention before finally being released without explanation as to why they had been detained.¹⁷ The two described seeing at least sixty-four others—Maliens, Burkinabe and some Ivorians—who had been similarly detained within the École de la Gendarmerie. Both of the victims interviewed by Human Rights Watch had dozens of large, recent scars over the length of their backs. One of them explained his ordeal as follows:

On January 3, around 1 p.m., I heard gunshots in the courtyard outside my house. By this time a couple of Burkinabe friends had come over, so there were seven of us inside the house. We heard yelling outside and a voice said, “If you don’t open, we’ll break the door down,” so I opened the door. A group of soldiers came in. They told us to close our eyes and for each of us to hold the belt of the other. They forced us to march like this. They were pushing us and saying that they were going to kill us. They were shouting that we were the guys who attacked the camp. They told us to get in the back of a truck. There were around thirty of us in the truck.

We drove about thirty minutes, and then they pushed us out of the truck and into a room. Around 6 p.m., they came and told us to take off all our clothing and put it outside. Then they came later and took our names. We were sixty-six in that room. The next morning, they allowed people to put on underwear and pants. They came and took one group

¹⁶ Human Rights Watch interviews, Abidjan, March 6, 2006.

¹⁷ Further allegations of torture at the École de la Gendarmerie were made to Human Rights Watch in relation to events in mid-January (see below): a taxi driver described being tortured (see also below), and local and international human rights monitors reported that this location has been the site of numerous recent reports of torture. Human Rights Watch interviews, Abidjan, March 2006.

of prisoners out of the room, and then another. I was taken out in the last group. They took us into a small room. When we arrived, the first two groups were already there. There were no soldiers in the room at first, but then ten or so came in. They started beating us with orange plastic pipes and cords. They also struck us with the flat part of a machete. They were hitting me on my back. I still have scars all over. That group of soldiers left, and then another came in to beat us. This went on all day before they took us back to the first room where we slept. Later, they took us into the same room and beat us again. They put water on the wounds on our backs and it burned—I don't know what was in the water. On the third day, the same thing happened.

On the fourth day, I was taken to another camp. They didn't hit us there anymore. Our parents were able to bring food. I spent six days there. During all this time, they never asked me anything. Only the Red Cross came and asked questions. The day the Red Cross came, we were freed. Eighteen others were freed the same day as me. Others had been freed earlier. I didn't receive any explanation from the authorities regarding my release or capture. I haven't filed a complaint because I am afraid of the consequences. If I had the money, I'd go back to Burkina Faso.¹⁸

Anti-U.N. Attacks, and Associated Rioting and Sectarianism

A second spike in tension occurred in mid-January when pro-government militia groups, particularly the Young Patriots militia, attacked United Nations bases in Abidjan, Daloa, Guiglo and San Pedro.¹⁹ The violence started after the International Working Group issued a controversial communiqué noting that the mandate of the Ivorian National Assembly, due to expire on December 16, 2005, had not been extended. This was interpreted by pro-government militias and other supporters of President Gbagbo as an unjustified attempt to push for the dissolution of the Assembly and undermine the ruling party.²⁰

In Abidjan, thousands of Young Patriots militia took to the streets, throwing rocks and, in one instance, hurling firebombs at U.N. facilities, burning tires, taking control of the

¹⁸ Human Rights Watch interview, Abidjan, March 22, 2006.

¹⁹ Human Rights Watch interviews with U.N. sources, Ivorian Government officials, and members of civil society, Abidjan and Guiglo, March 2006. See also "Five dead in clashes with UN peacekeepers in 'Wild West,'" IRIN, January 18, 2006, [online] <http://www.irinnews.org/print.asp?ReportID=51196>.

²⁰ Human Rights Watch interviews with U.N. sources, Abidjan, March 2, 2006.

national television station, and attacking vehicles and premises of the U.N. and international humanitarian agencies.

In Guiglo, hundreds of protestors from the local chapters of the Young Patriots and the Ivorian Students Federation (Fédération Étudiante et Scolaire de Côte d'Ivoire, FESCI—see also below), demonstrated in front of the ONUCI base. Although the protests were initially peaceful, at approximately 4 a.m. on January 18 there was a confrontation between the demonstrators and the U.N. peacekeepers protecting the base. The confrontation resulted in the deaths of five protesters and the wounding of as many as thirty-nine others, including the local leader of the Young Patriots, Cyprien Maho, who was wounded by a bullet in the chin.²¹

Questions remain as to whether the lethal response of the peacekeepers was proportionate and appropriate given the level of threat they allegedly faced. The U.N. has yet to make public the results of an investigation into the incident that might shed light on the circumstances leading to the incident. An eyewitness interviewed by Human Rights Watch reported that prior to the shooting at least one individual managed to enter the camp and climb on top of one of the U.N. armored vehicles within the camp.²² There are also reports by individuals interviewed by Human Rights Watch of persons dressed in what appeared to be military uniform being present in the crowd, and of stones and urine-filled plastic bags being thrown at the peacekeepers.²³ All those interviewed by Human Rights Watch said that although three warning shots were fired into the air, peacekeepers did not make use of tear gas or other forms of non-lethal force prior to opening fire.²⁴ Among the five dead, three were members of the Young Patriots and two, age fourteen and sixteen, were members of FESCI.²⁵

²¹ Human Rights Watch interviews with U.N. sources, elected officials in Guiglo, and Cyprien Maho, Abidjan and Guiglo, March 2006.

²² Human Rights Watch interview, Guiglo, March 10, 2006.

²³ Human Rights Watch interviews, Guiglo, March 10, 2006.

²⁴ Human Rights Watch interviews with U.N. sources, elected officials, and participants in the demonstrations, Abidjan and Guiglo, March 2006.

²⁵ Human Rights Watch interviews with Young Patriots leaders, elected officials, and participants in the demonstrations, Guiglo, March 2006. An official report of the Crisis Committee of the Mayor's Office in Guiglo puts the ages of the two FESCI members at fourteen and sixteen. U.N. sources report their ages to be ten and eleven. While Young Patriots members interviewed by Human Rights Watch maintained that their members have nothing to do with any of the several groups of armed militias active in and around Guiglo, a militia leader interviewed by Human Rights Watch said that two of the dead were members of a prominent local militia who, while unarmed, had been sent to the demonstration to help ensure security for the participants. Human Rights interview with militia leader, Guiglo, March 10, 2006.

In response to the shootings, the mayor of Guiglo issued a call through the Voice of Guiglo radio station “to all villagers to come into town to avenge the death of those struck down by the assassins’ bullets.”²⁶ Moments later, Young Patriots leaders in Guiglo used the same radio station to incite violence against the U.N. and humanitarian organizations, calling on all Young Patriots to “attack everything having to do with humanitarian agencies, NGOs [nongovernmental organizations] and symbols of the United Nations.” The same day, after U.N. and humanitarian personnel were forced to retreat from the region, their offices were burned, nearly two dozen cars were extensively damaged or completely burned, and property ranging from office equipment such as computers and electric generators to humanitarian food supplies (including nearly 700 tones of grain), was looted and pillaged, resulting in damages as high as U.S.\$1.8 million.²⁷ Ivorian security forces based in Guiglo did not attempt to stop or restrain the looting and destruction.²⁸

The peacekeepers remained absent from Guiglo and other locations in the volatile west of the country for several months, their return being initially complicated by conditions placed by local Ivorian officials and by the pro-government militias who maintain effective control over the area.²⁹ However, improvements in the political climate resulted in the removal of these conditions, and in late April 2006 peacekeepers from Bangladesh and Benin successfully redeployed to Guiglo and to the towns of Duékoué, Toulepleu and Bloléquin.

