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WATCH

“A LONG WAY FROM RECONCILIATION”

Abusive Military Crackdown in Response to Security Threats in Côte d’Ivoire



“A Long Way from Reconciliation”

**Abusive Military Crackdown in Response to Security Threats
in Côte d’Ivoire**

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Côte d'Ivoire. © 2010 Human Rights Watch



Abidjan. © 2012 Human Rights Watch

Summary

As it emerges from a tumultuous decade of election-related violence and grave human rights abuses, Côte d'Ivoire faces a real threat to its national security. A string of seemingly coordinated and well-organized attacks against the security forces from August through October 2012 followed previous raids along the Liberian-Ivorian border in which civilians were targeted. Since April 2012, at least 50 people, including many civilians, have been killed during these attacks. Thousands more have been driven from their homes. Unfortunately, the state response to the threat, undertaken primarily by the military, has been marked by widespread arbitrary arrests and detentions, detention-related abuses including torture, and criminal behavior against the civilian population.

The month of August saw seven attacks against military installations, highlighted by a deadly raid on one of the most important military bases in the country—in which the attackers made off with a substantial cache of arms. After a brief lull, there were separate attacks in Abidjan and along the Ghanaian-Ivorian border on September 21, leading Ivorian authorities to briefly close the border with Ghana. The border with another of Côte d'Ivoire's neighbors, Liberia, remains partially closed after a series of cross-border attacks from Liberia into Côte d'Ivoire between July 2011 and June 2012, culminating in a June 8 attack in which seven United Nations peacekeepers and at least ten civilians were killed.

Ivorian authorities have been quick to blame the attacks on militants who remain loyal to former President Laurent Gbagbo, now in The Hague facing charges before the International Criminal Court for crimes against humanity. Many of Gbagbo's military and civilian allies remain in exile in Ghana and Liberia. Previous work by Human Rights Watch showed links between these militants in recruiting and organizing for deadly cross-border raids from Liberia into Côte d'Ivoire. The nature of some of the more recent attacks, combined with additional credible evidence, gives weight to the Ivorian government's theory that many of the attacks appear to have been waged by pro-Gbagbo militants.

While Côte d'Ivoire faces a legitimate security threat, the Ivorian security forces—and in particular the country's military, the Republican Forces of Côte d'Ivoire (known as the FRCI, for the French acronym)—have committed a myriad of human rights abuses in responding to these attacks, including mass arbitrary arrests, illegal detention, extortion, cruel and

inhuman treatment, and, in some cases, torture. Youth from typically pro-Gbagbo ethnic groups are all too often treated as if, in the words of one person interviewed by Human Rights Watch, they are “all guilty until proven innocent.”

Based on a three week research mission to Côte d’Ivoire in late August and early September 2012, this report focuses primarily on the crackdown by security forces in the Abidjan neighborhood of Yopougon and in the town of Dabou, some 40 kilometers to the west of Abidjan. The majority of the abuses documented occurred at three military camps: the military police base in the Abidjan neighborhood of Adjamé; the former anti-riot brigade (known as the BAE, for its French acronym) base, now controlled by the military, in Yopougon neighborhood; and a military camp in Dabou.

The Republican Forces were created by a decree from President Alassane Ouattara in March 2011, during the height of the post-election crisis, and were then composed primarily of fighters from the *Forces Nouvelles* rebel group that controlled northern Côte d’Ivoire from 2002 through 2010. After arresting Gbagbo on April 11, the FRCI faced the daunting task of uniting fighters who fought on each side of the post-election conflict, in which at least 3,000 people were killed. The suspicion between the former belligerents remains deep, aggravated by the widespread belief that at least one of the recent attacks had support from individuals within the FRCI still loyal to Gbagbo. The result is minimal progress in fully integrating into the official army the forces that remained under Gbagbo’s command during the crisis. Eighteen months after the conflict’s end, a successful security sector reform appears distant.

Within this context, a measured and professional response to the security threat has been undermined by the concentration of power in the former *Forces Nouvelles* commanders, including “volunteer” fighters under their command who are not formally part of the Ivorian army. The police and gendarmerie, responsible under Ivorian law for responding to internal security threats, have been largely marginalized; Ivorian officials are quick to point out that Gbagbo stacked these forces with his supporters. The judicial police, who are legally responsible for arresting and interrogating civilian suspects and serving search warrants, played no role in the vast majority of arrests and interrogations documented by Human Rights Watch in the aftermath of the August attacks. Instead, it was the FRCI who almost exclusively undertook neighborhood sweeps, arrests, interrogations, and

detentions. They held civilians at sites—namely, military camps—which are not authorized for the detention of any civilian, regardless of the alleged crime.

In the weeks following the August 6 attack on the Akouédo military camp in Abidjan, Ivorian security forces arrested hundreds of people. Some arrests occurred in hot pursuit or based on intelligence, while others occurred in mass sweeps of youth from ethnic groups which had generally supported Gbagbo in the 2010 election.

More than 100 people, including civilians and military men who remained with pro-Gbagbo forces during the crisis, were sent to the military police camp in Adjamé. Many were subjected to severe mistreatment. Human Rights Watch interviewed five victims of torture, who described being beaten brutally as soldiers demanded that they sign confessions or provide “information” about the location of weapons or others allegedly involved in attacks. Several of the torture victims had physical scars from being beaten with belts, clubs, and guns, and displayed severe emotional distress as they articulated their detention experiences. They described seeing tens of other detainees who appeared to have likewise been subject to severe physical mistreatment. Soldiers threatened to rape and kill the wife of one soldier who was detained if he did not confess.

The conditions of confinement at the Adjamé camp also contributed to the inhuman nature of the treatment. A civilian detained at the camp said after interrogators were displeased with his answers, he was thrown into a room that was filled with excrement and forced to spend the night. He said that the punishment was used on a number of occasions. Several former detainees described being held in rooms that were severely overcrowded. One soldier detained after the Akouédo attack described becoming “delirious” between the constant beatings and the almost complete denial of food and water.

Torture as such did not appear to be systematic, as several other former detainees at the Adjamé military police camp described only minimal physical abuse. However, the scale and nature of the abuses indicate that at least some former *Forces Nouvelles* fighters continue to resort to grave crimes at moments of tension.

Mass arbitrary arrests of perceived pro-Gbagbo supporters occurred almost daily in Yopougon through much of August and in Dabou through at least September 11. Security forces arbitrarily arrested youth in their homes, at *maquis* (neighborhood restaurants), at

bars, in taxis and buses, when walking home from church, and when at traditional community celebrations. Soldiers would often arrive in neighborhoods in military cargo trucks and force 20 or more perceived pro-Gbagbo youth to board. In total, hundreds of young men appear to have been rounded up and detained largely on the basis of their ethnicity and place of residence.

Detainees were frequently subject to beatings during their arrest and when subsequently brought to detention sites—generally unauthorized detention sites, particularly military camps, where civilians were held in violation of Ivorian and international law. Conditions of confinement at these military camps were often inhuman, with detainees packed so tightly in a room that they could not lie down. Former detainees described how they were generally provided no food or water and had to survive by sharing what a few detainees' family members were able to pass to them via a soldier-guard. Overcrowding was so severe at some sites that, with cells packed full, other detainees routinely spent the night outside in the open air; detainees described soldiers on some nights walking around and kicking or striking with a gun anyone who tried to sleep.

Nearly all of those interviewed said members of the security forces, particularly the FRCI, committed criminal acts. During neighborhood sweeps and mass arrests, soldiers stole cash and valuables such as cell phones, computers, and jewelry from people's homes. Then, at the various military camps serving as detention sites in and around Abidjan, detainees described how soldiers demanded money—as much as 150,000 CFA (US\$300) in some cases—in order to guarantee a person's release. The victims described a security operation which appeared to degenerate into a lucrative extortion scheme. Several former detainees told Human Rights Watch that they were not even asked for their names, much less questioned; they described simply being held for days in miserable conditions and then forced to pay the soldiers in exchange for their freedom. They complained bitterly about the impact this had on their livelihoods.

Many of the worst abuses associated with the mass arrests occurred under the command of Ousmane Coulibaly, known by his *nom de guerre* "Bin Laden." Coulibaly was the commanding officer at the former Yopougon BAE camp from May 2011 through late September 2012, and was also placed in charge of operations in Dabou after the August 15 attack there. In both locations, Human Rights Watch documented widespread arbitrary arrests, frequent inhuman treatment of detainees, and the extortion of money from

detainees by soldiers under Coulibaly's command. In an October 2011 report on the post-election violence, Human Rights Watch named Coulibaly as one of the FRCI leaders under whose command soldiers committed dozens of summary executions and frequent acts of torture during the final battle for Abidjan in April and May 2011. The continued abuses by his forces lay bare the cost of impunity for forces linked to the government.

While high-level government officials interviewed by Human Rights Watch admitted there had been some excesses in the security forces' response to the August attacks, they stressed that the abuses needed to be seen alongside the gravity of the threat and the determination of the attackers to return the country to conflict. These officials stressed the need to be in solidarity with the military in the face of deadly attacks. The minister of interior and minister of human rights both promised to inspect the military camps identified by Human Rights Watch as marked by abuses and to urge military commanders to respect due process guarantees and to treat detainees humanely. These commitments need to be followed up with investigations by the public prosecutor's office into cases of torture. Moreover, the Ivorian government should ensure that monitors from Ivorian and international organizations have full access to detention facilities on an ad hoc and unannounced basis.

The Ivorian criminal justice authorities have the responsibility to question, arrest, and detain individuals suspected of involvement in planning, financing, and carrying out attacks on its military. But in resorting to tactics that violate the rights of detainees and appear to target people largely on the basis of their ethnicity and perceived political preference, Ivorian security forces may be fueling the ethnic and political divisions that are at the root of these attacks. These abuses build on the already existing frustration on the part of Ivorian civil society and former Gbagbo supporters that military forces linked to the party in power remain largely above the law. Although armed forces on both sides of the post-election crisis were implicated in grave crimes—including war crimes and likely crimes against humanity—arrests and prosecutions have so far only targeted the Gbagbo camp.

For a decade the former *Forces Nouvelles* fighters have operated with complete impunity, despite being repeatedly implicated in grave crimes since the 2002-2003 armed conflict. President Ouattara and his government must follow through on their oft-repeated promises

of ending impunity and ensure that soldiers engaged in or overseeing torture or inhuman treatment are removed from the military and subject to prosecution.

Victor's justice and widespread abuses against perceived Gbagbo supporters is not the path to a return to rule of law. It is the path to renewed conflict, with all the grave human rights abuses that have marked the last decade. Ivorian authorities need to recognize the cost of continued impunity and sanction soldiers, regardless of their rank, who are implicated in human rights abuses. As a leader of an Ivorian civil society organization told Human Rights Watch, "Today's impunity is tomorrow's crime.... So long as there is impunity for [those linked to the government], there will not be a durable peace."

Recommendations

To the President, Acting Defense Minister, and Interior Minister

- Ensure a prompt, fair, and transparent investigation into allegations of torture and cruel or inhuman treatment. Put on administrative leave any soldier or law enforcement official against whom there is credible evidence showing that he ordered, carried out, or acquiesced to acts of torture or ill-treatment.
- Direct the Office of the Public Prosecutor to investigate in a thorough, impartial, and prompt manner all torture allegations against law enforcement officials, regardless of rank and whether the victim or family has formally filed a complaint.
- Urgently take steps to permit independent visiting of places of detention by representatives of human rights and humanitarian organizations, lawyers, medical professionals, and members of local bar associations. Ensure complete access to international and Ivorian detention monitors, including the ability to speak confidentially with detainees.
- Cease immediately the holding of civilians at military camps. Ensure that any civilian arrested is promptly brought to a police or gendarme station, even in cases where the military was inappropriately involved in the arrest.
- Ensure that, in accordance with Ivorian and international law, any person arrested appears before a judge within 48 hours to consider the legality of detention and the charges against him or her. Release the person if a specific charge is not presented promptly.
- Ensure that arrests and house searches are done in accordance with Ivorian law and international standards. In particular, ensure that arrests occur in hot pursuit or on the basis of an arrest warrant, rather than in mass sweeps based on a collective suspicion of perceived supporters of the former president.
- Ensure that interrogations only occur at places that the law recognizes as being official locations. Ensure that civilians are only interrogated by the branches of the Interior or Justice Ministries legally authorized to do so, rather than by members of the military.
- Reinstate previously successful measures aimed at ending checkpoint extortion by security forces. Sanction any member of the security forces found to be operating an illegal checkpoint or engaging in extortion.

- Progressively return primary authority in internal security to the police and gendarmerie, including through providing sufficient material support so that these forces can undertake basic security functions. In situations where the military is involved in neighborhood sweeps or patrols, ensure that it is done jointly with the police or gendarmerie, to check potential abuses and to build confidence between the different security forces.
- Routinely provide family members of those in detention with information on where the person is currently being held. If a person is transferred to another detention site, inform the family as quickly as possible.

To the National Assembly

- Ratify the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, and implement the Protocol through establishing an independent national body to carry out regular and ad hoc unannounced visits to all places of detention.

To the Ghanaian and Liberian Governments

- Arrest and prosecute or extradite individuals against whom there is an international arrest warrant based on evidence linking the person to grave crimes committed during the post-election crisis or to the recent attacks within Côte d'Ivoire, taking into account the Ivorian authorities' compliance with the UN Convention against Torture.

To European Union Member States

- In line with the Guidelines to EU Policy towards Third Countries on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, EU member states should, through private démarches and public statements, urge Ivorian authorities to take effective measures against torture and ill-treatment, bring all those responsible for torture and ill-treatment to justice, and provide redress to victims.
- Condition parts of the development aid targeted for security sector reform to the government taking rapid steps to address gaps in compliance with international human rights law regarding detention conditions, particularly torture and inhuman treatment.

To the United States and the UN Operation in Côte d'Ivoire (UNOCI)

- Speak out publicly on the Ivorian government's need to respond to security threats through measures that correspond to international standards on arrests and the treatment of detainees. Stress that continued abuses by security forces against certain populations will only further the divisions that threaten Côte d'Ivoire's ability to move out of its decade of grave human rights abuses.
- Discuss with the Ivorian government the importance of ensuring complete access at all sites to detention monitors, including for unannounced, ad hoc visits and to speak individually with detainees in a confidential location. In particular, press for the involvement in detention monitoring of Ivorian organizations, several of whom have historically worked extensively on prison conditions.
- Assist the Ivorian government in making it standard practice at all detention sites to keep a full list of those who are or have been detained, and the date on which the lawful authority to detain them expires.
- Condition parts of assistance to the Ivorian government on its taking rapid steps to address gaps in compliance with international human rights law regarding detention conditions, particularly torture and inhuman treatment. For the United States in particular, ensure that no security assistance is provided unless a thorough vetting guarantees that all units meet the requirements of the Leahy Law, including that Ivorian authorities demonstrate the will and capacity to take effective measures to hold accountable soldiers implicated in serious crimes.
- Work closely with the Ivorian, Liberian, and Ghanaian governments to ensure better information sharing, monitoring, and coordination regarding the arrest and prosecution of people implicated in serious crimes during the Ivorian post-election crisis and in the more recent attacks within Côte d'Ivoire.