In February, U.N. Secretary-General Kofi Annan sent President Gbagbo a bill for damages arising from the destruction of U.N. property during the January incidents, estimated at U.S.\$3.5 million.³⁰

Sectarian Attacks and Incitement in Abidjan and Guiglo

As the anti-U.N. riots brought Abidjan to a standstill, according to accounts gathered by Human Rights Watch, security forces were clearly turning a blind eye, if not condoning

²⁶ Transcript provided by U.N. sources.

²⁷ “Côte d’Ivoire: Anti-U.N. riots threaten continued assistance to refugees, displaced,” IRIN, January 23, 2006, [online] <http://www.irinnews.org/print.asp?ReportID=51289>.

²⁸ Human Rights Watch interview with Ivorian government official, Guiglo, March 10, 2006.

²⁹ According to U.N. sources in March, militia leaders in Guiglo said that humanitarian organizations were welcome to return, but that ONUCI forces were only welcome to return in the event that they came to disarm the rebels. Human Rights Watch interview, Abidjan, March 2, 2006.

³⁰ “Côte d’Ivoire: U.N. Blue Helmets Preparing to Return to West after January Riots,” IRIN, March 9, 2006, [online] http://www.irinnews.org/report.asp?ReportID=52124&SelectRegion=West_Africa&SelectCountry=COTE_D_IVOIRE.

violent activities by militias.³¹ Witnesses and representatives from local human rights organizations, and reports by local and foreign journalists and ONUCI officials, describe Ivorian security forces as doing little to restrain the rioting and destruction of property, or to restore order.³² Security forces reportedly provided food and water to the Young Patriots militias and helped transport them to different locations around Abidjan.³³ The Young Patriots set up hundreds of checkpoints, sometimes in the very locations where Ivorian security forces had maintained a checkpoint the day before.³⁴

In one incident during the riots, a member of the Malian community was burned to death by Young Patriots militia members. A witness told Human Rights Watch:

At around 7 a.m. I left my house to come to Abobo [a neighborhood of Abidjan], but on the way I saw the situation was very tense. I was told the Young Patriots had taken over the streets. I decided to return home but because taxis weren't working I had to walk.

Between 8 and 9 a.m. I arrived at the place where the Patriots always have their meetings—they call it “the Parliament.” From about 120 meters I saw a big group of Patriots were blocking the road and had formed a circle around someone. Some of the Patriots had wrapped the Ivorian flag around their waist. It was tense and cars were turning around to get out of there. I was afraid and wanted to get off the main road so I hid in a small garage from where I could see what was going on at the checkpoint.

A few minutes later I saw the youths throw a liquid onto the youth they'd circled and then I saw one of them throw something at him. Then I saw a big flame [shoot up]. As this happened the people around him suddenly backed up and I saw the flame was all over the man. He was fighting with the fire for many minutes but later he fell down. I later saw his charred body. Most of the burns were on the upper body.

Later I went into a little mosque and asked a woman what the man had done. She explained that the day before, the Patriots had stolen the

³¹ Human Rights Watch interviews with U.N. sources and local civil society organizations, Abidjan, March 2006.

³² Ibid.

³³ Ibid.

³⁴ Ibid.

man's bicycle and that he'd returned that morning to demand they give it back. I didn't know until later that he was a Malian.³⁵

Businesses belonging to Ivoirians of northern descent or to Malian or Burkinabe nationals also came under attack by the Young Patriots. A Malian doctor interviewed by Human Rights Watch described how on January 16, Young Patriots and militants from a pro-government student group attacked and beat him inside the small clinic he runs in Abobo. He said the youths, a few of whom were armed with automatic rifles, stole medicines and medical supplies worth some 500,000 CFAs (about U.S.\$952).³⁶ On January 19, Young Patriots in Abobo allegedly attacked a parking lot and burned some ten taxis and minibuses owned by West African immigrants and northern Ivoirians.³⁷

In Guiglo, the radio broadcast of the Young Patriot leaders inciting violence against the U.N. and humanitarian organizations, mentioned above, also included an appeal that "[H]e who you find in his house, burn him, whether he is Ivoirian or not. And all those who oppose what you are going to do, burn them. We will take responsibility."³⁸ This message echoed an anonymous flyer that had circulated in January just prior to the riots. Signed by "The Guide," the flyer called on all Ivoirians "to undertake violent action, terrorist action against those from countries that are members of the International Working Group (except South Africa), of ONUCI, and of France. We must butcher them, burn them, cut their throats, eat them, violate and destroy all their goods. This is the voice of the people. This is your voice. Nationalism is moving forward."³⁹

The absence of ONUCI and humanitarian organizations from in and around Guiglo following the events of mid-January was keenly felt by communities such as Burkinabe and Ivoirians of northern descent. One community leader who spoke to Human Rights Watch in March noted an increase in banditry since the departure.⁴⁰ Members of the Burkinabe community, including those living within a camp of nearly four thousand near Guiglo, voiced acute concern that there was no longer anyone acting as a buffer between them and members of pro-government militias and youth groups, who have in the past been hostile to them. A leader within the camp described his concern this way:

³⁵ Human Rights Watch interview, Abidjan, March 12, 2006.

³⁶ Human Rights Watch interview, Abidjan, March 12, 2006.

³⁷ Human Rights Watch interview, Abidjan, March 4, 2006.

³⁸ Transcript provided by U.N. sources. While U.N. sources attribute this statement to the assistant secretary general of the Young Patriots in Guiglo, Clovis Tom Toubaté, a community leader interviewed by Human Rights Watch attributed the statement to the leader of the Young Patriots in Guiglo, Cyprien Maho. Human Rights Watch interview with a local community leader, Guiglo, March 9, 2006.

³⁹ Transcript provided by U.N. sources.

⁴⁰ Human Rights Watch interview, Guiglo, March 9, 2006.

Since ONUCI withdrew we feel very insecure. The peacekeepers used to pass by the camp every day. Since they left about two months ago, members of the Ivorian army have only come by three times. If we weren't being supported by the NGOs, they'd still be trying to chase us out even from here. But with the departure of the U.N., we know we can't count on them now. The Young Patriots are the children of the same people who chased us off our land in the first place, so it's the same people. If they can even run off people with guns like ONUCI, what will happen to us? It's like we're in a hole and we don't know how long it will last. . . . We're here like prisoners.⁴¹

Further report of torture at the École de la Gendarmerie

Human Rights Watch interviewed five Malians and Ivorians who were among seven detained by security forces in the aftermath of the anti-U.N. violence in Abidjan and were tortured at the École de la Gendarmerie; one of the seven was reportedly tortured to death. The reason for their arrest is not fully clear. U.N. sources reported that it may have been because supporters of the opposition party Rally of Republicans (Rassemblement des Républicains, RDR), including at least one of the seven victims, had attempted to prevent the Young Patriots from setting up a checkpoint in their neighborhood, but those victims interviewed told Human Rights Watch that they did not understand why they had been detained.⁴² A few victims said the Gendarmes accused them of being “rebels” or of “recruiting rebels.” One victim, an Ivorian of northern origin, described to Human Rights Watch what happened to him:

On January 20, I was at home sleeping. I awoke when I heard a knock at the door. They said it was the gendarmerie. Four soldiers came into my room and took me outside. One was wearing a dark uniform. His hat had a sword emblem on it. He had a kalash [Kalashnikov assault rifle] and a bulletproof vest with a walkie-talkie strapped to his chest. Everyone from the courtyard was crouching on the ground outside. The soldiers were pointing their guns at us. They took some of us from the crowd and put us in vehicles parked outside marked CECOS 01 and 02.⁴³ We drove for about twenty minutes. A soldier had his foot against

⁴¹ Human Rights Watch interview, Guiglo, March 10, 2006.

⁴² Human Rights Watch interviews, Abidjan, March 2006.

⁴³ CECOS commander Col. Georges Guiai Bi Point told Human Rights Watch that CECOS intervention vehicles are prominently numbered in order to help control abuses. Human Rights Watch interview, Abidjan, March 22, 2006.

my neck. I lifted my eyes and saw that we were going to the École de la Gendarmerie.

When we arrived, they then told us to get out and a soldier struck each of us as we got down. There were seven of us in total. We were all told to sit down on the ground. They had a bucket with water in it and they were pouring it on us. It burned my eyes and nose. Then they started to beat us. They were swinging a belt and striking with the buckle. Then they put us all in a small room and five soldiers came into the room to continue the beating. There was one old man, the father. They didn't kick the old man. They put him aside. They took us out for another beating before throwing us back in the small room. The son of the old man had been badly beaten and said that he needed some water. The old man knocked on the door to say that we needed water and to go to the bathroom. A soldier yelled that we should just piss in his mouth. The son of the old man started turning and writhing in pain. And then he went motionless. The old man said, "He is dead."

Around nine the next morning, they had us take the body out. A little while later they opened the door and told us to lie down in the back of a truck and told us not to lift our head. We were taken to what I would later learn to be the Brigade of Investigation.⁴⁴ I was not doing well because I had been beaten so severely, so they then sent me to a military hospital soon after my arrival. At the hospital, I was told that even though it was a military hospital, I had to pay money for my treatment. My brother came and paid a total of 30,000 CFAs [about U.S.\$57]. After six days in the hospital, I was released and I went home. However, on Feb 13, I was called back to the Brigade of Investigation to answer questions. They wanted to know if I was part of the rebellion and I said I was not.⁴⁵ A few days later, a gendarme came by the house on foot and told me not to be a witness. I never understood why this happened to me.

⁴⁴ The Brigade de Recherche is a service of the Gendarmerie charged with carrying out investigations and interrogations. According to local human rights monitors, prisoners arrested on political grounds are often taken to the Brigade de Recherche for questioning. Human Rights Watch interview by telephone, Washington and Abidjan, May 17, 2005.

⁴⁵ Human Rights Watch interview, Abidjan, March 4, 2006.

Attacks by a Pro-government Student Group, and Lack of Police Response

Throughout 2005, the Ivorian Students Federation (FESCI) engaged in frequent acts of harassment, intimidation, and on several occasions violence in Abidjan against those student and other groups they believe support the opposition or New Forces.⁴⁶ FESCI is fiercely loyal to the Gbagbo government, and appears to operate without any fear of being held accountable for violent acts perpetrated against their perceived opponents.⁴⁷

Members of a rival student union, the General Association of Students of Côte d'Ivoire (Association Generale des Élèves et Étudiants de Côte d'Ivoire, AGEECI), are particularly vulnerable to attack, as FESCI accuses them of supporting the New Forces.⁴⁸ On several occasions in 2005, AGEECI members were violently assaulted and beaten by FESCI members.⁴⁹ Many AGEECI members are no longer able to attend classes due to the harassment they experience.⁵⁰ AGEECI members told Human Rights Watch that although they regularly report incidents of harassment and abuse to the police, so far no one has been prosecuted or punished for these crimes. The following account from a victim of a December 2005 incident is a recent example of the failure of local authorities to intervene to protect against FESCI-led violence:

I'm a second-year history student, but I am no longer able to follow courses. In December 2005, I was working with high school students at their school to create a committee of AGEECI. Around one [o'clock] that afternoon, a number of cars pulled up outside the school. There were five of us AGEECI members in the classroom at the time. Three went to see what the commotion was, and never came back. The next thing I knew, a group of FESCI members erupted into the classroom. They started to hit the two of us who were left with clubs and the blunt side of machetes. Then they put us in a taxi. Before we drove off, four policemen arrived in a truck. We thought they would intervene to save us, but FESCI told the police that we were rebels and assailants. The

⁴⁶ Human Rights Watch, "The Human Rights Cost of the Political Impasse."

⁴⁷ In the past, FESCI has been led by both Charles Blé Goudé, the current leader of the Young Patriots, and Guillaume Soro, now leader of the New Forces and, under Prime Minister Banny's government, minister of reconstruction.

⁴⁸ "Côte d'Ivoire: University campus polarised by political violence," IRIN, July 29, 2005, [online] http://www.irinnews.org/report.asp?ReportID=48362&SelectRegion=West_Africa&SelectCountry=COTE_D_IVOIRE.

⁴⁹ Human Rights Watch, "The Human Rights Cost of the Political Impasse."

⁵⁰ Human Rights Watch interviews with AGEECI members and human rights monitors, Abidjan, March 4, 2006.

police said that if that's the case, they should go ahead and kill us. The police left, and we drove off.

As we were driving near the port, we were stopped at a checkpoint by two policemen. The people in the car identified themselves as FESCI members and then got out to talk with the police. They got back in the car and we drove through the checkpoint. We started driving towards an abandoned area. I was afraid that if that was where they were taking us, it meant death. They took us to a building and put me in a small room, where a group of them started to beat me with clubs and slingshots. Then I passed out. When I woke up, they started asking whether I worked for the rebellion, for Ouattara, or for Soro.⁵¹ Then they said they were taking us to the beach to kill us by drowning. The beach wasn't far and they marched us there, which started to attract attention. They threw us in the water. A lifeguard came and FESCI started to threaten him. A crowd began to gather and people started asking questions. Eventually the crowd got big enough that the FESCI members left. The lifeguard called an ambulance and they took us to the hospital.

Since then, I've been threatened so many times on my cell phone that I had to change the number. I had to go outside of Abidjan for a while to protect myself. If I try to file a complaint against a FESCI member, it won't go anywhere. They're the ones who brought the president to power. They can do what they want. It makes me feel bad that I can't go to school anymore. Our parents are illiterate. They depend on the students they send to school.⁵²

⁵¹ Alassane Ouattara is a former prime minister and prominent leader of the RDR opposition party. Guillaume Soro is head of the New Forces, and currently serves as minister of reconstruction.

⁵² Human Rights Watch interview, Abidjan, March 4, 2006.