Methodology

This report is based on a three week research mission to Côte d'Ivoire in late August and early September 2012. The work focused primarily on the crackdown by security forces in the Abidjan neighborhood of Yopougon and in the town of Dabou, some 40 kilometers to the west of Abidjan.

During its field work, Human Rights Watch interviewed 39 people who had been arrested and detained in August or September 2012, as well as another 14 witnesses to mass arrests, beatings, and other abuses. In addition, Human Rights Watch spoke with drivers of commercial and passenger transport vehicles, family members of people still in detention, leaders from Ivorian civil society, representatives of humanitarian organizations, representatives of the United Nations peacekeeping mission in Côte d'Ivoire, and diplomats in Abidjan. In total, Human Rights Watch interviewed 84 people related to the security forces' response to the August attacks.

Human Rights Watch interviewed victims and witnesses in locations chosen by the interviewees, including their homes, churches, and other sites where they felt secure in speaking openly. Victims were identified through community leaders, neighbors, and other victims. Interviewees were not offered any incentive for speaking with Human Rights Watch, and they were able to end the interview at any time. Human Rights Watch did not request access to the detention sites; the information in this report is based on interviews with individuals who were released from detention. Human Rights Watch has withheld names and identifying information of victims and witnesses in order to protect their privacy and security. Most spoke on the condition of not being identified, as they feared reprisals from the military should it become known that they had spoken with a Human Rights Watch researcher.

The description of events is based on information corroborated through multiple direct sources, particularly victims and eyewitnesses. Before an individual or security force unit was named as responsible for certain crimes, Human Rights Watch ensured that the information was corroborated by multiple independent sources, including victims, witnesses, and other perpetrators involved.

At the end of field research in September, Human Rights Watch shared its principal findings with the Ivorian government, including in meetings with Interior Minister Hamed Bakayoko; and Human Rights Minister Gnénéma Coulibaly. Human Rights Watch appreciates the government's consistent openness to meetings on human rights issues and welcomes the commitments made by both ministers to investigate and respond to the concerns raised in this report.

Human Rights Watch also wrote to Marcel Amon-Tanoh, chief of staff in the Ivorian presidency, on October 8, detailing the report's main findings and asking for an official government response (see Annex I). Mr. Amon-Tanoh forwarded the request to the minister of human rights and public liberties (see Annex II), who responded to Human Rights Watch on November 1. Human Rights Watch has incorporated the government's answers into the report body and has also included the entire response in Annex III.

Background

Eighteen months after the heinous crimes that marked the post-election crisis, Côte d'Ivoire continues to be awash with small arms and to suffer from periodic internal and cross-border attacks on both civilian and military targets. These security threats crystallized in a series of attacks on Ivorian military installations in August 2012, following attacks in western Côte d'Ivoire that originated across the border in Liberia. Côte d'Ivoire's neighbors to the east and west—Ghana and Liberia, respectively—have often responded inadequately to the presence in their country of people involved in planning and undertaking these attacks. Cooperation has improved in recent months, however, particularly from Liberia.

Post-Election Crisis

After five years of postponing presidential elections, Ivorians went to the polls on November 28, 2010 to vote in a run-off between incumbent President Laurent Gbagbo and former Prime Minister Alassane Ouattara. After the Independent Electoral Commission announced Ouattara the winner with 54.1 percent of the vote—a result certified by the UN Operation in Côte d'Ivoire (UNOCI) and endorsed by regional bodies and countries around the world—Gbagbo refused to step down.¹ Six months of violence followed, in which at least 3,000 civilians were killed and more than 150 women raped, often in attacks perpetrated along political, ethnic, and religious lines.

During the first three months of the post-election crisis, the vast majority of abuses were carried out by security forces and militia groups under Gbagbo's command.² Pro-Ouattara

¹ The basis of Gbagbo's claim rested with the December 3, 2010 decision of the Constitutional Council, led by Paul Yao N'Dre, a close ally of Gbagbo, to overturn the electoral commission's results and to proclaim Gbagbo the victor. The Council annulled hundreds of thousands of ballots from northern regions, where Ouattara drew significant support, based on alleged voting irregularities. When the UN Special Representative of the Secretary-General for Côte d'Ivoire certified the electoral commission's results, he also "certified that the Constitutional Council's proclamation [that Gbagbo won] was not based on facts." Y.J. Choi, "Statement on the certification of the result of the second round of the presidential election held on 28 November 2010," December 3, 2010. See also Vijay Nambiar, "Dear President Mbeki: The United Nations Helped Save the Ivory Coast," *Foreign Policy*, August 17, 2011.

² Human Rights Watch, *"They Killed Them Like It Was Nothing": The Need for Justice for Côte d'Ivoire's Post-Election Crimes*, October 5, 2011, <http://www.hrw.org/node/102071>. Since at least 2002, the Gbagbo government actively supported militia groups, particularly in Abidjan and in western Côte d'Ivoire. These militia groups were repeatedly implicated in grave crimes against northern Ivorians and West African immigrants. Human Rights Watch, *Trapped Between Two Wars: Violence against Civilians in Western Côte d'Ivoire*, vol. 15, no. 14 (A), August 2003, <http://www.hrw.org/en/reports/2003/08/05/trapped->

forces³ launched a military offensive in March 2011 to take control of the country and, as the crisis shifted to full-scale armed conflict, they were likewise implicated in atrocities. By conflict's end in May 2011, both sides had committed war crimes and likely crimes against humanity, as documented by a UN-mandated international commission of inquiry and human rights organizations.⁴ In August 2012, a national commission of inquiry created by President Ouattara published a report likewise documenting hundreds of summary executions and other crimes by both sides' armed forces.⁵ Yet, in spite of both forces' involvement in atrocities against civilians, Ivorian authorities have so far only charged individuals from the Gbagbo camp with crimes related to the post-election crisis—leading to concerns of victor's justice that will only further the country's politico-ethnic divisions.⁶

By the end of the conflict, several hundred thousand people had fled to Liberia or Ghana, a majority of whom either supported or were from ethnic groups which largely supported Gbagbo during the 2010 election. As of September 2012, more than 60,000 remained in Liberia and thousands more were in Ghana.⁷ Many were refugees who had witnessed or been victim to serious crimes, or had lost their home during the fighting; they fear further abuses by government forces if they return. Others in exile, however, are linked to grave crimes committed by pro-Gbagbo forces during the crisis. The UN Group of Experts on Liberia reported that at least hundreds of pro-Gbagbo militiamen who played an active

between-two-wars; Human Rights Watch, "*Because they have guns ... I'm left with nothing*": *The Price of Continuing Impunity in Côte d'Ivoire*, vol. 18, no. 4 (A), May 25, 2006, <http://www.hrw.org/node/11314>. During the post-election crisis, pro-Gbagbo militia groups played a particularly prominent role—in part because Gbagbo had concerns about the loyalty of much of the military rank-and-file, and in part because he named the longtime head of the Young Patriots militia group, Charles Blé Goudé, as his youth minister. Tens of thousands of youth were engaged as militiamen, many of them supplied with Kalashnikov rifles.

³ President Ouattara signed a decree on March 17, 2011 that created the Republican Forces of Côte d'Ivoire (FRCI, for its French acronym), comprised primarily at the time of members of the *Forces Nouvelles* rebel group.

⁴ Rapport de la Commission d'enquête internationale indépendante sur la Côte d'Ivoire [hereafter "2011 COI report"], U.N. Doc. A/HRC/17/48, June 7, 2011; Human Rights Watch, "*They Killed Them Like It Was Nothing*"; Amnesty International, "*They looked at his identity card and shot him dead*": *Six Months of Post-Electoral Violence in Côte d'Ivoire*, May 2011; Amnesty International, "*We want to go home but we can't*": *Côte d'Ivoire's continuing displacement and insecurity*, July 28, 2011; FIDH, *Côte d'Ivoire: Massacre in Duekoue and serious abuses against the civilian population all over the country*, April 2, 2011; Opération des Nations unies en Côte d'Ivoire Division des Droits de l'Homme, *Rapport sur les violations des droits de l'homme et du droit international humanitaire commises à l'Ouest de la Côte d'Ivoire*, May 10, 2011.

⁵ Commission nationale d'enquête, *Rapport d'enquête sur les violations des droits de l'homme et du droit international humanitaire survenues dans la période du 31 octobre 2010 au 15 mai 2011*, July 2012.

⁶ See Matt Wells, "La CPI doit encore asseoir sa légitimité en Côte d'Ivoire," *Le Monde*, July 19, 2012; Human Rights Watch interviews with representatives from Ivorian civil society, Abidjan, August and September 2012.

⁷ UNHCR, *Refugees in Liberia: Population at a Glance*, available at <http://data.unhcr.org/liberia/regional.php> (accessed September 23, 2012, reporting 63,272 refugees in Liberia as of August 31, 2012).

role in the 2010-2011 violence are among those living in Liberia.⁸ A number of people who occupied civilian and military leadership positions under Gbagbo are in Ghana.⁹ Some of these pro-Gbagbo militants in Ghana and Liberia now appear determined to use a neighboring country as a base to plot and organize attacks into Côte d'Ivoire.¹⁰

Ongoing Security Threats

Sporadic attacks along the Liberian-Ivorian border were initially met with tepid response from authorities on both sides of the border. However, a high-profile cross-border attack in which UN peacekeepers were killed, followed by a string of attacks on military installations in and around Abidjan, demonstrated a sophistication and organization among the attackers and prompted swift, but often draconian, measures from Ivorian authorities.

Between July 2011 and April 2012, more than 40 civilians from typically pro-Ouattara ethnic groups were killed during four cross-border attacks from Liberia into Côte d'Ivoire. Based on interviews on both sides of the border, Human Rights Watch documented how the attackers generally crossed in the night, raided a village in targeting perceived Ouattara supporters, and then moved back into Liberia.¹¹ In April and May 2012, Human Rights Watch interviewed pro-Gbagbo militants in Liberia who admitted to having taken part in these attacks; they also made clear that they were recruiting and mobilizing for additional attacks.¹² On June 8, seven UN peacekeepers from Niger and at least 10 civilians were killed in another cross-border attack, prompting international

⁸ UN Panel of Experts on Liberia, *Final report of the Panel of Experts on Liberia submitted pursuant to paragraph 6 (f) of Security Council resolution 1961 (2010)*, U.N. Doc. S/2011/757, December 7, 2011.

⁹ See André Silver Konan, "Côte d'Ivoire: pro-Gbagbo exiles au Ghana, la revanche dans la peau," *Jeune Afrique*, May 8, 2012; UN Group of Experts on Côte d'Ivoire, *Final report of the Group of Experts submitted in accordance with paragraph 14 of Security Council resolution 1980 (2011)*, U.N. Doc. S/2012/196, April 14, 2012 (noting in paragraph 20 that "[s]ince the end of the post-electoral crisis, numerous Ivorian individuals with close ties to the former Ivorian administration ... are operating from Ghana.").

¹⁰ Konan, "Côte d'Ivoire: pro-Gbagbo exiles au Ghana, la revanche dans la peau," *Jeune Afrique*; Jean-Philippe Rémy, "Paix impossible en Côte d'Ivoire," *Le Monde*, June 14, 2012; UN Group of Experts on Côte d'Ivoire, *Final report of the Group of Experts submitted in accordance with paragraph 14 of Security Council resolution 1980 (2011)* (finding, in paragraph 20, that "attempts by those individuals [in Ghana] to destabilize the new administration of Côte d'Ivoire cannot be ruled out.").

¹¹ "Liberia: Ivorian Government Foes Wage, Plot Attacks," Human Rights Watch news release, June 6, 2012, <http://www.hrw.org/news/2012/06/06/liberia-ivorian-government-foes-wage-plot-attacks>; "Côte d'Ivoire: Second Deadly Attack Near Liberian Border," Human Rights Watch news release, September 21, 2011, <http://www.hrw.org/news/2011/09/21/c-te-d-ivoire-second-deadly-attack-near-liberian-border>.

¹² "Liberia: Ivorian Government Foes Wage, Plot Attacks," Human Rights Watch news release, June 6, 2012.

condemnation and pressure to resolve security threats in the border region.¹³ The Ivorian and Liberian militaries, as well as the UN missions in both countries, reinforced their presence and patrols in the area.¹⁴

Blood remains on the floor of the Akouédo military base, where six Ivorian soldiers were killed during an August 6 raid. Pro-Gbagbo militants were alleged to be responsible, with support from soldiers inside the camp. © SIA KAMBOU/AFP/GettyImages



Soldiers from the Republican Forces patrol Dabou on August 16, 2012, following an attack on an army base, a prison, and a police station the previous night. Progress in security sector reform remains minimal, and many soldiers continue to conduct policing functions. © SIA KAMBOU /AFP / GettyImages



¹³ “U.N. says 7 peacekeepers killed in Ivory Coast,” Associated Press, June 8, 2012; “Analysis: Tracking down Liberia’s mercenaries,” *IRIN*, June 27, 2012, <http://www.irinnews.org/report/95753/Analysis-Tracking-down-Liberia-s-mercenaries> (accessed November 8, 2012); “Ivory Coast Insecurity Grows as Residents Flee Western Attacks,” *Bloomberg*, June 13, 2012.

¹⁴ “Liberia: Strong Action on Justice for Border Attacks,” Human Rights Watch news release, June 19, 2012, <http://www.hrw.org/news/2012/06/19/liberia-strong-action-justice-border-attacks>.