IV. Intimidation, Harassment and Extortion of Civilians in both South and North

Situation in the South

Throughout the government-controlled south, government law enforcement agencies such as the police, gendarmes, and the Security Operations Command Centre (CECOS) continue to perpetrate serious human rights violations including extortion, unlawful confiscation of civilian property, and beatings. These violations most often occur during the frequent inspection of identification cards and driver's permits at checkpoints and other locations. According to community leaders, civil society organizations, and victims interviewed by Human Rights Watch, these "security checks" often appear to be solely a pretext for extortion, and both the level of extortion and the violence associated with it far exceed what was known to occur prior to the civil war.⁵³

While this is a phenomenon that affects all those traveling through the south, its effects are most keenly felt by those holding identity cards from Burkina Faso, Mali, and other neighboring countries, or those Ivoirians with last names identifying them as a member of an ethnic group originating in the rebel-held north.

Passengers and Pedestrians

For many Burkinabe farmers living and traveling in the west, the level of extortion at checkpoints along the road has become so high that many have almost become prisoners in their camps and villages, unable to afford to travel into the towns.⁵⁴ Others choose to brave the roads, but must be prepared to pay a high amount in bribes. One Burkinabe witness explained to Human Rights Watch the fees that were paid during a recent 100-kilometer trip in the west:

I came back from my destination last night. You always have problems with your papers when you travel. If you have a Burkinabe identity card, you will have to pay. There are eight checkpoints between here and where I traveled. My sister had to pay 14,000 CFAs [about U.S.\$27] in bribes and 4,000 CFAs [about U.S.\$7.60] for the transport ticket. But I have a card from the NGO where I work, so I only had to pay for the ticket. Liberians in the car had to pay. Ivoirians with papers don't have

⁵³ Human Rights Watch interviews, Abidjan, March 2006.

⁵⁴ Human Rights Watch interviews with members of the Burkinabe community in southern Côte d'Ivoire, March 2006.

to pay the extra money. If you run out of money en route, they tell you to get out and you have to walk to your destination.⁵⁵

According to one Burkinabe community leader interviewed by Human Rights Watch, those returning to Burkina Faso for a visit prefer to do so in large buses using an armed military escort provided by the Ivorian army, as this assures that they will be required to negotiate only a single price up front for safe passage, rather than being subject to the whims of every security officer at every checkpoint.⁵⁶ One bus driver running the Bouaké-Abidjan line reported that he will sometimes avoid transporting Burkinabe passengers because of the problems he knows they will encounter along the road. The same driver also reported that his company is regularly forced to abandon Burkinabe passengers at checkpoints when negotiations with security forces stall.⁵⁷

Foreigners, or those from an ethnic group originating in the north, are also targeted during routine identification checks of pedestrians' documents, which may occur at any time. Victims interviewed by Human Rights Watch described two such incidents during which they were ordered into gendarme vehicles, driven to isolated locations and then robbed. An incident on February 3, 2006, involved the robbery of money from some fifteen men.⁵⁸ In another incident, a forty-eight-year-old Malian businessman described being robbed in November 2005 by a group of eight gendarmes:

On that day I had gone to buy medicine for a friend. As I was walking I was stopped and asked for my identification papers by a group of gendarmes. All my documents were in order but it didn't matter. The gendarme ordered me into the truck. When I got inside I saw there were two others like me—I later learned one was from Ghana and the other from Nigeria. The gendarmes told us to keep our heads down then started driving around. Every time we tried to raise our heads they beat us on our heads and backs. After driving around for several minutes they reached their hands in the pockets of the Nigerian, stole his money, then stopped the vehicle and ordered him to get down.

⁵⁵ Human Rights Watch interview with a member of the Burkinabe community in western Côte d'Ivoire, March 10, 2006.

⁵⁶ Human Rights Watch interview, Guiglo, March 9, 2006.

⁵⁷ Human Rights Watch interview, Bouaké, March 16, 2006.

⁵⁸ Human Rights Watch interview, Abidjan, March 4, 2006.

They started driving again and several minutes later did the same thing to the man from Ghana. Several minutes later they did the same to me. One gendarme reached in and grabbed the 35,000 CFAs [about U.S.\$67] I had in my pocket. The one who stole my money then gave it to his comrade who put it into a black bag. I guess that's where they kept all their day's loot. After they did this I said, "Look...you asked me for my ID, I gave it to you. Now you've taken all my money. What do you really want?" Then one of them said, "Shut up! Do you want to end up dead with a bullet in your head?" Then he told me to go and pushed me off the vehicle.⁵⁹

Drivers

Security forces routinely confiscate driver's permits and identity cards if they are not satisfied with the amount of money an individual is able or willing to pay.⁶⁰ Not having documents in turn renders drivers increasingly vulnerable to police extortion the next time they are stopped, as government security forces are likely to demand even greater sums of money from those found without a driver's permit or identity card.⁶¹ For many drivers of public transport vehicles, the confiscation of a permit means the loss of employment, as many are unwilling to risk the serious repercussions that can flow from being stopped without a permit.

While drivers from all ethnic groups suffer from extortion at the hands of government security forces, Ivorians of northern descent, who have traditionally played a dominant role in the transport sector in Côte d'Ivoire, report that they are singled out for more severe harassment and abuse and are required to pay higher bribes than their counterparts from the south.⁶²

Human Rights Watch spoke with several dozen drivers who had been subjected to extortion by members of government security forces. This driver's experience was typical:

⁵⁹ Human Rights Watch interview, Abidjan, March 12, 2006.

⁶⁰ Human Rights Watch interviews with community leaders, transporters' trade union members, human rights monitors, and diplomats, Abidjan, March 2006.

⁶¹ Human Rights Watch interviews with transporters' trade union leaders and drivers, Abidjan, March 2006.

⁶² *Ibid.*

In January 2006, I was whistled to a stop by CECOS 41.⁶³ I had my driver's permit, but they still insisted on a 500 CFAs [about U.S.\$95] bribe. I refused. One of the soldiers struck me in the chest with his two fists and I was knocked back. They then snatched my permit and refused to give it back. In February, I was again stopped by CECOS 41. I explained that they had taken my permit on January 10. The soldier went to his car and pulled out a sack. I looked into the sack and it was full of driver's permits and other identity cards. There must have been at least one hundred cards inside it. My permit was in the sack, but he refused to return it. At this stage, there is nothing I can do. I am married with two daughters and I don't dare drive now that I don't have a permit, so I can't work anymore.⁶⁴

Another driver explained the repercussions of losing his permit:

About three months ago, I was driving along when the police whistled me to a stop. It was not an official checkpoint, just a few policemen parked on the side of the road. They asked for my ID card and I handed it over. I didn't have my actual driver's permit, but I had a receipt showing that it had been seized by the police two weeks earlier. (I had gone to the police station to pay 5,000 CFAs [about U.S.\$9.50] to get it back, but I was told that the policeman who had taken it had kept it on his person.) The policeman took my receipt and put it in his pocket.

I was taken to the police station in Plateau. I was stripped naked by the police at the station and put into a small dark room. I was the only one in the cell. Later that day, my parents came with some food, but the police refused to let them give it to me unless my mother paid 2,000 CFAs [about U.S.\$3.80]. The next day, she again came with food, but they refused to let her see me. Finally, she paid them 50,000 CFAs [about U.S.\$95] and they released me. I have not been able to do any work since then. I have no permit: and I have no receipt showing that they took it. I have one child who depends on me. I could pay 35,000 CFAs [about U.S.\$67] to get a new permit, but I don't have the money.⁶⁵

⁶³ Many CECOS vehicles are prominently numbered. Drivers and other victims interviewed by Human Rights Watch often refer to CECOS vehicles by the number displayed outside the vehicle.

⁶⁴ Human Rights Watch interview, Abidjan, March 3, 2006.

⁶⁵ Human Rights Watch interview, Abidjan, March 5, 2006.

Other drivers have been detained and suffered serious physical abuse for their refusal to submit to extortion or their inability to pay what is asked. A twenty-eight-year-old Ivorian driver of northern origin described being severely beaten within the École de la Gendarmerie after being unable to pay a bribe (numerous scars including a five centimeter scar on his head and several deep scars on his arms and legs were visible to a Human Rights Watch researcher):

Just after taking the car at 7:30 p.m. on January 25, 2006, I was stopped at a checkpoint manned by a group of about fifteen CECOS. An officer with 2 V's⁶⁶ on his uniform asked me for my papers. I gave him my license and the car's documents. But it was money they wanted. I told him that I had just started my route and that I hadn't yet made anything. He got angry, put my license in his pocket and said, "You're not going anywhere." I pleaded but he responded, "You the Dioulas control the transport business but you don't want to share any of your money."⁶⁷

I stayed there for over an hour during which I saw CECOS shake down fifteen or so other drivers. Every time it was the same: they stopped the taxis, asked for the license and then after shaking hands with the drivers slipped the money in their pockets.

Around 8:30 p.m. as they were getting ready to go I yelled at them, "You can't go with my license, it's my livelihood." After arguing for some time one of them whacked me hard on my head from behind. I fell down bleeding. Then the CECOS took me to the École de la Gendarmerie.

After arriving they tied me and led me to an open space. Then three gendarmes beat me for about forty-five minutes, including the one who'd taken my license. They beat me with a rubber cord, an iron bar and some of them stepped on me with their boots.

After this, they put me in a warehouse where I saw about fifteen others. During the night we talked and I learned what had happened to them.

⁶⁶ CECOS members are drawn from the police, the gendarmerie, and the army. It is possible that the rank insignia described by the witness is that of a sergeant from the Gendarmerie.

⁶⁷ The term "Dioula" is actually a Sénoufo word for trader. It also refers to a small ethnic group from the northeast of Côte d'Ivoire. However, it is most commonly used to refer to people of several ethnicities from northern Côte d'Ivoire, including Malinké and Sénoupho, who are in fact not ethnic Dioula. Some northerners view the use of the all-encompassing term as pejorative.

They were from Burkina Faso, Mali and some were Ivorians. About seven of them were drivers like me who couldn't afford to pay them off. The others were workers who didn't have their proper documents. All of them said they'd been beaten. I noticed some of the injuries: one had a swollen leg, another had a bad cut in between his eyes, and several were bleeding. Some said they'd spent two or even three days there.

In the morning they divided us in work groups. Some of us cleaned the toilets and others, including me, were ordered to clear the yard. I worked for about four hours. During the day a few of us were freed but others—about nine or so including Malians and some Dioulas—came in. Many had also been beaten. I never saw the beatings but we could hear yelling from outside: “Leave me alone be, I don't have anything.”

At around 8 p.m. the owner of the car paid 25,000 CFAs [about U.S.\$48] and I was freed, but I have yet to get my license back: I've gone to the École de la Gendarmerie four times but they won't give it to me. Because of that I'm presently not working.⁶⁸

To help combat the problem of extortion, union leaders representing workers in the transport sector interviewed by Human Rights Watch explained that each transport line⁶⁹ has a designated leader charged with rapid interventions on behalf of drivers experiencing problems with security forces, and that such leaders are required to make between three and thirty interventions per day per line. Such interventions have not solved the problem, however, and transporters' unions organized a strike in a neighborhood of Abidjan on March 5, 2006, to protest extortion and mistreatment.

During a visit with a Malian community leader in one neighborhood, Human Rights Watch counted 115 Malian identity cards and driver's permits that the community leader had managed to get back from the police department in the previous three months.⁷⁰

⁶⁸ Human Rights Watch interview, Abidjan, March 4, 2006.

⁶⁹ A transport line is typically a fixed route connecting two neighborhoods in Abidjan, with shared taxis and minibuses picking up and dropping off passengers at various points along the line.

⁷⁰ Human Rights Watch interview, Abidjan, March 8, 2006.

Situation in the North

Extortion and robbery of civilians at all levels of society continue to be a problem throughout the territory controlled by the New Forces.

At the village level, Human Rights Watch interviewed several market women in a small village outside of Bouaké that had been occupied by a contingent of four to five New Forces soldiers in rotation who subject the villagers to routine extortion and theft. In addition to being forced to provide free food and water to the soldiers, all villagers are required to pay a “tax” whenever entering or leaving their village. While the tax appears relatively modest—400 CFAs (about U.S.\$ 0.75) per person for a round trip—in some cases payment of this “tax” represents half of a villager’s weekly earnings.⁷¹ Many of these villagers are internally displaced, having fled towns like Bouaké at the outbreak of hostilities in 2002. As one woman explained:

Since coming to the village, I travel to the market town twice per week to buy dried fish, which I then resell so that I can make enough money to feed my children, but the soldiers in the village are a problem. Here they make each passenger get out of the car and pay them. As a result, I have to give 800 CFAs [about U.S.\$1.50] per week to the soldiers. Because they have the guns, I never try to challenge them—I just pay. Sometimes I’m left with nothing, sometimes I even lose money after paying the soldiers. But the rebels are just here to run the country. Because they have the guns, that’s how it works. You have to pay money. I would like to complain or sue them, but you can’t sue someone with a gun. The people in Bouaké [administrative capital for the New Forces] are the same guns as the guns here. They sent them, so there is no point complaining.⁷²

According to community leaders interviewed by Human Rights Watch, several other villages in the area have been similarly subject to routine extortion and theft by the rebel contingents which occupied them.⁷³ While the scale of the theft from civilians has decreased as compared with what Human Rights Watch documented in summer and fall 2005,⁷⁴ the New Forces soldiers continue to steal animals and other foodstuffs from villages. The local chief from a village near Bouaké explained:

⁷¹ Human Rights Watch interviews, small village outside of Bouaké, March 15, 2006.

⁷² Human Rights Watch interview, small village outside of Bouaké, March 15, 2006.

⁷³ Human Rights Watch interviews with community leaders, March 15, 2006.

⁷⁴ See Human Rights Watch, “The Human Rights Cost of the Political Impasse,” pp. 19-21.