After more than a year of raids confined mostly to Côte d'Ivoire's western border, a string of attacks on military installations throughout the country in early August indicated a broader and more complicated security threat. Early on August 5, a small military post and a police station were attacked in the Abidjan neighborhood of Yopougon. At least five soldiers were killed. Around the same time, a military base in the town of Abengourou, near the Ghanaian border, likewise came under gunfire.¹⁵ One day later, attackers launched their most ambitious assault yet—against one of the largest military camps in Abidjan, known as Akouédo. At least six soldiers were killed, and the attackers made off with a substantial cache of weapons from the camp's armory.¹⁶ The ease with which the attackers entered the camp and had access to the armory made it very likely that there was assistance from soldiers within the camp, a fact widely recognized by government officials, diplomats, UN representatives, journalists, and others in Côte d'Ivoire.¹⁷

Several more attacks against military posts followed in subsequent days, including on August 7 near the town of Agboville, 80 kilometers to the north of Abidjan; on August 13 near Toulepleu, near the Liberian border; and on the night of August 15 in Dabou, some 40 kilometers to the west of Abidjan. A prison was also broken into during the Dabou attack, leading to the evasion of all those detained.¹⁸ Around 20 people, including at least a dozen Ivorian soldiers, were killed during the course of seven August attacks.¹⁹

The wave of attacks led to the re-militarization of Abidjan, with ubiquitous roadblocks and military patrols, particularly in the longtime pro-Gbagbo neighborhood of Yopougon. Concern about further attacks was still palpable when Human Rights Watch arrived on August 25. The tension was further fueled by the hyper-partisan and rumor-filled stories

¹⁵ "Côte d'Ivoire: cinq militaires tués dans deux attaques à Abidjan," Agence France-Presse, August 5, 2012; "10 soldiers killed in two separate attacks in Ivory Coast," *CNN*, August 6, 2012, <http://www.cnn.com/2012/08/06/world/africa/ivory-coast-violence/index.html> (accessed November 8, 2012); "Côte d'Ivoire: Gunfire and fear in Abidjan," *IRIN*, August 10, 2012, <http://www.irinnews.org/Report/96080/COTE-D-IVOIRE-Gunfire-and-fear-in-Abidjan> (accessed November 8, 2012)

¹⁶ "Six dead in pre-dawn raid on Ivory Coast military camp," Reuters, August 6, 2012; "6 soldiers killed in attack in Ivory Coast," Associated Press, August 6, 2012; Baudelaire Mieu, "Côte d'Ivoire: sur la piste des assaillants de la caserne d'Akouédo," *Jeune Afrique*, August 7, 2012.

¹⁷ Human Rights Watch interviews, Abidjan, August and September 2012. See also "Côte d'Ivoire : six morts au moins et plusieurs blessés dans l'attaque d'un camp militaire à Abidjan," *Radio France Interationale*, August 6, 2012, <http://www.rfi.fr/afrique/20120806-cote-ivoire-mort-plusieurs-blesses-attaque-camp-militaire-abidjan> (accessed November 8, 2012); T. Guy, "Attaques d'Akouedo Bert Koenders : « Il y eu a des complicités dans le camp »,» *Le Démocrate* (Abidjan), August 9, 2012.

¹⁸ "Attaque près d'Abidjan, trois civils tués, des dizaines de détenus évadés," Agence France-Presse, August 16, 2012; "Gunmen attack army posts, raid prison in Ivory Coast," Reuters, August 17, 2012.

¹⁹ "Ivory Coast using attacks as pretext for crackdown: opposition," Reuters, August 20, 2012.

common in the Ivorian press. The military presence and fear among the population gradually declined, though continued to exist, during the three weeks Human Rights Watch was in Abidjan.

Immediately after the Akouédo attack, the Ouattara government said that pro-Gbagbo militants were responsible. Interior Minister Hamed Bakayoko indicated that the attacks in Abidjan and the attacks in western Côte d'Ivoire, such as the one during which the UN peacekeepers were killed, were linked—with oversight and organization by hard-line Gbagbo supporters currently in Ghana.²⁰ The leadership in Côte d'Ivoire of Gbagbo's Ivorian Popular Front (FPI) denied the accusations and denounced the August attacks.²¹ Several analysts suggested that the August attacks could be linked to discontent among the tens of thousands of youth who fought with pro-Ouattara forces during the crisis, retain their guns, and now feel forgotten as disarmament, demobilization, and reinsertion (DDR) creeps forward at a snail's pace.²² Analysts positing this theory, however, generally saw pro-Gbagbo militants as the more likely attackers, or saw the two potentially destabilizing issues occurring simultaneously.²³

Although the precise details of the August attacks remain unclear, Human Rights Watch has documented clear connections between pro-Gbagbo militants in Liberia and Ghana—and coordinated efforts to plan and carry out attacks in Côte d'Ivoire.²⁴ The UN Group of Experts on Côte d'Ivoire reported similarly in an October 15, 2012 report, stating that “military actions that have been conducted since early 2012 in Côte d'Ivoire were planned in Ghanaian territory, funds were transferred from Ghana to Liberia (physically or via bank transfers) and recruitment took place in Liberia.”²⁵ Among those against whom there is

²⁰ “Des pro-Gbagbo responsables des attaques meurtrières d'Abidjan (ministre),” Agence France-Presse, August 7, 2012; Lacin Ouattara, “Après les attaques de Yopougon et d'Akouédo : Hamed Bakayoko fait des révélations et rassure,” *Le Patriote* (Abidjan), August 9, 2012, <http://news.abidjan.net/h/438601.html>.

²¹ “Côte d'Ivoire: le parti de Gbagbo condamne la vague de violence à Abidjan,” Agence France-Presse, August 8, 2012; S. Débailly, “Accusation portée contre les pro-Gbagbo / Koua Justin réplique : ‘Les séquestrations et les intimidations nous confortent dans notre combat’,” *l'Intelligent d'Abidjan*, August 13, 2012.

²² Baudelaire Mieu, “Côte d'Ivoire: sur la piste des assailants de la caserne d'Akouédo,” *Jeune Afrique*, August 7, 2012; “A year after crisis, aftershocks rock Ivory Coast,” Associated Press, August 20, 2012; Robbie Corey-Boulet, “Cote d'Ivoire: A Reluctant Farewell to Arms,” September 22, 2012, Inter Press Service, <http://www.ipsnews.net/2012/09/reluctant-farewell-to-arms-in-cote-divoire/>.

²³ Baudelaire Mieu, “Côte d'Ivoire: sur la piste des assailants de la caserne d'Akouédo,” *Jeune Afrique*, August 7, 2012; “A year after crisis, aftershocks rock Ivory Coast,” Associated Press, August 20, 2012.

²⁴ “Liberia: Ivorian Government Foes Wage, Plot Attacks,” Human Rights Watch news release, June 6, 2012.

²⁵ UN Group of Experts on Côte d'Ivoire, *Midterm report prepared in accordance with paragraph 16 of Security Council resolution 2045 (2012)*, UN Doc. S/2012/766, October 15, 2012, para. 38.

credible evidence of involvement in financing or planning attacks are a number of military and civilian leaders from the Gbagbo regime who are subject to Ivorian and international arrest warrants, as well as European Union sanctions.²⁶ Yet, until the August attacks, most appeared to live in neighboring countries, particularly Ghana, without fear of arrest and extradition to Côte d'Ivoire.

Liberian, Ghanaian Response

For more than a year after the end of the post-election crisis, Liberian authorities were slow and ineffective in responding to the flood of pro-Gbagbo militiamen and Liberian mercenaries—many implicated in grave crimes—who crossed into Liberia. Several high-profile Liberian mercenaries responsible for serious international crimes during Côte d'Ivoire's post-election crisis were quietly released after an initial arrest, and the militants steadily recruited and mobilized along the border without effective response from Liberian authorities.²⁷ After the June 8 attack, however, Liberian authorities took steps toward monitoring their territory and finding those suspected of involvement in cross-border attacks against civilians. On June 14, Liberia's information minister announced that the country's National Security Council had ordered the arrest of 10 Liberians and Ivorians potentially connected to attacks along the Liberian-Ivorian border. Liberian authorities also announced the closure of its border with Côte d'Ivoire, the deployment of additional military forces to the area, and the suspension of artisanal gold mining near the border due to its possible role in funding armed groups.²⁸ A hearing was held that led to the June 23 extradition of 41 Ivorians detained in Liberia in connection with post-election crimes in Côte d'Ivoire.²⁹

In July, Liberian authorities made additional arrests related to the UN peacekeeper attack. On August 30, seven of those arrested appeared before a Monrovia court to hear charges

²⁶ Human Rights Watch interviews with diplomats, Ivorian government officials, and UN representatives, Abidjan, September 2012. For the European Union sanctions list, see Council of the European Union, Council Implementing Regulation (EU) No 193/2012 of 8 March 2012 implementing Regulation (EC) No 560/2005 imposing certain specific restrictive measures directed against certain persons and entities in view of the situation in Côte d'Ivoire (hereinafter EU sanctions list), available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32012R0193:EN:NOT> (accessed September 23, 2012).

²⁷ "Liberia: Ivorian Government Foes Wage, Plot Attacks," Human Rights Watch news release, June 6, 2012; UN Panel of Experts on Liberia, *Final report of the Panel of Experts on Liberia submitted pursuant to paragraph 6 (f) of Security Council resolution 1961 (2010)*.

²⁸ "Liberia: Strong Action on Justice for Border Attacks," Human Rights Watch news release, June 19, 2012.

²⁹ "Liberia to extradite Ivorian mercenary suspects," Reuters, June 22, 2012; "Liberia extradites 41 unrest suspects to I.Coast," Agence France-Presse, June 23, 2012.

against them related to cross-border attacks.³⁰ Then on October 18, Liberian authorities announced the arrest of Bobby Sarpee, whose name was referenced as involved in recruitment and attacks by people interviewed by Human Rights Watch along the border in April and May.³¹ Liberian President Ellen Johnson-Sirleaf met with President Ouattara in Abidjan the same day, and the two signed an agreement that pledged, among other things, joint military action along the border before the end of 2012.³² In Human Rights Watch's meetings with Ivorian government officials in Abidjan, there was generally praise for the current cooperation between Liberian and Ivorian authorities in responding to the border threats.³³

Human Rights Watch remains concerned about Liberian authorities' inability or unwillingness to prosecute several Liberian mercenaries who have been implicated in serious international crimes in Côte d'Ivoire.³⁴ Key among this group is Isaac Chegbo, better known as "Bob Marley," who was released on bail in February 2012 without the knowledge of the prosecutor in charge of the case.³⁵ No progress in prosecuting the case is apparent, despite, as reported by a UN Panel of Experts, that Chegbo admitted to Liberian authorities that he had been involved in mercenary activities in Côte d'Ivoire—a serious crime under Liberian law.³⁶ During the post-election crisis, forces under Chegbo's command were involved in at least two massacres in western Côte d'Ivoire in which more than 100 people were killed on the basis of the ethnicity or nationality.³⁷ After Chegbo was granted bail, the UN Panel of Experts on Liberia reported receiving information "that

³⁰ "Several Persons Arrested in Connection with 'Mercenarism,'" *Heritage* (Liberia), August 31, 2012; Kennedy L. Yangian, "Witch Hunt in Liberia: 7 Grand Gedeans Implicated in Ivorian Crisis Tells Court," *Front Page Africa*, August 30, 2012.

³¹ "Ivory Coast, Liberia plan joint military operation on border," Reuters, October 18, 2012; "Liberia: arrestation d'un chef de guerre impliqué dans des violences en Côte d'Ivoire," Agence France-Presse, October 18, 2012.

³² "Ivory Coast, Liberia plan joint military operation on border," Reuters, October 18, 2012; "Frontière ivoiro-libérienne: manoeuvres militaires d'ici fin 2012 (officiel)," Agence France-Presse, October 18, 2012.

³³ Human Rights Watch interviews with Gnénéma Coulibaly, minister of human rights and public liberties, Abidjan, September 7, 2012; and with high-level official in the justice ministry, Abidjan, September 11, 2012.

³⁴ "Liberia: Ivorian Government Foes Wage, Plot Attacks," Human Rights Watch news release, June 6, 2012.

³⁵ "Liberian authorities release mercenary on bail," Associated Press, April 17, 2012; UN Panel of Experts on Liberia, *Final report of the Panel of Experts on Liberia submitted pursuant to paragraph 6 (f) of Security Council resolution 1961 (2010)*, para. 63.

³⁶ UN Panel of Experts on Liberia, *Final report of the Panel of Experts on Liberia submitted pursuant to paragraph 6 (f) of Security Council resolution 1961 (2010)*, para. 62-63. Mercenarism is an "egregious domestic crime" under Liberia's Penal Code. Government of Liberia, *New Penal Code of Liberia*, §11.13: Mercenarism.

³⁷ Human Rights Watch, *"They Killed Them Like It Was Nothing"*, pp. 59-64.

Chegbo attended meetings among Liberian mercenaries in Grand Gedeh County ... to discuss and plan cross-border attacks into Côte d'Ivoire."³⁸

The praise for Liberian authorities was in marked contrast to the frustration Ivorian officials expressed for the lack of cooperation from the Ghanaian government. Many key civilian and military leaders close to Gbagbo—along with at least hundreds of pro-Gbagbo militiamen and soldiers—crossed into Ghana at the end of the post-election crisis. By mid-2011, Ivorian authorities had issued around two dozen international arrest warrants, most of them against individuals believed to be in Ghana.³⁹ Many of those subject to an extradition request were credibly implicated in grave crimes during the post-election crisis; seven remain on the European Union's financial sanctions list, in part for their alleged continued threat to Côte d'Ivoire's stability.⁴⁰ Yet prior to the August 2012 attacks in Côte d'Ivoire, Ghanaian authorities had not acted on any of the warrants. Togo extradited one of Gbagbo's former defense ministers, Moïse Lida Kouassi, in June 2012.⁴¹

After the attacks in Côte d'Ivoire in early August, there were signs of better cooperation from Ghana. The attacks closely followed the July 24 death of Ghanaian President John Atta Mills, who was widely seen as close to Gbagbo and protective of Gbagbo's allies who crossed into Ghana. On August 24, Ghanaian authorities arrested Justin Koné Katinan, Gbagbo's budget minister during the crisis, after he returned from South Africa.⁴² Katinan's arrest warrant originally related to economic crimes committed during the post-election crisis.⁴³ Ivorian officials also believe he is involved in financing efforts to attack and

³⁸ UN Panel of Experts on Liberia, *Final report of the Panel of Experts on Liberia submitted pursuant to paragraph 6 (f) of Security Council resolution 1961 (2010)*, para. 63. See also UN Panel of Experts on Côte d'Ivoire, *Midterm report prepared in accordance with paragraph 16 of Security Council resolution 2045 (2012)*, para. 42 ("The Group understands that several Ivorian and Liberian field commanders, known as "Generals", are actually mobilizing elements and training recruits and have been involved in current military operations. Among these commanders, the Group already identified Isaac Chegbo (alias Bob Marley), Oulai Tako Anderson (alias Tarzan de l'Ouest), Gouhian Mompoho Julien (alias Colombo), Augustin Vlayee (alias Bushdog), Jefferson Gbarjolo (alias Iron Jacket), Bobby Sarpee and Moses Juru."). In its June 2012 report, Human Rights Watch also named Augustin Vlayee and Oulai Tako as leaders of recruitment for attacks into Côte d'Ivoire.

³⁹ "Ivory Coast closes frontier with Ghana over border attack," Reuters, September 21, 2012.

⁴⁰ EU sanctions list, Annex II.

⁴¹ "Ivory Coast: Ex-President Gbagbo ally Kouassi arrested," *BBC News Online*, June 7, 2012.

⁴² "Ghana arrests three in suspected Ivory Coast coup plot," Reuters, September 17, 2012.

⁴³ "Ivory Coast ex-president's spokesman arrested," Agence France-Presse, August 25, 2012. Ivorian authorities added charges related to two murders during the post-election crisis, but a Ghanaian judge dismissed these charges on October 24. "Ghana judge sets one-week deadline in I.Coast case," Agence France-Presse, October 17, 2012; "Ghana frees ally of ex-Ivory Coast leader, drops murder charge," Reuters, October 24, 2012.

destabilize in Côte d'Ivoire.⁴⁴ Katinan's extradition hearing in Ghana has been repeatedly delayed.⁴⁵

During a visit to Côte d'Ivoire in early September, interim President John Mahama, who took power after President Atta Mills' death, promised that Ghana would not serve as a "rear base" for threats to Côte d'Ivoire's security.⁴⁶ On September 14, Ghanaian authorities arrested three men attempting to buy weapons who, according to a deputy police commissioner cited by Reuters, "admitted they were mobilizing arms to overthrow" the Ouattara government.⁴⁷

Only one week later, early on September 21, armed men appear to have crossed from Ghana into Côte d'Ivoire to carry out an attack on an Ivorian military post in Noé, near the Ghanaian border.⁴⁸ The night before, two new attacks had been launched in the Abidjan neighborhoods of Port-Bouët and Vridi, with three people killed.⁴⁹ The Ivorian government responded to the Noé attack by closing its land, air, and sea borders with Ghana,⁵⁰ though quickly reopened air traffic.⁵¹ Land and sea borders reopened on October 8.⁵²

A new round of seemingly coordinated attacks occurred early in the morning of October 15, when armed men near simultaneously attacked an electrical power station in Yopougon and a police station and gendarmerie in Bonoua, a town around 60 kilometers to the east of Abidjan.⁵³

⁴⁴ Human Rights Watch interviews with high-level Ivorian government officials, Abidjan, September 2012.

⁴⁵ "Ghana court frees Gbagbo spokesman, new hearing set," Agence France-Presse, October 24, 2012; "Ghana grants bail to spokesman of ex-I. Coast leader," Agence France-Presse, September 25, 2012.

⁴⁶ "Ghana arrests three men 'planning coup' in I. Coast," Agence France-Presse, September 18, 2012. Presidential elections will be held in Ghana on December 7, 2012.

⁴⁷ "Ghana arrests three in suspected Ivory Coast coup plot," Reuters, September 17, 2012. See also "Ghana : arrestation de trois hommes 'planifiant un coup d'Etat' en Côte d'Ivoire (police)," Agence France-Presse, September 18, 2012.

⁴⁸ "Ivory Coast closes frontier with Ghana over border attack," Reuters, September 21, 2012.

⁴⁹ Ibid.

⁵⁰ Ibid. See also "Ivory Coast closes Ghana border after deadly attack," *BBC News Online*, September 21, 2012, <http://www.bbc.co.uk/news/world-africa-19683708> (accessed November 8, 2012).

⁵¹ "Ivory Coast to reopen air space with Ghana," *BBC News Online*, September 23, 2012, <http://www.bbc.co.uk/news/world-africa-19696977> (accessed November 8, 2012).

⁵² "Ivory Coast reopens Ghana land and sea borders," *BBC News Online*, October 8, 2012, <http://www.bbc.co.uk/news/world-africa-19867303> (accessed November 8, 2012).

⁵³ "Gunmen attack Ivory Coast power stations, security facilities," Reuters, October 15, 2012; "Gunmen attack power plant, police post in Ivory Coast: minister," Agence France-Presse, October 15, 2012.

Better regional cooperation on arrests, prosecution, and extradition is crucial both to provide justice for the grave post-election crimes and to address threats to regional security. It is likewise essential that Ivorian authorities ensure that accountability occurs through fair trials and within the confines of international and Ivorian law. The military's response to the August attacks instead shows that they are resorting to practices akin to those that marred the post-election crisis—namely, human rights abuses that stem from assigning collective guilt to certain ethnic groups, and particularly young males from those ethnic groups, that tend to support Gbagbo.

I. Torture, Mistreatment, Inhuman Conditions at the Adjamé Military Police Camp

Even now, I haven't found myself. I wake up at night and think that I'm still in the cell, that I'm still being questioned and beaten.

—Soldier detained at Adjamé military police camp, August 2012⁵⁴

In the aftermath of the early August attacks, in particular the August 6 attack on the Akouédo military camp, Ivorian security forces arrested hundreds of young men alleged to have been involved in or have knowledge about the attacks. More than 100 of those arrested were detained at the Adjamé military police base, under the command of the former *Forces Nouvelles* commander Koné Zakaria.⁵⁵ The military police was reactivated by President Ouattara in December 2011 and tasked primarily with tracking down “fake” members of the Republican Forces—in effect, fighters who were not to be incorporated into the army but yet remained armed and active in security functions.⁵⁶ While the military police base may have been an appropriate place to question and detain soldiers believed to have been involved in the attacks,⁵⁷ many of those held there were civilians—in contravention of Ivorian and international law.

Human Rights Watch interviewed eight former detainees at the military police camp, five of whom provided detailed evidence suggesting that they had been victims of torture. They described how military personnel subjected them to beatings, flogging, and other extreme forms of physical mistreatment generally with the purpose of demanding answers to questions about the location of guns or alleged suspects, or in order to pressure the detainee to sign a confession of involvement in an attack against state security. Many

⁵⁴ Human Rights Watch interview with ex-FANCI detained at military police camp, Abidjan, September 5, 2012.

⁵⁵ The base is the former military engineer (*génie militaire*) camp.

⁵⁶ Yves-M. Abiet, “Police militaire : Pourquoi le choix de Koné Zakaria est judicieux,” *Le Patriote* (Abidjan), December 23, 2011, <http://news.abidjan.net/h/420826.html>; Hamadou Ziao, “Chasse aux faux FRCI : Une bombe entre les mains de Zakaria,” *l'Inter* (Abidjan), December 23, 2011, <http://news.abidjan.net/h/420813.html>.

⁵⁷ Even for military detainees, the military police base appears to be an improper detention site. Under the Ivorian Code of Military Procedure, military personnel under arrest are to be held “in a secure room in a gendarmerie barracks or in a military prison.” République de Côte d'Ivoire, Loi No. 74-350 du 24 Juillet 1974 relative à l'institution d'un code de procédure militaire (hereinafter Code of Military Procedure), art.55(2) (French original : « *Les militaires qui sont ainsi arrêtés peuvent être déposés dans la chambre de sûreté d'une caserne de Gendarmerie ou dans une prison militaire.* »). As the Adjamé military police base is the former site of the military engineer camp, it is neither a gendarme barracks nor an official military prison.

former detainees described experiencing severe physical injuries, including one who, a week after his release, continued to have blood in his urine from the beatings. They also described seeing other detainees come back to the cell with bruised faces, severe swelling, and open wounds.

Detainees at the military police camp also described suffering grossly inadequate detention conditions, including severe overcrowding, near complete denial of food and water, and humiliating practices like being placed in a room filled with excrement. Many were forced to pay the soldiers guarding them to secure their release.

The former detainees interviewed by Human Rights Watch were all young men from ethnic groups perceived to support Laurent Gbagbo. They described their detention rooms as being full with people from the same ethnic groups, including the Bété, Guéré, Ebrié, Oubi, and Adioukrou—though, if the government is correct in stating that pro-Gbagbo militants carried out the attacks, the ethnic breakdown of detainees is perhaps unsurprising. According to former detainees as well as representatives from international organizations who have monitored the government’s response to the August attacks, some of those arrested were picked up in the immediate aftermath of the specific attacks, as security forces pursued the attackers. Others were arrested based on some measure of evidence, for example a neighbor saying that the person had housed militiamen. Finally, many young men were picked up during mass arrests in areas with a concentration of perceived Gbagbo supporters (the mass arrests will be discussed in Chapter II).

Once in detention at the military police base in Adjamé, many individuals were held for extended periods without being charged or appearing before a judge. Ivorian law stipulates that a civilian should be charged or released within 48 hours of being arrested or detained.⁵⁸ Military personnel are likewise to be brought before the competent judicial authority within 48 hours.⁵⁹ Yet one former detainee at the Adjamé camp was held and routinely beaten for two weeks before being released without charges; another was held and beaten for more than 20 days before being released without charges. Detentions of at least a week without being charged or appearing before a judge were common.

⁵⁸ Code of Criminal Procedure, arts. 63, 76.

⁵⁹ Code of Military Procedure, arts. 55, 57. There is an exception in time of war. *Ibid.*, art. 58(2). However, there is no credible argument that Côte d’Ivoire is in an armed conflict—nor has the government made any formal declaration indicating a belief that it is in an armed conflict.

Human Rights Watch wrote the Ivorian government on October 8 requesting an official response to the main findings from our field work (see Annex I). In responding to a question on prolonged detention without appearing before a judge, Ivorian Minister of Human Rights and Public Liberties Gnénéma Coulibaly wrote:

The slowness documented in the judicial procedures predates the current government. For several decades there has been an obstruction of the courts, too much rigidity in the Penal Code in the face of evolutions in Ivorian society, and, above all, a lack of resources given to judges—all of which has made it difficult, at present, to strictly respect the period for appearing before a judge for all detainees.

Moreover, the gravity of the crimes that those arrested have been implicated in demands that the investigations are done thoroughly, which requires some time.⁶⁰

Human Rights Watch agrees that previous governments in Côte d'Ivoire likewise failed to respect Ivorian and international human rights law regarding detainees' right to a prompt appearance before a judge in order to hear the charges against them. However, abuses that occurred under the Gbagbo government should be avoided, not replicated, in restoring the rule of law. The minister's response also seems to overstate the difficulty of meeting this requirement. It does not demand a trial within 48 hours, but merely that there should be sufficient evidence to keep a person in detention and that the person be informed of the charges against him or her. People are innocent until proven guilty under Ivorian and human rights law, and should not be held in confinement when authorities are unable to gather sufficient evidence linking the person to a crime grave enough to warrant pre-trial detention. The apparent lack of individualized evidence that authorities relied on during the mass roundups makes this all the more urgent.

Mr. Coulibaly also responded to a question on the legal basis for detaining civilians in military camps, including the Adjamé military police camp and two other military camps discussed in Chapter II of this report. The minister justified the practice in part on account

⁶⁰ Letter from Gnénéma Coulibaly, minister of human rights and public liberties, to Human Rights Watch, November 1, 2012.

of prison escapes that had occurred at two of the main prison facilities in and around Abidjan prior to and during the period of the August attacks. He continued:

In the face of these events, although the law states that preventative detentions are to occur in prisons, it was inconceivable to detain individuals suspected of involvement in attacks against state security without taking a minimum of precautions. The military sites were at that point the most secure places to avoid likely escapes.

In addition, it is important to note that we are not speaking of ordinary citizens, but combatants and militiamen who do not hesitate to kill Ivorian soldiers in cold blood. Whatever the cause, the Ivorian government is working to find solutions to these problems by renovating the prisons.⁶¹

Human Rights Watch welcomes the government's commitment to renovate the prisons and use them as the sole detention sites going forward, as stipulated under Ivorian law. However, Human Rights Watch is concerned with the rest of the government's response to the question on detaining civilians in military camps. Although a serious security threat may exist, this is not a situation of armed conflict and international humanitarian law does not apply—meaning that normal rules on the use of force in policing situations apply, and the attackers cannot be considered “combatants” under humanitarian law.

Moreover, as described above and detailed more fully in the next chapter, the vast majority of individuals detained were arrested in mass sweeps—neither in hot pursuit after attacks nor on the basis of individualized suspicion connecting a person to specific attacks. Human Rights Watch is concerned by the government's apparent characterization of all the dozens of young men rounded up en masse in August as combatants or militiamen. This characterization supports the contention of pro-Gbagbo youth that they are treated as guilty, or as militiamen, until proven otherwise, rather than the other way around.

Regarding the minister's assertion that prison escapes made military camps necessary as detention sites, it is disingenuous at best to pretend that all of those detained in August were high-profile suspects. The vast majority of former detainees interviewed by Human

⁶¹ Letter from Gnénéma Coulibaly, minister of human rights and public liberties, to Human Rights Watch, November 1, 2012.

Rights Watch merely belonged to ethnic groups perceived as pro-Gbagbo and found themselves in the wrong place—namely Yopougon neighborhood—at the wrong time. The fact that hundreds of these young men were released further calls into question the minister’s statement that it was “inconceivable” to hold them in legally authorized detention sites. For those detained less than 48 hours, police or gendarme stations would have worked adequately; for those detained longer, the main Abidjan prison continued to house detainees during this period. More fundamentally, the military has no role under Ivorian law in arresting, questioning, or detaining civilians.

Torture and Inhuman Treatment

Of particular concern at the Adjamé military police base was the physical mistreatment of detainees that, in some cases, appeared to reach the level of torture. Torture is defined under the Convention against Torture as:

any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed ... when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.⁶²

In the cases documented by Human Rights Watch, severe physical pain appeared to be inflicted by state agents, namely military personnel, in order to pressure people into a confession or to divulge information about the location of weapons. Torture did not appear to be systematic, as other detainees described only minimal physical abuse. However, the cases documented by Human Rights Watch raise concerns about the total number of potential victims.

Three of the five torture victims interviewed by Human Rights Watch were civilians who, according to Ivorian and international law, should not be detained at the military camp. A

⁶² Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment art. 1(1), G.A. res. 39/46, annex, 39 U.N. GAOR Supp. (No. 51) at 197, U.N. Doc. A/39/51 (1984), *entered into force* June 26, 1987, ratified by Côte d’Ivoire December 18, 1995.

36-year-old civilian described his arrest and detention at the Adjamé military camp, which included the infliction of severe physical pain in an attempt to extract information:

Several weeks ago [around August 20], I was leaving Adzopé around 7:30 p.m. It was too late to take a minibus, so I got aboard a big [commercial transport] truck. When passing through the corridor of Anyama to enter N'Dotré, the FRCI had a checkpoint there and stopped the truck. They said that I was a militiaman, that's why I was in a transport truck and not a minibus or *Gbaka*. They immediately started hitting me, saying that I was hiding a gun.... They put me in a 4x4 and took me to the Adjamé military base, [Koné] Zakaria's [the head of the military police] base. They put me in a cell there. There were four rooms that I saw where they were holding people, but it's a big camp, there could have been other cells. We were about 20 in each of those cells....