In September and October 2005 the rebels were more aggressive. They would come with a truck, fire guns in the air to scare us, and then take almost all the goats and sheep. Sometimes they would load up a whole truck with goods. These days, things are better. They don't fire their guns anymore, but we are still scared when they come. They still come and take sheep and goats. They only take four or five goats at a time now though.⁷⁵

New Forces spokesperson Sidiki Konaté acknowledged that continued theft and extortion at the village level remains a problem, and said they have expelled numerous combatants from the New Forces for their involvement in criminal acts and are engaged in a public education campaign to address the problem. However, he tried to diminish the rebel leadership's responsibility by asserting that they retained limited control over rebel forces based in more distant villages.⁷⁶

In rebel-held towns such as Bouaké and Korhogo, the extortion perpetrated by rebel forces involves much larger sums of money. Several businessmen and shop owners explained to Human Rights Watch how they are periodically summoned to New Forces offices by high-level commanders and told how much they will be required to pay per month, either in cash or in kind.⁷⁷ When asked whether it is possible to negotiate the required fee, three different merchants all explained that when one of their colleagues had tried to negotiate, he was locked in a room for a day, and the price of his "tax" was increased when they let him out.⁷⁸ The money demanded by the rebel commanders from businessmen varies, but mid-level merchants are often expected to pay 50,000 CFAs (about U.S.\$95) per month.⁷⁹ Truck drivers crossing through rebel-held territory into Burkina Faso and Mali are also required to pay considerable sums to the rebels at the border, and at individual checkpoints within New Forces-controlled territory. Several transporters testified that the sums required by the New Forces to transport goods within New Forces territory are several times higher than before the war.⁸⁰

⁷⁵ Human Rights Watch interview, small village outside of Bouaké, March 17, 2006.

⁷⁶ Human Rights Watch interview with New Forces spokesperson Sidiki Konaté, Abidjan, March 21, 2006.

⁷⁷ Human Rights Watch interview with businessmen in New Forces-controlled territory, March 19, 2006.

⁷⁸ Ibid.

⁷⁹ Ibid.

⁸⁰ For example, one commercial truck driver interviewed by Human Rights watch claimed that prior to the outbreak of war, he was required to pay 25,000 CFAs (about U.S.\$48) in bribes to travel between two major northern cities, Korhogo and Man, with his goods. At present, he reported that he needed at least 150,000 CFAs (about U.S.\$286) to complete the same journey. Human Rights Watch interviews with businessmen, members of civil society, elected officials, and New Forces officials, Abidjan, Bouaké and Korhogo, March 2006.

New Forces officials maintain that they have the right to levy “taxes” as a means of generating a public purse, and reject the assertion that the sums collected exceed pre-war levels.⁸¹ Reports of extortion and robbery of civilians at all levels of society would suggest that what the rebels consistently refer to as a system of “tax collection” could be more accurately described as a system of collective extortion, notwithstanding that the New Forces spokesperson told Human Rights Watch that all “taxes” within the New Forces zone are informal and voluntary.⁸² The reports would also suggest that the New Forces are collecting large amounts of money.

Human Rights Watch noted during its visit that in a few areas at least, the New Forces are making increasing efforts to carry out public works by patching roads and restoring a few buildings, most notably in Korhogo. But despite the sums of money being collected by the New Forces, public services in the territories they control are in large part delivered by international NGOs, or even by the government in the south.⁸³ This raises serious questions as to where and how the sums of money collected by the New Forces from businessmen, transporters, and other import and export levies are spent. Moreover, numerous low-ranking New Forces soldiers told Human Rights Watch that they are not paid.⁸⁴ While this could not be confirmed, when asked for a response to the charge that rebel soldiers regularly steal from villagers, the New Forces spokesperson noted that even “paid” soldiers steal in other parts of the world.⁸⁵

Arbitrary or Absent Judicial System in the North

At the outbreak of hostilities in late 2002, many court and prison buildings in the north were ransacked or destroyed. Most judges serving in the north fled, leaving a vacuum where the judicial and penal system once stood.⁸⁶ In the period immediately following the hostilities, New Forces officials explained to Human Rights Watch that in the

⁸¹ Human Rights Watch interview with New Forces spokesperson Sidiki Konaké, Abidjan, March 21, 2006.

⁸² Ibid.

⁸³ In Bouaké, for example, garbage collection and sanitation are administered by the international nongovernmental organization CARE, and the central hospital is administered by Médecins Sans Frontières. In the education sector, teachers' salaries are paid either by the government in the south, or are covered by voluntary contributions from parents in the case of volunteer teachers. Water and electricity are free for most of the population, who are effectively subsidized by the population in the south. At the prison in Korhogo, a local Roman Catholic charity run by nuns, Saint Camille, in conjunction with the Red Cross, found it necessary to assume responsibility for feeding the prison population when four prisoners died of malnutrition in August 2005. Human Rights Watch interviews with U.N. sources, international nongovernmental organizations, and civil society organizations, Bouaké and Korhogo, March 2006.

⁸⁴ Human Rights Watch conversations with New Forces soldiers, Bouaké and Korhogo, March 2006.

⁸⁵ Human Rights Watch interview with New Forces spokesperson Sidiki Konaké, Abidjan, March 21, 2006.

⁸⁶ Human Rights Watch interviews with New Forces officials, Bouaké and Korhogo, March 2006.

absence of these institutions, executions and other “extrajudicial methods” were the primary means of enforcing the law.⁸⁷

The problems of that period, and a fear of public lynching by citizens taking the law into their own hands, prompted the New Forces to set up an ad hoc judicial and penal system run primarily by New Forces police commissioners. The territory controlled by the New Forces is divided into ten military districts, with the police force in each district headed by a police commissioner.⁸⁸ According to New Forces officials, most of the police commissioners currently operating in New Forces territory were trained and serving as police officers before the war, though they are reportedly now not paid and serve on a volunteer basis with no supervision from the Ivorian government.⁸⁹ Police commissioners have jurisdiction over all crime, including when committed by New Forces soldiers. The head of the New Forces police is a member of the armed forces.⁹⁰

Under this ad hoc system, individual police commissioners serve, in effect, as investigator, prosecutor, judge, and jury. As an initial step, police commissioners carry out investigations into alleged crimes brought to their attention by civilians or New Forces officials. On completion of the investigation if the police commissioner has identified a likely perpetrator, the same police commissioner reaches a personal determination as to the guilt of the suspect, based on his own findings and conclusions.⁹¹ Finally, the same police commissioner determines the punishment including, if appropriate, any custodial sentence to be imposed on the alleged perpetrator. An accused does not have the benefit of defense counsel at any stage of the investigation, determination of guilt or sentencing.⁹²

For individuals who are deemed guilty of a crime and are sentenced to a term of imprisonment, some commissioners attempt to impose a sentence corresponding to the range provided by the Ivorian penal code for a particular offence, while others simply

⁸⁷ Ibid.

⁸⁸ Human Rights Watch interviews with New Forces officials and U.N. sources, Bouaké, March 2006.

⁸⁹ In addition, in August 2005, 537 volunteer policemen were given a forty-five-day training with the help of ONUCI. Human Rights Watch interviews with U.N. sources and New Forces leaders, Abidjan and Bouaké, March 2006.

⁹⁰ New Forces officials report that in the past there was friction between New Forces police commissioners and New Forces military commanders, who often would not accept the arrest of their soldiers. Placing a military officer at the head of the police forces was a “political solution” designed to ease tensions between New Forces police and the military. Human Rights Watch interviews with New Forces leaders, Abidjan and Bouaké, March 2006.