I was there for a week, and they questioned me every day but the last one. Each day they pulled me out and took me to another room for questioning. They would say, "We know you're a militiaman, and that you're hiding guns in the bush. You're trying to destroy the country. Where are your guns?" They'd demand this over and over, "Where are your guns hidden?" And when I'd say that I didn't know, that I didn't have any guns, they'd strike me. They'd strike me over and over, hard. "Where are the guns?" "I don't own a gun, I've never held a gun." Whack! They'd wrap their belt around their hand and hit me in the head, the face, the side. The metal [ring] of the belt was on the end they hit you with, [I think] to inflict the most pain. It wore me out.... I had a lot of wounds, from when they'd strike you just right with the metal ring. Other people in my cell also had wounds—people would come back with swollen faces, bleeding from open wounds. The interrogations would last about 30 minutes, and after enough times of saying you didn't know anything, and getting hit, they'd take you back to the cell.

After a week of beating me, they said that I had to pay 100,000 CFA (\$200) or I would be sent elsewhere and killed. I used one of their phones to call my parents, who brought the money to get me out.⁶³

Another civilian detainee informed Human Rights Watch that he suffered similar physical mistreatment as his military interrogators demanded he provide information about the whereabouts of specific individuals the interrogators alleged to have been involved in carrying out or supporting the attacks. He also described hearing fellow detainees scream out in pain from nearby interrogation rooms, wondering if others suffered even worse cruelty.⁶⁴

Two of the torture victims interviewed by Human Rights Watch were soldiers still formally in the Ivorian military, but who were from typically pro-Gbagbo ethnic groups and had remained in Gbagbo's security forces (often called ex-FANCI, for the former army name, *Forces Armées Nationales de Côte d'Ivoire*) during the post-election crisis. Both were arrested within two days of the Akouédo attack. Although specific details have been omitted to protect his identity, one such soldier, who appeared severely distressed when interviewed by Human Rights Watch several days after his release, described:

I was beaten repeatedly. They were trying to get me to sign a confession, saying that I [had played a role in the attacks]. They would put the paper in front of me, telling me to sign it. And when I refused, they'd beat me. They beat me with clubs, with their belts, with fists.... A couple days they were particularly rough. During one questioning, one guy took the back of his Kalash[nikov] and kept slamming it into my [leg bone]. It hurt so bad that I thought it was broken.... A couple of them would say things like, "You the old military men, we're going to be finished with all of you."

We were held in a little building inside the camp without any light. There was just a small hole we could see out. People were sleeping on top of each other, or sitting up because there wasn't room.... We got a small thing of bread every two days. And they would toss in a couple one-and-a-half liter

⁶³ Human Rights Watch interview with 36-year-old former detainee at military police camp, Abidjan, September 3, 2012.

⁶⁴ Human Rights Watch interview with 31-year-old former detainee at military police camp, Abidjan, September 3, 2012.

bottles of water, and all of us in the room—at least 50 people—would have to share it. We got so hungry and thirsty.... One day we saw the Red Cross come. We could see their people, but they weren't allowed to speak to us.

Later it was the gendarmes who questioned me. They didn't rough you up like [the FRCI], they just asked questions. [I think] they decided I wasn't involved, because the questioning stopped after a couple days with them. But I did more than three weeks in detention before being released.

I became delirious from the beatings, the lack of food and water.... Even now, I haven't found myself. I wake up at night and think that I'm still in the cell, that I'm still being questioned and beaten. I bleed sometimes when I [go to the bathroom]. And the worst wounds are inside, in my head.... I don't know what to do, I'm free now, but I feel like I could be picked up again at any moment. All of us who aren't ex-FN [*Forces Nouvelles*], who are from certain [perceived pro-Gbagbo] ethnic groups, that's who they're going after. They don't trust us.⁶⁵

Of those detained in the same ad hoc cell as the soldier, he said there were both civilians and military men—but that the civilians were more numerous than the military. He indicated that some people were taken out for questioning more than others and that he was one of the most frequently questioned. He described other detainees coming back after questioning with bruised faces, swelling throughout their body, and in extreme pain.⁶⁶

Another soldier who had been in Gbagbo's military during the war described similar physical mistreatment following his arrest in the days after the Akouédo attack. Moreover, he said that during several interrogations the military police in charge of his questioning threatened to rape and kill his wife if he did not confess to supporting those trying to attack Côte d'Ivoire. He was ultimately released after more than 10 days in detention.⁶⁷

⁶⁵ Human Rights Watch interview with ex-FANCI detained at military police camp, Abidjan, September 5, 2012.

⁶⁶ Ibid.

⁶⁷ Human Rights Watch interview with ex-FANCI detained at military police camp, Abidjan, September 6, 2012.

In addition to the severe physical abuse, several detainees described inhuman and degrading conditions of confinement. A civilian described how soldiers used a specific cell to further punish certain detainees:

One of the cells was used for people to piss and shit. It was the only room with a hole for a toilet, but there were so many of us that soon the whole room was just covered with urine and shit. One day, I guess [the soldiers who interrogated me] decided they didn't like my answers. I think it was the second day. At the end of questioning, they put me in the toilet room; there were a couple other people in there already. The smell was horrible, and I had open wounds from being beaten. You couldn't sit anywhere without being in [excrement].... They did this to people every day, it only happened to me once. If they weren't happy with your answers, or thought you were acting up, they threw you in the shit room for hours, sometimes all night.... By the time I was released, I'd developed these skin infections [seen by Human Rights Watch, though the cause could not be confirmed] on my arm and leg.⁶⁸

Human Rights Watch also interviewed several family members of people who had been held at the Adjamé military camp prior to a transfer to another detention facility. The family members had been able to speak with the detainee at a new facility (either the Plateau police station or the main Abidjan prison, known as MACA), and reported descriptions of severe physical abuse prior to the transfer.⁶⁹ A sister who had recently visited her brother at the MACA reported that he remained bruised and swollen in the face, saying he described being struck repeatedly above the ear with the back of soldiers' guns. She told Human Rights Watch that her brother had spent several days at the MACA infirmary to recover from his mistreatment.⁷⁰ Human Rights Watch was not able to interview the victim directly to confirm the story of abuse and where it took place, as he remained in detention.

Other detainees at the military police camp did not report torture. Human Rights Watch interviewed three former detainees at the military camp who described experiencing only

⁶⁸ Human Rights Watch interview with 29-year-old former detainee at military police camp, Abidjan, September 5, 2012.

⁶⁹ Human Rights Watch interviews with sister and aunt of person still in detention related to Akouédo attack, Abidjan, August 29, 2012; and with mother of person still in detention related to Akouédo attack, Abidjan, August 30, 2012.

⁷⁰ Human Rights Watch interview with sister and aunt of person still in detention related to Akouédo attack, Abidjan, August 29, 2012.

minimal physical abuse. They were forced to pay money for their release, similar to what is described in the following chapter on mass arrests.

The commander of the military police and the military camp in Adjamé is Koné Zakaria—a longtime *Forces Nouvelles* commander and one of the most powerful military leaders in Côte d’Ivoire. None of the former detainees interviewed by Human Rights Watch said that Zakaria himself was involved in his mistreatment. Only one of the detainees said that they ever saw Zakaria personally at the camp, and it was through an eyehole in the detainee’s cell.⁷¹ However, even if not directly overseeing torture and other inhuman treatment at the Adjamé military camp, Zakaria is the commander in charge of the camp and of the soldiers in his military police unit who are based at the camp. Moreover, given the large number of detainees held at his camp, the length of some people’s detention there, and the pervasive nature of the abuses, it is likely that Zakaria knew or should have known about the mistreatment. Military commanders have a responsibility to take reasonable and necessary steps to prevent abuses by those under their command and to punish those responsible for abuses.⁷²

In addition, Human Rights Watch received credible information about recent cases of torture against detainees held in a Republican Forces military base in San Pedro, a town in southwestern Côte d’Ivoire about 350 kilometers from Abidjan.⁷³ On October 4, the Associated Press reported that soldiers at the San Pedro military camp had subjected at least four civilian detainees to electric shock, finding that “long wires were attached to their feet, midsections and necks before electrical shocks were administered.”⁷⁴ The

⁷¹ Human Rights Watch interview with ex-FANCI detained at military police camp, Abidjan, September 5, 2012.

⁷² General Comment no. 2 to the Convention against Torture outlines an obligation on commanders similar to that which exists under the Rome Statute. It states: “At the same time, those exercising superior authority—including public officials—cannot avoid accountability or escape criminal responsibility for torture or ill-treatment committed by subordinates where they knew or should have known that such impermissible conduct was, or was likely, to occur, and they took no reasonable and necessary preventive measures. The Committee considers it essential that the responsibility of any superior officials whether for direct instigation or encouragement of torture or ill-treatment or for consent or acquiescence therein- be fully investigated through competent, independent and impartial prosecutorial and judicial authorities.” Committee Against Torture, General Comment 2, Implementation of article 2 by States Parties, U.N. Doc. CAT/C/GC/2/CRP. 1/Rev.4 (2007).

⁷³ Human Rights Watch interview with representative of an international organization, Abidjan, September 6, 2012; and telephone interview with Ivorian journalist, San Pedro, September 24, 2012. There were strong rumors in August 2012 that San Pedro was a potential target for a larger-scale attack by pro-Gbagbo militants.

⁷⁴ “Ivory Coast: Ex-detainees describe torture by military following roundup after attacks,” Associated Press, October 4, 2012.

Associated Press described the beating of detainees and inhuman conditions more generally in the camp.⁷⁵

As a State Party to the Convention against Torture, Côte d'Ivoire has a responsibility to take all necessary measures to prevent torture within its territory.⁷⁶ The Convention makes clear that “[n]o exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture.”⁷⁷

Minister Coulibaly’s response to Human Rights Watch addressed the findings of torture:

In regards to the allegations of torture, be assured that the authors of these crimes, if they are identified, will be brought to justice.... President Ouattara has never wavered in affirming his strong will to fight against impunity, and this has been seen in recent days with the investigation into soldiers in the Republican Forces suspected of having participated in the killings that happened at Nahibly [an internally displaced camp outside Duékoué] in July.⁷⁸

Human Rights Watch appreciates the government’s commitment to ensure justice for victims of torture and welcomes recent progress toward prosecutions for murders committed during the Nahibly camp attack in July.⁷⁹ The reality remains, however, that there has been minimal progress in addressing impunity among the Republican Forces, particularly at the command level. No member of the Republican Forces has been arrested

⁷⁵ Ibid.

⁷⁶ Convention against Torture, art. 2(1).

⁷⁷ Ibid., art. 2(2).

⁷⁸ Letter from Gnénéma Coulibaly, minister of human rights and public liberties, to Human Rights Watch, November 1, 2012.

⁷⁹ On July 20, at least seven people at an internally displaced persons camp in western Côte d'Ivoire were killed, with allegations of involvement by members of the Republican Forces and allied militia groups, including the Dozos. Those at the camp were from ethnic groups that tended to support Gbagbo. The camp was largely burned to the ground, displacing around 5,000 people who lived there, still afraid to return home after the post-election crisis. The attack on Nahibly was believed to have been in part an act of vengeance for a robbery the night before in which five people from typically pro-Ouattara ethnic groups were killed, with accusations that people from the camp were involved. See “At least seven dead in attack on civilian camp in Ivory Coast,” Reuters, July 20, 2012. On October 11, six bodies were exhumed from a well in Duékoué, believed to be additional victims from the Nahibly camp attack. “Six corps retirés d’un puits à Duékoué, dans l’Ouest ivoirien,” Agence France-Presse, October 11, 2012. See also International Federation for Human Rights (FIDH), *Ivory Coast : Justice to combat human rights violations and insecurity*, November 2, 2012, <http://www.fidh.org/Ivory-Coast-Justice-to-combat-12371> (accessed November 8, 2012).

for crimes committed during the post-election violence, and soldiers and commanders implicated in serious crimes in response to the August attacks appear to have been similarly protected from accountability. For the Ivorian government to fulfill its promise to fight against impunity, credible investigations and prosecutions for human rights abuses must become the norm—rather than for isolated incidents.

II. Mass Arbitrary Arrests, Illegal Detention, and Extortion

How does the government expect reconciliation when the FRCI steal from us, treat us all with suspicion, [and] do daily mass arrests?

—Pro-Gbagbo youth arbitrarily arrested in Yopougon and detained at the BAE camp, August

2012⁸⁰

Although arbitrary arrests occurred in June 2012 after the Ivorian government said it had thwarted a coup d'état attempt, the August 6 attack on Akouédo precipitated a crackdown unlike any since the end of the post-election crisis. A diplomat from a key partner to Côte d'Ivoire told Human Rights Watch that there were deep concerns about how Ivorian authorities had framed the issue: "The language they use is very concerning: 'eradication,' 'terrorism,' 'clean the country up'. They're so convinced they're right [about the nature of the threat and the extent of grassroots involvement] ... that they've decided to put reconciliation aside."⁸¹

Human Rights Watch interviewed 31 people picked up in mass arrests between August 7 and September 11 in Yopougon and around Dabou, and their statements indicated that hundreds more had been similarly arrested and detained. In the vast majority of cases, the security forces did not present any specific reason as to why the person was being arrested, much less an arrest warrant. Rather, the security forces—primarily the military—arrived in typically pro-Gbagbo areas and forced young men en masse to board military trucks in which they were shuttled to detention sites.

The overwhelming majority of those interviewed by Human Rights Watch were civilians detained at military bases—particularly the Yopougon BAE base, the Dabou military camp, and the Adjamé base of the military police, discussed in the previous section. In some cases, the arrests, though done without any individual statement of reasons for the arrest, let alone the filing of charges, appeared to be tangentially related to security: once in

⁸⁰ Human Rights Watch interview with 29-year-old former detainee at BAE camp, Abidjan, September 1, 2012.

⁸¹ Human Rights Watch interview with diplomat, Abidjan, September 2012. In one of several disturbing ways that recent Ivorian history appears to be repeating, the former government of Laurent Gbagbo similarly used the language of "terrorism" after the attempted coup d'état in September 2002 and during the early years of the *Forces Nouvelles* rebellion. International Crisis Group, *Côte d'Ivoire: "The War Is Not Yet Over,"* pp. 4, 13, November 2003, <http://www.crisisgroup.org/en/regions/africa/west-africa/cote-divoire/072-cotedivoire-the-war-is-not-yet-over.aspx>.

detention, members of the Republican Forces (FRCI) demanded the location of guns or militia leaders and took detainees' fingerprints or picture. In other cases, the arrests appeared to be little more than an extortion scheme: many interviewed by Human Rights Watch said they were never asked questions, even their name. Whether questioned or not, the way to be released was consistent: meet the FRCI's demand and pay an often substantial sum of money.

None of those interviewed who were detained after mass arrests ever appeared before a judge, despite the requirement under Ivorian law that an individual appear within 48 hours. Many were in illegal detention at military camps for between three and six days.

The majority of those interviewed by Human Rights Watch suffered physical abuse at the hands of the Republican Forces at the moment of the arrest, while in detention, or both. While in these cases of mass arrest such treatment generally did not reach the level of torture, it often met the definition of cruel and inhuman treatment.

The worst and most recurrent abuses documented by Human Rights Watch linked to mass arrests occurred under the command of Ousmane Coulibaly, known as "Bin Laden," the officer then in charge of the BAE camp in Yopougon Gesco. There, Yopougon residents and former detainees described near-daily illegal detentions, abusive treatment, and extortion during the month of August. In addition, Coulibaly was in charge of overseeing the response to the August 15 attack in Dabou—a response likewise plagued by mass arbitrary arrests and extortion of detainees to obtain their release. Human Rights Watch continued to document new rounds of arbitrary arrests in Dabou through September 11, two days before the researcher left Côte d'Ivoire.

Article 9 of the ICCPR forbids arbitrary arrests and detentions, requiring that "[a]nyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him."⁸² Article 7 of the ICCPR, along with the Convention against Torture, protects individuals from cruel, inhuman, or degrading treatment by state agents like the Republican Forces.⁸³ Here, the definition of cruel or

⁸² International Covenant on Civil and Political Rights (ICCPR) art. 9, G.A. res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, *entered into force* Mar. 23, 1976, acceded to by Côte d'Ivoire on March 26, 1992.

⁸³ ICCPR art.7. Convention against Torture, art. 16.

inhuman treatment is met in a number of cases either by the severity of physical suffering inflicted or by the poor detention conditions, including lack of access to food and water.

Human Rights Watch did document several cases in which the traditional security forces responsible for internal security—the police and gendarmerie—tried to intervene to stop abuses by the military. At times they were successful, while in other cases they were told by soldiers that it was not their affair. Abuses by the Republican Forces appeared to be less acute during searches or patrols when police officers or gendarmes were present.

Yopougon BAE Camp

In the aftermath of the August 5 attacks on a military post and police station in Yopougon, a neighborhood known as a bastion of Gbagbo supporters, members of the Republican Forces responded with mass arbitrary arrests often done apparently on the basis of little more than the person's ethnicity. Although the August 6 attack on Akouédo occurred on the other side of Abidjan, the allegation of involvement of pro-Gbagbo elements was likewise followed by the mass detention of young men in certain areas of Yopougon, without any individual charges brought.

The frontline of the military's response in Yopougon was directed by the Republican Forces based at the BAE (for *Brigade anti-émeute*, or anti-riot unit) police camp. The BAE camp is one of several police camps and stations still controlled by the military.⁸⁴ For much of August, the BAE camp served as a revolving door of detainees—with dozens of people arriving after new arrests each day, and dozens of others released upon the payment of an extorted sum of money. Inhuman treatment was pervasive.

A 27-year-old from Yopougon described his arrest on August 24 and subsequent detention at the BAE camp, a testimony similar to several dozen others taken by Human Rights Watch:

I was in a *maquis* (neighborhood restaurant) with a group of friends. Around 9 p.m., the FRCI arrived in a cargo truck and took all of us from the *maquis*, even the owner and manager. We were taken to the 37th police precinct, still controlled by the FRCI. There we had to show our ID cards, and

⁸⁴ Anasse Anasse, "Des FRCI occupent encore dans les édifices publics et privés," *l'Inter* (Abidjan), July 26, 2012, http://africatime.net/division.fr/CI/nouvelle.asp?no_nouvelle=685125&no_categorie= (accessed September 29, 2012).

they said, “Oh, you’re Bété [a western, typically pro-Gbagbo ethnic group], go here. Oh, you’re Dioula⁸⁵ [encompassing several northern, typically pro-Ouattara ethnic groups], go there.” The Dioulas stayed at the 37th [precinct], those of us from [pro-Gbagbo] ethnic groups were taken to the BAE camp in [Yopougon] Gesco.... In the cargo truck, they forced us down and beat us, saying “It’s you the militiamen who we’re looking for.” They stepped on us, kicked us with their boots. They’d even walk on your head, making jokes about squashing militiamen. One guy next to me tried to talk, and one of the FRCI quickly smacked him on the head with the back of his gun. He started bleeding.

When we arrived at the camp, we were put in a cell, about 30 of us. It was really hot in there, and we were packed together, there wasn’t enough room to lie down. They took us out in groups to question us, asking us where guns were hidden. They didn’t question me for long, I guess they believed me. They separated a couple people; I didn’t see them again....

The next morning, the FRCI brought in a guy that works at a phone stand nearby. They told us that we would have to pay 300,000 CFA (\$600) to be released. We pleaded and bargained them down to 150,000. I used the guy’s phone to call my cousin. He and my mother came and paid the money, and I was released. I was lucky I only did one day there, but now we have nothing left; my family gave everything for my release.⁸⁶

A Ouattara supporter who lives near the BAE camp told Human Rights Watch, “You wouldn’t believe the things we see there each day. [There are] always youth being trucked in, being beaten. They don’t even hide [the abuses]; it’s often in plain view. [The FRCI there] aren’t afraid of any consequences.”⁸⁷ An Ivorian civil society leader agreed: “[The soldiers

⁸⁵ The term “Dioula” is actually a Senoufo 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 who are in fact not ethnic Dioula but often speak a colloquial form of the language. The language has become widely used by many Ivorians as the language of trade and commerce, particularly in the market culture of Côte d’Ivoire, which is dominated by northerners and immigrants. As these groups tended to back Ouattara in the 2010 election, Gbagbo supporters often use the term Dioula to describe anyone they perceive as a Ouattara supporter.

⁸⁶ Human Rights Watch interview with 27-year-old former detainee at the BAE camp, Abidjan, September 2, 2012.

⁸⁷ Human Rights Watch interview with resident near the BAE camp, Abidjan, August 29, 2012.

implicated in abuses] are at ease. They don't fear anything, and that's the most dangerous thing: the complete impunity."⁸⁸

Arbitrary Arrest

Human Rights Watch interviewed Yopougon residents who were arrested in their homes, while eating at a *maquis*, with friends at a bar, when walking home from church, when in a taxi or a bus, and when attending a funeral. These arrests primarily occurred in perceived pro-Gbagbo areas of Yopougon, including the Koweit, Sicogi, and Niangon neighborhoods. Detainees and other witnesses said often 20 or more people would be arrested at the same time, none of them informed of any specific allegations, much less an arrest warrant, against them.

In almost all of the arrests documented by Human Rights Watch in Yopougon, soldiers from the Republican Forces acted alone or in the lead role in performing the arrests—a role inconsistent with Ivorian and international law. Under Ivorian law, the responsibility for arresting civilians rests primarily with the judicial police, which includes specific categories of the administrative police and the gendarmerie—but not the military.⁸⁹ In delegating the responsibility for neighborhood searches and arrests to soldiers not trained to perform such activities—and in particular in delegating to specific former *Forces Nouvelles* commanders, who often rely on “volunteers” not formally part of the military—Ivorian authorities opened the door to the human rights abuses that followed.

A 28-year-old who was arrested on August 25 told Human Rights Watch that soldiers were clear that there was no individualized basis for the arrest:

I was sitting down in my house when [soldiers] arrived at around 10 or 11 a.m. They announced that they were doing a house-by-house search for guns and a mass roundup. They told me to follow them, and we walked to Carrefour Koweit, where there was a cargo truck waiting with lots of youth already inside. They took 20 to 30 of us to the BAE camp, then went back to

⁸⁸ Human Rights Watch interview with the president of an Ivorian NGO, Abidjan, September 10, 2012.

⁸⁹ République de Côte d'Ivoire, Loi No. 60-366 du 14 Novembre 1960 Portant Code de Procédure Pénale (hereinafter Ivorian Code of Criminal Procedure) arts. 12-29, available at <http://www.loidici.com/codeprocepenalecentral/codepropenalepolicejudiciaire.php> (accessed September 29, 2012).

the neighborhood to pick up more. They did this all day.... I stayed three days at the BAE, you wouldn't believe how many people were detained there.... They threatened to send me to the military headquarters if my family didn't pay for my release.... It was 60,000 CFA (\$120) that my family ultimately paid.⁹⁰

A 24-year-old similarly described the FRCI arriving in Yopougon Niangon in a 4x4 covered pickup truck on August 15 and announcing a “systematic mass arrest” as he was walking home around 8:30 p.m. He was told to get into the back of the truck, where there were already eight other youth males, and was taken to the 16th police precinct in Yopougon before being transferred to and detained at the BAE camp for two days. His family ultimately paid 10,000 CFA (\$20) for his release.⁹¹

In most cases documented by Human Rights Watch, the security forces appeared to target youth from typically pro-Gbagbo ethnic groups. As one former BAE detainee said, “You look around [at the detainees] and you see Bété, Guéré, Goro, but no Dioulas.”⁹² But at times the mass arrests also swept up people from perceived pro-Ouattara groups. Human Rights Watch interviewed a Malinké who was among a group arbitrarily arrested en masse on August 11. He said that he tried to present his ID card to show that he was from a northern ethnic group, but the soldiers said they were not interested in seeing papers. As he was being forced into a cargo truck, he recalled saying, incredulously, “I voted ADO [Ouattara's initials], I voted ADO!” But the soldiers said, “We're taking everyone here in today.” After arriving at the BAE camp, however, the man was able to call a contact in the local RDR youth wing and was quickly released without having to pay anything.⁹³

Yopougon residents, particularly in pro-Gbagbo areas, told Human Rights Watch that they lived with a de facto curfew because of the routine arbitrary arrests. Many related that any group of young men from pro-Gbagbo ethnic groups outside after 8 p.m.—whether at a restaurant, a bar, or walking along the street—was likely to be arrested. In a sentiment expressed almost unanimously, a 27-year-old from Yopougon Koweit said: “You have to be

⁹⁰ Human Rights Watch interview with 28-year-old former detainee at BAE camp, Abidjan, September 2, 2012.

⁹¹ Human Rights Watch interview with 24-year-old former detainee at BAE camp, Abidjan, August 29, 2012.

⁹² Human Rights Watch interview with 26-year-old former detainee at BAE camp, Abidjan, August 31, 2012.

⁹³ Human Rights Watch interview with 33-year-old former detainee at BAE camp, Abidjan, August 31, 2012.

in your house after 8 p.m., or you'll have problems. If you're outside after then, especially with a group of friends, you'll be arrested.... Yopougon becomes a ghost town.”⁹⁴

In response to a Human Rights Watch question about the juridical basis for mass arrests, the minister of human rights and public liberties said that after attacking the military, the assailants “would rid themselves of their arms and hide among the population. It was on the basis of a body of evidence and often after denunciation that these people were arrested as part of an investigation. It was targeted arrests and not mass arrests.”⁹⁵

As noted above, particularly in regards to the Adjamé camp, Human Rights Watch did document a few cases in which people were arrested on the basis of “denunciations” or some other form of intelligence. But in the vast majority of cases documented by Human Rights Watch, arrests were clearly not targeted on the basis of individualized suspicion. Rounding up 20-50 young men seated at a *maquis*, on board a bus, or in house-to-house arrests in certain neighborhoods is not targeted and is in conflict with Ivorian and human rights law. As detailed below, the arbitrary nature of the arrest was further confirmed by the fact that many of those detained for days at the BAE and Dabou military camps were never questioned. They were merely held, often subjected to inhuman treatment, and then forced to pay a sum of money to gain their release. The government’s answer also does not respond to the fact that the Republican Forces—in contrast to police, gendarmes, and judicial police—do not appear to have any basis under Ivorian law to perform such arrests, whether targeted or mass in nature.

Arbitrary Detention, Inhuman Treatment

The former detainees at the BAE camp interviewed by Human Rights Watch were all civilians and therefore should not have been brought to or detained at a military camp. The length of detention at the BAE camp ranged from one to six days among those who Human Rights Watch interviewed. No one interviewed had charges presented against him, nor did anyone interviewed appear before a judge. As noted above, Ivorian law stipulates that any civilian under arrest is to be charged or released within 48 hours,⁹⁶ making anything

⁹⁴ Human Rights Watch interview with 27-year-old Yopougon Koweit resident, Abidjan, September 4, 2012.

⁹⁵ Letter from Gnénéma Coulibaly, minister of human rights and public liberties, to Human Rights Watch, November 1, 2012.

⁹⁶ Ivorian Code of Criminal Procedure, arts. 63, 76. If the Public Prosecutor gives specific authorization, the period can be extended by another 48 hours. *Ibid.* This does not appear to have been done in any of these cases. The detainees were held in military camps outside of the purview of the civilian prosecutor.

beyond that time an arbitrary detention under the Code of Criminal Procedure and the Ivorian constitution.⁹⁷

Because Human Rights Watch interviewed people who had been released, the information is likely skewed toward those that spent the least amount of time in detention. Interviewees universally said that many people remained in detention when they were released, since release was dependant on paying a sum of money. And many former detainees described specific individuals being separated out, handcuffed, and moved from the BAE to another facility—likely more permanent detention sites, including the military police base in Adjamé, the *Direction de la surveillance du territoire* (Department of Territorial Surveillance, commonly known as the DST) in Plateau, and the main Abidjan prison, known as MACA.

Physical abuse against detainees at the BAE camp was common, although did not always occur; several former detainees reported not being physically mistreated after the initial arrest. For those who were beaten, it was generally during questioning or while outside in the courtyard due to overcrowding in detention rooms. One former detainee described being slapped repeatedly as soldiers referred to him as a “militiaman” during an interrogation.⁹⁸ Another detainee described soldiers striking him with their belts while being asked about the location of hidden guns. He related, “If they weren’t satisfied with my response, they hit me—in the head, on the back. And they were never satisfied, as I didn’t know anything about guns and kept telling them so.”⁹⁹ The detainee showed Human Rights Watch several scars on his back and head that he said were from wounds suffered during detention.

Another detainee, arrested on August 17, described how soldiers tormented him and other detainees as they tried to sleep outside at the camp:

We had to sleep outside because of how crowded the camp was. All night the first night, if you started to fall asleep, one of the soldiers would walk

⁹⁷ Ivorian Code of Criminal Procedure, art. 125. République de Côte d’Ivoire, Constitution de la République de Côte d’Ivoire du 23 juillet 2000, art. 22, available at http://democratie.francophonie.org/IMG/pdf/Cote_d_Ivoire.pdf (accessed September 29, 2012).

⁹⁸ Human Rights Watch interview with 26-year-old former detainee at BAE camp, Abidjan, August 31, 2012.