⁹¹ Human Rights Watch interviews with human rights monitors and New Forces leaders, Abidjan, Bouaké and Korhogo, March 2006.

⁹² Ibid.

place an alleged perpetrator in detention for an undetermined period until they feel that he or she has been sufficiently punished.⁹³ New Forces officials acknowledge that while some commissioners understand the rudiments of the penal code, others have little idea of how a legal system is supposed to function.⁹⁴ As a consequence, the criminal justice system in New Forces-controlled territory operates in an arbitrary and patchwork fashion. As one U.N. observer put it, “some people stay too long in prison, and others are freed before they should be.”⁹⁵

The fundamental injustice in this system stems from the complete lack of independent limits or checks on the power of the police commissioners. Local human rights monitors report that although police commissioners have the power to pursue punishment of soldiers who commit crime, investigations are often influenced by the military, and investigations are not pursued if a military chief intervenes.⁹⁶ Experience also shows that there is little evidence of political will or ability to punish abuses by high-ranking New Forces officials.⁹⁷ The result of such a system is a climate of lawlessness and impunity.

Prison conditions for those required to serve a custodial sentence are deplorable.⁹⁸ However, since the International Committee of the Red Cross has assumed responsibility for feeding prisoners in Korhogo following the deaths of four inmates from severe malnutrition in August 2005, no further deaths have been observed.⁹⁹

According to U.N. sources, secret detention facilities, with individuals being held incommunicado, continue to exist.¹⁰⁰ The secret detention of individuals constitutes a “disappearance” and is a serious violation of international human rights law. Even in situations where detention is acknowledged, holding people incommunicado, in depriving detainees of essential safeguards against arbitrary deprivation of liberty, torture or inhuman or degrading treatment, or indeed risk to the right to life, also constitutes a serious violation of international human rights law.

⁹³ Ibid.

⁹⁴ Human Rights Watch interview with New Forces spokesperson Sidiki Konaké, Abidjan, March 21, 2006.

⁹⁵ Human Rights Watch interview, Bouaké, March 2006.

⁹⁶ Human Rights Watch interviews with human rights monitors and New Forces leaders, Abidjan and Bouaké, March 2006.

⁹⁷ Human Rights Watch interviews with human rights monitors and U.N. sources, Bouaké and Korhogo, March 2006.

⁹⁸ Human Rights Watch interviews with U.N. sources and with local and international civil society organizations, Bouaké and Korhogo, March 2006.

⁹⁹ Human Rights Watch interviews with U.N. sources and civil society organizations, Bouaké and Korhogo, March 2006.

¹⁰⁰ Human Rights Watch interviews with U.N. sources, Bouaké, March 2006.

Officials from the New Forces interviewed by Human Rights Watch were very frank about the shortcomings of having justice meted out by police commissioners, but maintain that it is better than the situation that preceded the present system.¹⁰¹ While the peace agreements do not require the New Forces to establish functioning and effective judicial institutions within the territory under their control, customary international humanitarian law provides protections for civilians in internal armed conflicts such as in Côte d'Ivoire and prohibits arbitrary deprivation of liberty and disappearances. New Forces officials interviewed by Human Rights Watch acknowledge that a redeployment of judicial officials into the North would improve matters. However, they maintain that the Ivorian government will not permit a redeployment of judicial officials from the south to the north until the New Forces have disarmed.¹⁰² For the welfare of Côte d'Ivoire's citizens, the Ivorian government and New Forces officials should work together to reach an agreement for the redeployment of judicial officers, even if on a limited basis, as soon as possible. Such measures could be an important step in beginning to address the climate of impunity in northern Côte d'Ivoire.

¹⁰¹ Human Rights Watch interview with New Forces spokesperson Sidiki Konaké, Abidjan, March 21, 2006.

¹⁰² *Ibid.*

V. International Response to Recent Abuses

In response to the January 2006 attacks against United Nations personnel, the U.N. Security Council, pursuant to Security Council resolution 1572 (2004), on February 7, 2006, activated a travel ban and assets freeze against three individuals: Charles Blé Goude and Eugène Djué of the Young Patriots militia, and Fofic Kouakou, a New Forces commander in Korhogo.¹⁰³ While internationally-supported initiatives designed to restrain abusers and combat impunity are welcome and necessary, it is unfortunate that such measures were only activated after United Nations personnel and material interests were the object of attack.

Political observers interviewed by Human Rights Watch characterized as “inconsistent” the criteria used to select those who would be subject to U.N. sanctions.¹⁰⁴ One U.N. official noted how, on the one hand, the two pro-government militia leaders were selected on the basis of their role in the January attacks against the U.N., whereas the rebel commander was chosen for acts he had committed as far back as June 2004.¹⁰⁵ The failure to apply sanctions consistently and against more abusers is but one example of the international community putting accountability mechanisms on hold for an elusive final settlement.

In addition to sanctions, other measures that might restrain abusers and combat impunity throughout Côte d’Ivoire appear to have been similarly put on hold. For example, following a request by all parties to the Linas-Marcoussis agreement to investigate serious violations of human rights and humanitarian law perpetrated in Côte d’Ivoire since September 19, 2002, the Office of the United Nations High Commissioner for Human Rights (OHCHR) dispatched a commission of inquiry to Côte d’Ivoire. However, the U.N. Security Council has yet to make public or discuss the findings of the report, which was handed to the U.N. Secretary-General in November 2004 and transmitted to the Security Council on December 23, 2004. The failure to discuss the findings of the report, let alone act on them, sends the wrong signal to abusers.

¹⁰³ Under resolution 1572, persons constituting, *inter alia*, “a threat to the peace and national reconciliation process in Côte d’Ivoire” or “any other person determined as responsible for serious violations of human rights and international humanitarian law in Côte d’Ivoire” may be designated by the Sanctions Committee. Once an individual is designated, all states are required to take the necessary measures to prevent the entry into or transit through their territories of a designated individual and to freeze immediately the funds, other financial assets and economic resources which are on their territories that are owned or controlled by a designated individual. U.N. Security Council Resolution 1572, S/RES/1572 (2004).

¹⁰⁴ Human Rights Watch interviews with U.N. sources and international NGOs, Abidjan, March 2, 2006.

¹⁰⁵ *Ibid.*

Although the Ivorian government lodged a declaration in September 2003 with the International Criminal Court (ICC) accepting the court's jurisdiction over crimes committed since September 19, 2002,¹⁰⁶ the ICC prosecutor has not determined whether the Office of the Prosecutor will open an investigation into the situation there.

The ICC Prosecutor has indicated he intends to send a delegation to Côte d'Ivoire,¹⁰⁷ but has yet to do so. Indeed, the ICC prosecutor has to date made minimal public statements on the role he sees for the ICC in ensuring accountability for crimes in Côte d'Ivoire and has not been seen actively to promote domestic prosecutions for human rights abuses.