⁹⁹ Human Rights Watch interview with 23-year-old former detainee at BAE camp, Abidjan, September 4, 2012.

by and smack you with the back of his gun, or kick you. They would laugh as they were doing it and call us “bastards”.... After a couple times of them hitting me, I stopped trying to fall asleep. My face was swollen from when they struck me with the back of a Kalash[nikov rifle]....¹⁰⁰

After their release, several people interviewed by Human Rights Watch sought medical treatment for injuries suffered during their arrest or detention. One had been repeatedly kicked in the chest by soldiers at the BAE camp, resulting in severe pain and difficulty breathing.¹⁰¹ Another former detainee reported having his hand broken when a soldier slammed the back of his Kalashnikov down on it.¹⁰²

Several former detainees also described hearing what they believed was physical abuse. One person taken to the BAE camp on August 20 after soldiers removed and arrested all males on a mini-bus entering Yopougon Koweit told Human Rights Watch:

There were guys we heard crying out in pain. I couldn't see it, because they didn't do it inside the cell. But you'd hear what sounded like beatings, like [the soldiers] were landing punches or striking someone with a cord. You'd hear “Please stop, please stop,” and then the person crying out as they were being struck.... Sometimes it was people they would take from my cell, and they would return later with marks [from being hit]. Other times it was people from other cells, as I never saw them but you could hear these beatings going on.¹⁰³

In addition to physical abuse, those detained at the BAE camp experienced abusive conditions linked to the fact that the camp is an irregular detention site, rather than a prison or police station. Rooms around 12 feet by 12 feet in size were packed with as many as 30 detainees. Several detainees said they slept seated next to each other at night. Others described taking turns sleeping, with 10 people lying down for a couple hours while the others stood or sat until it was time to rotate.¹⁰⁴ On days in which a particularly large

¹⁰⁰ Human Rights Watch interview with 31-year-old former detainee at BAE camp, Abidjan, September 2, 2012.

¹⁰¹ Human Rights Watch interview with 29-year-old former detainee at BAE camp, Abidjan, September 3, 2012.

¹⁰² Human Rights Watch interview with 25-year-old former detainee at BAE camp, Abidjan, September 4, 2012.

¹⁰³ Human Rights Watch interview with 30-year-old former detainee at BAE camp, Abidjan, September 4, 2012.

¹⁰⁴ Human Rights Watch interviews with former detainees at BAE camp, Abidjan, August and September 2012.

number of people were arbitrarily arrested, dozens of detainees were forced to spend the night outside at the BAE camp—left to the elements, including rain and mosquitoes.¹⁰⁵

All of those interviewed by Human Rights Watch detained at the BAE camp said that the soldiers in charge of the camp did not provide any food or water. Any food was brought by family members who knew that a relative was detained there; new detainees tried to then pass the news of their detention back to their family through those that brought food. Detainees shared the food that was brought, though this generally meant eating as little as a few bites of bread per day. Many detainees described going several days without eating anything.¹⁰⁶

Criminal Acts by the FRCI during Arrests and Detentions

Nearly all of those interviewed described the widespread commission of criminal acts by members of the FRCI in Yopougon. These crimes were perpetrated first during the process of neighborhood sweeps and mass arrests, when soldiers stole cash and valuables such as cell phones, computers, and jewelry from people’s homes and off people being arrested; and second, by demanding money in order to secure a detainee’s release. The mass arrests appear to have been a financial boon for members of the Republican Forces based at the BAE camp, and a crippling hardship to those who were swept up because of their age and perceived political affiliation.

All but two detainees at the BAE interviewed by Human Rights Watch said they were forced to pay soldiers there in order to obtain their release. In general, those arrested and detained in the week after the Akouédo attack reported having to pay between 10,000 and 30,000 CFA (\$20-\$60), while by the end of August the demanded sum appeared to have risen to between 60,000 and 150,000 CFA (\$120-\$300). A number of detainees described a “negotiation” with the soldiers, in which a higher sum was originally demanded before the detainee or his family bargained them down to a lower figure. Soldiers would often hand the detainee a phone to call his parents and report the amount needed for a release; in other cases, as described in the former detainee’s statement at the beginning of this chapter, the soldiers brought in a person who ran a phone stand near the BAE camp to place the calls.

¹⁰⁵ Human Rights Watch interviews with former detainees at BAE camp, Abidjan, August and September 2012.

¹⁰⁶ Human Rights Watch interviews with former detainees at BAE camp, Abidjan, August and September 2012.

Human Rights Watch spoke with seven people who were either victim or witness to theft perpetrated by individuals in or aligned with the Republican Forces during the course of neighborhood sweeps after the August attacks. A 26-year-old from western Côte d'Ivoire described the ongoing financial consequences of his ordeal:

On Saturday [August 25], they came to my house at around 1 p.m. They were doing searches throughout the neighborhood [Yopougon Koweit]. They said that they were looking for weapons and went through my rooms. They took a laptop [computer] that was in my room, a computer that had been given to me for work by my boss. They also stole the money I had in my house, my LG cell phone, and a cylinder of gas. Everything I had of value, they took.... They demanded that my wife and I show our [ID] papers, and when they saw mine they said, "You're from the West. You're one of the pro-Gbagbos that did checkpoints here." On and on, telling me that I was a militiaman. They ripped up my [ID] papers and told me to get in their truck.

I spent a night at the 37th police precinct [in Yopougon], and then at 6 a.m. I was put in a cargo truck to go to the BAE [military camp]. There were so many people at the 37th precinct, more than 50, maybe more than 100. They'd take people in a cargo truck to the BAE, drop them off, then come back and pick up more.

There was no more space in the cell at the BAE, so we slept outside. They roughed us up a little, would kick people as they watched over us. They never asked me anything. Later that day they told me to call my family, to have them come pay for my release. I told them that my family had left Abidjan [after Akouédo] and were back in our [native] village. I was scared that I was never going to get out, so I called my boss, the only person I could think of. He came and paid 100,000 CFA (\$200) for my release on Sunday, and I was let go around 10 a.m.... My boss has said that I'll work off what he paid, plus the cost of the computer. I lost everything, and now I won't even get paid [for awhile]. What these FRCI are doing, it's bullshit.¹⁰⁷

¹⁰⁷ Human Rights Watch interview with 26-year-old former detainee at BAE camp, Abidjan, September 2, 2012.

Although going into debt with a boss was unique among those interviewed by Human Rights Watch, many others interviewed described their immediate family not having sufficient money easily accessible—forcing families to pool money from uncles, cousins, friends, and others willing to lend assistance.

Minister Coulibaly, in his response to Human Rights Watch, indicated that the government would open an investigation into criminal activities by the Republican Forces, including extortion in exchange for release from detention. He continued: “If the allegations are proven in regards to members of the security forces, they will be brought before the courts. In addition, the minister of human rights and public liberties will continue to train the security forces on human rights. We reiterate that they have already received such training.”¹⁰⁸

Human Rights Watch welcomes the ongoing human rights training for the Ivorian security forces. However, training has to date proven insufficient in changing the behavior of at least some members of the Republican Forces. Ending the culture of impunity through arrests and prosecutions for human rights abuses is therefore critical. Human Rights Watch welcomes the government’s commitment in this regard and will monitor its progress going forward.

¹⁰⁸ Letter from Gnénéma Coulibaly, minister of human rights and public liberties, to Human Rights Watch, November 1, 2012.

The Cost of Impunity: “Bin Laden” and Recurring Human Rights Abuses

The commander in charge of the BAE military camp through September 2012 was Ousmane Coulibaly, better known by his nom de guerre “Bin Laden.” Coulibaly was also put in charge of the similarly abusive “clean-up operations” after the August 15 attack in Dabou (see section below). Multiple former detainees at the BAE camp identified Coulibaly as being at the camp while soldiers carried out human rights abuses and criminal acts, including cruel and inhuman treatment and extortion in exchange for release. A person with intimate knowledge of the camp said that Coulibaly’s office there was in view of where many detainees were held¹⁰⁹ and subjected to abuse, according to their statements. A soldier in the Ivorian military told Human Rights Watch that many of the neighborhood mass arrests were being carried out by Coulibaly’s *petits*—literally “little ones,” meaning former fighters under his personal chain of command who are not to be incorporated into the regular army but remain active in security functions. This characterization is supported by how some people from Yopougon described those who arrested them: wearing old military uniforms with “FRCI” patches sewn on and arriving in trucks marked “FRCI” but without the official military license plates—with which they transported the people to the BAE camp, rather than to a police station.

As detailed in Human Rights Watch’s report on the post-election violence, Ousmane Coulibaly was in charge of troops in Yopougon neighborhood that witnesses and victims repeatedly implicated in summary executions, torture, and arbitrary detentions.¹¹⁰ The U.S. State Department’s 2009 Human Rights Report on Côte d’Ivoire cited a close aide of Coulibaly “as the perpetrator responsible for torturing three cattle breeders in Odienne in May 2008,” without any sanction from Coulibaly.¹¹¹ During the 2002-2003 civil war in Côte d’Ivoire, Coulibaly was a leading military commander in the rebel group known as the Movement for Justice and Peace (*Mouvement pour la justice et la paix*, or MJP) in the western town of Man.¹¹² MJP, later part of the *Forces Nouvelles*, had close ties to Charles Taylor and Liberian mercenaries.¹¹³ Human Rights Watch,¹¹⁴ International Crisis Group,¹¹⁵ the 2004 international

¹⁰⁹ Human Rights Watch interview with person who had met with Coulibaly and been inside the BAE camp on several occasions, Abidjan, September 1, 2012.

¹¹⁰ Human Rights Watch, “*They Killed Them Like It Was Nothing*”.

¹¹¹ United States Department of State, “2009 Human Rights Report, Côte d’Ivoire,” March 11, 2010.

¹¹² See International Crisis Group, *Côte d’Ivoire: “The War is Not Yet Over,”* pp. 24-26; United States Department of State Bureau of Democracy, Human Rights, and Labor, “Côte d’Ivoire, 2003,” February 25, 2004.

¹¹³ International Crisis Group, *Côte d’Ivoire: “The War is Not Yet Over,”* pp. 18-21, 51.

¹¹⁴ Human Rights Watch, *Trapped Between Two Wars*, pp. 26-28 (finding that after retaking Man from Gbagbo forces on December 19, 2002, forces including Ousmane Coulibaly’s MJP “specifically targeted those civilians, many of them self-defense committee members, who had collaborated with the government forces in targeting civilians” and also took women as “wives” in subjecting them to repeated sexual violence).

¹¹⁵ International Crisis Group, *Côte d’Ivoire: “The War is Not Yet Over,”* pp. 25-26. ICG notes that, after repeated attacks on civilians by their Liberian mercenary allies, Coulibaly was placed in charge of “clean-up” between February and April 2003. This involved pushing the Liberian mercenaries toward the border. *Ibid.*, p. 24. A United States Department of State report from 2004 also mentioned Coulibaly in this role, stating: “On May 8, Ousmane Coulibaly, MJP military commander in Man, told the media that 140 Liberians were being detained ‘for their own protection.’” The report also notes, however, “In April, several sources reported that fighting between the western rebels, MPIGO, MJP, and their Liberian/Sierra Leonean allies resulted in execution of more than 50 Liberian mercenaries in the western region. A BBC reporter said he saw dead Liberian combatants with their hands tied and sometimes their heads and toes severed.” United States Department of State Bureau of Democracy, Human Rights, and Labor, “Côte d’Ivoire, 2003,” February 25, 2004.

commission of inquiry,¹¹⁶ and Amnesty International¹¹⁷ all implicated the MJP forces in and around Man in grave international crimes.

At a minimum, Coulibaly appears unable to control soldiers under his command or to sanction soldiers in his ranks who are responsible for serious abuses. One Ivorian government official told Human Rights Watch that “Bin Laden’s” name had been cited on several occasions in terms of abusive behavior and stated, “As we say, ‘Where there’s smoke, there’s usually fire.’”¹¹⁸

Despite the recurrent accusations of his men being involved in serious human rights abuses, Coulibaly has retained his command role and even been promoted to ever more lucrative positions. Two weeks after Human Rights Watch briefed the Ivorian ministers of interior and human rights on the abuses occurring under Coulibaly’s command, he was named the prefect—or regional administrator—of San Pedro.¹¹⁹ San Pedro is host to one of Côte d’Ivoire’s two main ports for the cocoa trade.

In his response, the minister of human rights and public liberties said that Ousmane Coulibaly’s move to the position of San Pedro prefect was not a “promotion” but rather a “nomination” made by the president within his “discretionary legal power.” The minister continued: “Furthermore, the fact that Ousmane Coulibaly is mentioned in a report is not the same as a conviction, and at present, no juridical act incriminates Ousmane Coulibaly for acts in violation of human rights.”¹²⁰

The minister’s response misses the point that it is not a single report implicating Coulibaly as a commander whose soldiers have committed grave crimes, but rather repeated accusations by multiple independent international organizations and the U.S. State Department over the period of a decade. Given the nature of the alleged abuses and the detail of the documentation, Ivorian authorities should have, at a minimum, vetted Coulibaly with a thorough investigation before giving him a key command post in one of the tensest areas of the country.

Moreover, Human Rights Watch is concerned that President Ouattara personally made the decision to nominate Coulibaly to the San Pedro post. Although the Ivorian government often states that no one is above the law, regardless of political allegiance, Coulibaly is a reminder that the reality is continued impunity—an impunity which fuels repeat offenders who feel no threat of consequences.

¹¹⁶ The UN Security Council never made public the report, but the report was leaked and is now widely available. Conclusion 28 identifies Man as one of many towns where both sides’ committed widespread or systematic attacks against civilian populations, including murders, rape, and torture, comprise crimes against humanity.

¹¹⁷ Amnesty International, *Côte d’Ivoire: Targeting Women: The Forgotten Victims of the Conflict*, March 2007 (“[W]omen were systematically attacked by both pro-government militias and armed opposition groups such as the MJP and the MPIGO.... [who] used sexual violence against women to terrorize the civilian population and extort money, reducing many women to sexual slavery.”); Amnesty International, *Côte d’Ivoire: No Escape*, June 24, 2003 (documenting atrocities by the MJP against Liberian refugees in the far west).

¹¹⁸ Human Rights Watch meeting with high-level Ivorian government official, Abidjan, September 2012.

¹¹⁹ Baudelaire Mieu, “Côte d’Ivoire : Ouattara nomme trois anciens chefs de guerre de la rébellion à la tête de régions sensibles,” *Jeune Afrique*, September 26, 2012, <http://www.jeuneafrique.com/Article/ARTJAWEB20120926161042/>.

¹²⁰ Letter from Gnénéma Coulibaly, minister of human rights and public liberties, to Human Rights Watch, November 1, 2012.