Human Rights Watch believes that a more proactive role by the ICC prosecutor in relation to the situation in Côte d'Ivoire is warranted. It is important that a mission to Côte d'Ivoire proceed as quickly as possible, not only to assess the possibility of an ICC investigation, but also to ensure a clear message is sent to the perpetrators of serious crimes and to the main leaders in Côte d'Ivoire that the ICC is monitoring abuses committed there. Public or private communications indicating that the ICC has an interest in accountability for abuses committed in Côte d'Ivoire, and that national authorities should also be taking steps to commence appropriate national prosecutions, with appropriate international assistance as necessary, for serious crimes could have a positive effect in helping to stem ongoing abuses.

¹⁰⁶ International Criminal Court, "Registrar confirms that the Republic of Côte d'Ivoire has accepted the jurisdiction of the Court," ICC Press Release, February 15, 2005.

¹⁰⁷ On November 28, 2005, the ICC prosecutor indicated that his office was planning a mission to Côte d'Ivoire for early 2006. Statement by Luis Moreno-Ocampo, prosecutor of the International Criminal Court, Fourth Session of the Assembly of State Parties, 28 November – 3 December 2005, The Hague, November 28, 2005.

VI. Future Implications of Unchallenged Impunity

Continuing violations of the kind described in this report, and the impunity that underpins them, raise serious concerns about the potential for the elections planned for later this year to be conducted peacefully. Despite increased talk of national unity on Ivorian radio, television, and in the street, there is no mistaking that Côte d'Ivoire heads towards these elections strongly divided, with major political parties loosely organized along ethnic and religious lines,¹⁰⁸ and security forces, both in the north and south, often perceived to represent the interests of particular political parties. In the current climate where security forces and militias appear to be free to abuse, harass and intimidate without sanction, often on the basis of identity and ethnicity, the ability of individuals to associate freely, the ability of political parties and their supporters to organize and campaign, and the ability of the press freely to cover electoral developments, are highly questionable.

Moreover, unless measures to combat impunity are taken now, there could be a repeat of the violence experienced during the 2000 presidential and parliamentary elections, when political, ethnic, and religious violence resulted in the deaths of more than 200 people and injuries to hundreds more.¹⁰⁹ Such measures should include wider application of travel and economic sanctions against individuals identified as responsible for serious violations of international human rights and humanitarian law, and prompt dispatch of a mission to Côte d'Ivoire by the International Criminal Court to investigate those suspected of bearing the greatest responsibility for serious crimes by both government and rebel forces. This would send a strong signal that the era of impunity in Côte d'Ivoire must be addressed and that further violence and abuses, including any committed in the lead up to elections, will not go unpunished.

¹⁰⁸ For example, the RDR, headed by Alassane Ouattara, draws heavily on support from the largely Muslim north, while the Ivorian Popular Front (*Front Populaire Ivoirien*, FPI) headed by Laurent Gbagbo, consists largely of Christian southerners.

¹⁰⁹ See Human Rights Watch, "The New Racism."

VII. Conclusions

Key actors with a stake in the resolution of the crisis in Côte d'Ivoire—the Ivorian Government, the New Forces, the United Nations, and the African Union—must develop a concrete strategy to combat the current crisis of impunity. The problem of impunity should be considered as pivotal to the peace process as disarmament, the issuing of identification cards to Ivorian nationals who do not possess them, and the registration of eligible voters.

Not adequately addressing ongoing violations by all sides and the impunity which they enjoy could undermine key civil and political rights in the run up to and holding of the elections planned for late 2006. Key international actors helping to mediate the crisis must recognize that deferring mechanisms of accountability and deterrence in the name of a fragile peace process will only serve to complicate that process and is not the best means of achieving a lasting peace, which is essential to the stability of the entire sub-region. These actors must take immediate and concrete steps to pursue accountability for past and ongoing violations; they must send a strong signal to perpetrators that the era of impunity in Côte d'Ivoire must come to an end, and that further abuses in the lead up to elections and beyond will not be tolerated.

VIII. Recommendations

To the Government of Côte d'Ivoire

- Acknowledge and condemn unlawful killings committed by state security and militia forces since September 2002.
- Acknowledge the existence of and take concrete measures to put an end to the practice of extortion of civilians who are stopped under the pretext of identity checks.
- Investigate and punish in accordance with international standards crimes committed by state security forces in violation of international law including extrajudicial execution, torture, physical abuse, and harassment and extortion of civilians.
- End incitement of hatred, intolerance, and violence by state-run broadcasters and print journalists, and punish them as appropriate in accordance with international fair trial principles. Create an independent body to monitor hate speech that incites violence.
- Work with the New Forces to develop modalities for the redeployment of judicial officials, even if on a limited basis, as soon as possible to the territory under New Forces control.

To the New Forces

- Acknowledge and condemn unlawful killings committed by rebel forces since September 2002.
- Acknowledge the existence of and take measures to put an end to the practice of extortion of civilians.
- Investigate and hold accountable in accordance with international standards those responsible for crimes in violation of international law committed by rebel forces, including extrajudicial execution, extortion and robbery of civilians and civilian property.
- Work with the Government to develop modalities for the redeployment of judicial officials, even if on a limited basis, as soon as possible to the territory under New Forces control.

To the United Nations Security Council

- Further the work of the U.N. Sanctions Committee and immediately activate travel and economic sanctions against additional individuals identified as

responsible for serious violations of international human rights and humanitarian law, who break the U.N. arms embargo, or who publicly incite hatred and violence.

- Expedite the publication of the report of the U.N. Commission of Inquiry into human rights violations committed since 2002, and meet to discuss its findings and recommendations.
- Increase resources to UNOCI for monitoring of radio and television broadcasts that incite hatred, intolerance, or violence.

To the United Nations Mission in Côte d'Ivoire

- Ensure that UNOCI forces can provide protection to all civilians whose security is at risk because of communal tension or threats from abusive armed forces.
- Make public the results of its investigation into the deaths of five civilians during the mid-January 2006 demonstrations as soon as possible, and if and where there has been misconduct identified hold those responsible accountable.
- Ensure that all peacekeepers in Côte d'Ivoire are trained to respond in a proportionate and graduated manner to threats of violence or intensification of violence and that they have the necessary equipment to ensure that they can have recourse to non-lethal methods of public crowd control.
- Increase monitoring of civil and political rights, including the ability of individuals to associate freely, the ability of political parties and their supporters to organize and campaign, and the ability of the press freely to cover electoral developments, in the run-up to elections planned for later this year.

To the Prosecutor of the International Criminal Court

- Promptly dispatch a mission to Côte d'Ivoire to assess the possibility of an ICC investigation and indicate that the ICC is monitoring abuses committed there.
- Issue a clear public message that the ICC will be playing a role in securing accountability for abuses in Côte d'Ivoire, and that national authorities should also be taking steps to commence appropriate national prosecutions for serious crimes.

To the United States, the European Union and other international donors

- Call publicly and privately on both the Ivorian government and New Forces leadership to investigate and, where applicable, punish in accordance with international standards those responsible for crimes in violation of international

law committed by security forces, including extrajudicial execution, torture, physical abuse, and harassment and extortion of civilians.

- Condition military or police assistance to the Ivorian government (with the exception of human rights training), on the investigation and prosecution of those accused of such abuses.
- Give political, financial, and other support to any judicial mechanisms meeting international fair trial standards set up to ensure accountability for perpetrators of serious crimes under international law.