Detention-Related Abuses and Extortion in Dabou Military Camp

After the August 15 attack in Dabou that targeted a military installation and resulted in the freeing of some 100 people from the local prison,¹²¹ the Republican Forces proceeded to replicate many of the abuses seen in Yopougon after the August 5 and 6 attacks in Abidjan. Young males and, in some cases, females, were rounded up during mass arrests, brought to the Dabou military camp, and generally forced to pay to be released. Many of the men were beaten during the arrest or detention. Mass arrests around Dabou were still ongoing when the Human Rights Watch researcher left the country on September 13. As in Yopougon, the vast majority of those arrested hailed from typically pro-Gbagbo ethnic groups, in particular the Adjoukrou and Ebrié.

Dabou residents said that mass arrests occurred almost daily after the August 15 attack, with surrounding villages perceived as pro-Gbagbo targeted in particular. A resident of Orbaff, a village some 15 kilometers from Dabou, said that that village had been subject to three different mass arrests in the month after the attack.¹²² Residents from three villages near Dabou said that their village chief or deputy village chief had been arrested, maltreated, and detained—released only after a particularly exorbitant sum was paid.¹²³

Human Rights Watch obtained videos taken inside the Dabou military camp, one of them showing some 20 young men stripped to their underwear and another showing a soldier striking an older detainee—reported to be a village chief—with a belt. In general, similar to Yopougon, people were detained for between one and four days at the camp. However, several former detainees and other Dabou residents said that a few people remained unaccounted for, as they had been moved elsewhere rather than released with others when money was paid.¹²⁴

A 23-year-old woman arrested around 10 p.m. on September 9 while at a *maquis* in Dabou described her arrest and detention:

¹²¹ “Côte d’Ivoire : trois civils tués dans l’attaque près d’Abidjan,” *Le Monde*, August 16, 2012, http://www.lemonde.fr/afrique/article/2012/08/16/cote-d-ivoire-l-armee-attaquee-a-dabou-pres-d-abidjan_1746798_3212.html.

¹²² Human Rights Watch interview with 23-year-old former detainee in Dabou, Abidjan, September 12, 2012.

¹²³ Human Rights Watch interviews with people detained and released in Dabou, Abidjan, August 28, September 7, and September 12, 2012.

¹²⁴ Human Rights Watch interviews with people detained and released in Dabou, Abidjan, August 28, September 7, and September 12, 2012.

There was a big group of us at the *maquis*. Two cargo trucks pulled up around 10 p.m. and they took everyone, men and women. They said it was a simple mass arrest. They forced the men to strip and put them in one of the cargo trucks, and then put [the women] in the other cargo truck. They took all of us to their camp, just outside Dabou. We were probably around 40 or 50 people in total [that were arrested]. All of those that arrested us were FRCI, in their military fatigues with Kalash[nikovs].

When we got there, they took my photo and my fingerprints. They questioned us one by one, about militiamen, guns. It's always the same stuff. We stayed outside at the camp until morning. The FRCI sleep in their little houses there; we were outside, with someone watching over us.... They didn't hit the women, but they beat the men. They hit them when they arrested them, and they hit them in the camp. With their Kalash[nikovs], with belts, whatever they have in their hand.

The next morning [a local official] came and pleaded to let [the women] go, [and the FRCI agreed]. I asked them to let my [male] cousin go too, but one of the FRCI guys said they would only let [my cousin] go if I slept with [the soldier]. A lot of the women had [male] relatives there too, and several of the FRCI were saying the same thing: sleep with us and we'll let him go. We all refused, so they let us go but kept the men.... We were only able to free my cousin yesterday, when we paid 5,000 CFA (\$10).¹²⁵

According to detainees and family members interviewed by Human Rights Watch, the money demanded for a person's release from the Dabou military camp was generally much lower than what was reported at the Yopougon BAE camp—usually either 5,000 CFA or 10,000 CFA (\$20).¹²⁶

Human Rights Watch interviewed two witnesses to a mass arrest on September 11 that occurred during a *fête de generation*, a celebration among the Ébrié and Adjoukrou people

¹²⁵ Human Rights Watch interview with 23-year-old former detainee in Dabou, Abidjan, September 12, 2012.

¹²⁶ Human Rights Watch interviews with people detained and released in Dabou, Abidjan, August 28, September 7, and September 12, 2012.

representing that youth have reached the age of maturity. The Republican Forces arrived in a village near Dabou as the celebration was ongoing and arrested all the young men present, in addition to a village elder. The witnesses indicated that the soldiers beat those that they were arresting repeatedly as they put them into the cargo truck to take them to the camp.¹²⁷

Irregular Detention Sites, Access Problems for Family, Monitors

Detaining civilians within illegal detention sites like the FRCI-controlled BAE camp, the Dabou military camp, and the military police camp in Adjamé has made observation of conditions difficult for family members and independent monitors. The problems are compounded by the government's refusal to give access to some Ivorian organizations that have traditionally done prison monitoring. The situation is even worse, however, in a number of impromptu detention sites that are not even sanctioned military camps—particularly houses and hotels that soldiers in the Republican Forces, or “volunteers” still associated with the Republican Forces, continue to occupy.

A family member whose relative had been moved between several detention sites in Abidjan described the inconsistencies in access:

He was first taken to [military police commander] Zakaria's camp in Adjamé, but we couldn't see him there. Then he was transferred to the main police station downtown, where we could see and visit him. After three or four days, he was moved to MACA [the main Abidjan prison], where we could again monitor how he was doing and bring him food. Then a couple days ago we went to MACA and were told he wasn't there anymore. We don't know where he is. We've heard the DST, but there are also rumors that he has been abducted and sent [to an unknown site]. We went to the DST, but they wouldn't tell us anything. [Note: Human Rights Watch received credible information that he was at the DST.] It was better when he was at MACA, at least we could monitor how he was doing. Now we know nothing, and fear the worst.¹²⁸

¹²⁷ Human Rights Watch interviews with residents of a village near Dabou, Abidjan, September 7 and September 12, 2012.

¹²⁸ Human Rights Watch interview with sister of detainee, Abidjan, August 29, 2012.

Groups tasked with monitoring detention sites likewise expressed frustration. The president of an Ivorian human rights organization that has traditionally done extensive work on prison monitoring told Human Rights Watch that for more than a year they have made demands to the interior and defense ministries for authorization to visit detention sites. They had yet to receive a response, despite assurances to the government that their monitoring would be done discreetly.¹²⁹ The result is a void in assuring that human rights are respected in detention sites.

Regarding UNOCI's monitoring of detention sites after the August attacks, a UN official told Human Rights Watch in September, "Access is getting better, but it hasn't been systematic. There are times when we've been given access, and times when we haven't. The last time we went to the BAE camp, for example, we didn't have access because [the commander] wasn't there.... It's never clear how far we can go in our monitoring, whether we can talk to detainees individually, whether we'll have complete access."¹³⁰ Another UN official noted that the difficulty of monitoring was compounded by the fact that people were being arrested, released, and transferred between sites every day.¹³¹ UN officials did stress that cooperation was improving and that access was getting better at most of the main detention sites.

On top of the challenges in monitoring sites like the BAE and Adjamé military camps that have housed hundreds of detainees, some members of the Republican Forces have continued to use neighborhood sites that they occupy illegally. Paul Koffi Koffi, the acting defense minister, issued a circular in May 2012 demanding that, by June 30, soldiers stop occupying police and gendarme stations, schools and training centers, hotels, office buildings, and public and private residences.¹³² He threatened those who failed to comply, as well as their commanders, with removal from the military, disciplinary sanctions and, in certain cases, prosecution.¹³³

¹²⁹ Human Rights Watch interview with president of Ivorian human rights organization, Abidjan, September 10, 2012.

¹³⁰ Human Rights Watch interview with UN official, Abidjan, September 5, 2012.

¹³¹ Human Rights Watch interview with UN official, Abidjan, September 5, 2012.

¹³² Konan Kan, "11 jours après l'expiration de l'ultimatum du ministre de la Défense : Les FRCI occupent toujours les domaines publics et privés," *Le Mandat* (Abidjan), July 11, 2012, <http://news.abidjan.net/h/437024.html>; Xinhua, "Côte d'Ivoire : le gouvernement lance un ultimatum pour le dépôt volontaire des armes," May 23, 2012, <http://news.abidjan.net/h/433972.html>.

¹³³ Kan, "11 jours après l'expiration de l'ultimatum du ministre de la Défense : Les FRCI occupent toujours les domaines publics et privés," *Le Mandat*.

Yet, in spite of this order, people linked to the Republican Forces continue to occupy such buildings and, in some cases, to use them as detention centers. Human Rights Watch documented detentions at the *Hôtel Blanc* in Yopougon Koweit, at the *Hôtel Timotel* in Yopougon Niangon, and at a small military camp in a village outside Dabou. Credible reports indicated that at least one of the houses of a former official close to Gbagbo may also have been used for detentions.¹³⁴ Human Rights Watch did not document abuses at these sites that went beyond the treatment described above at the BAE camp and main Dabou military camp, but using such sites is in contrast with Ivorian and international law—and raises concern about the potential for more serious abuses. In responding to future security threats, Ivorian authorities need to ensure that people subject to arrest are brought to official detention sites and questioned by those authorized under Ivorian law, and that monitors receive complete access to ensure that conditions are in accordance with Ivorian and international standards.

In his response to Human Rights Watch, the minister of human rights and public liberties wrote that in regards to individuals “implicated in murderous attacks against the FRCI or for attacks against state security, you understand that we cannot, at a certain stage of the investigations, give free access to [observers]. It goes to the country’s security. Moreover, in regards to detainees in prisons, visitors must follow procedures outlined under Ivorian law, as exists throughout the world.”¹³⁵

The monitoring of detention conditions by international and Ivorian observers poses no threat to the country’s security. Indeed, ensuring the humane treatment of detainees—particularly detainees at high-risk for abuse, like those picked up in mass sweeps for “state security” reasons—is a crucial part of the country’s return to rule of law. When the minister speaks of those in detention as “implicated in murderous attacks,” it also masks that the vast majority of those interviewed by Human Rights Watch had not been charged with, much less convicted of, any crime. The “evidence” against them appeared to primarily be their ethnicity and location of residence, picked up en masse without arrest warrants.

¹³⁴ Human Rights Watch interview with representative from international organization, Abidjan, September 2012.

¹³⁵ Letter from Gnénéma Coulibaly, minister of human rights and public liberties, to Human Rights Watch, November 1, 2012.

Marginalization of Police, Gendarmes

Since the end of the post-election crisis, the Republican Forces and armed “volunteers” loyal to them have unlawfully taken over many functions that the police and gendarmes are legally mandated to do, including conducting home and vehicle searches, performing arrests and interrogations of civilians, operating road checkpoints, and even directing traffic at intersections. Police and gendarmes had progressively re-assumed some of their responsibilities in the months before the August attacks, but the prior division of Abidjan into zones controlled by different military commanders effectively returned in the face of the security threat. Given the abuses that have plagued the military’s response—and consistent reports of fewer abuses when the police or gendarmes are involved in basic security functions—it is essential that the government make progress in equipping and entrusting the police and gendarmerie to perform their duties.

A diplomat in Abidjan told Human Rights Watch, “After Akouédo, the government put the [former *Forces Nouvelles*] com-zone network¹³⁶ back in place. It was a step back for the SSR [security sector reform] process.”¹³⁷ Another diplomat said, “The President is aware of the problems [associated with returning security functions to the FRCI], but the lack of confidence in the ex-FDS [forces previously under Gbagbo, including the police and gendarmes] pushed him to re-activate the com-zones, with all the problems that come along with that.”¹³⁸ A representative from an international organization in Abidjan similarly told Human Rights Watch, “[The government] went from one extreme to the other after [Akouédo]—it went from the military being back in the barracks to [the FRCI] being in charge [again] and completely out of control.”¹³⁹

During three weeks in Abidjan, including daily trips to Yopougon, the vast majority of road checkpoints that a Human Rights Watch researcher encountered were manned only by FRCI soldiers. Although the city became less overtly militarized by early September, with fewer checkpoints and military patrols, the FRCI remained the security forces primarily visible at checkpoints and on patrol. Moreover, even when a checkpoint had both soldiers and police officers or gendarmes, the FRCI were usually responsible for checking papers and

¹³⁶ The “com-zone network” refers to when the *Forces Nouvelles* controlled northern Côte d’Ivoire, and the area was divided into regions controlled by different zone commanders, or “com-zones.”

¹³⁷ Human Rights Watch interview with diplomat, Abidjan, September 12, 2012.

¹³⁸ Human Rights Watch interview with diplomat, Abidjan, September 13, 2012.

¹³⁹ Human Rights Watch interview with representative from international organization, Abidjan, September 6, 2012.

searching cars, while the other security forces stood by. Of the nine times a Human Rights Watch researcher was stopped at a checkpoint in Yopougon, FRCI soldiers performed all of them. Several checkpoints Human Rights Watch encountered at night in other Abidjan neighborhoods were likewise manned by soldiers.

In explaining the military's primacy in responding to the August attacks, Ivorian government officials said that a significant number of police weapons and cars were stolen when police stations were looted during the crisis, leaving the police ill-equipped to deal with security threats.¹⁴⁰ In previous public statements, government officials have also blamed the inability to re-arm the police and gendarmerie on the UN Security Council arms embargo still in place.¹⁴¹ However, Côte d'Ivoire remains awash in guns; the government has failed to make progress in disarmament and demobilization, which could return stolen equipment to the police and gendarmes while reducing the troubling authority of "volunteer" former fighters who continue to maintain relationships with certain FRCI commanders.

Yopougon residents indicated that human rights abuses were often less frequent or less severe when police officers or gendarmes were involved in the search, arrest, or detention, even if the action was done jointly with members of the Republican Forces. Several victims of arbitrary arrest or detention told Human Rights Watch that police officers or gendarmes tried to intervene on their behalf and stop abuses. During house-to-house searches in Yopougon, several residents said that the presence of police or gendarmes appeared to deter soldiers from stealing from homes.

A youth arrested while walking home from a church function on August 25 described how police kept him from being detained and upbraided soldiers who had stolen dozens of cell phones from those arrested:

There were security forces everywhere conducting a mass arrest.... They walked all the youth they had arrested in Indian [single] file through Koweit to *carrefour Koweit*, where they told us to lay down. My uncle called my cell

¹⁴⁰ Human Rights Watch interviews with Hamed Bakayoko, minister of interior, Abidjan, September 12, 2012; and with Gnénéma Coulibaly, minister of human rights and public liberties, Abidjan, September 7, 2012.

¹⁴¹ K.M., "Coulibaly Gnénéma, ministre des Droits de l'Homme, à propos du rapport de Doudou Diène : «Le gouvernement ivoirien prend note»,” *Nord-Sud* (Abidjan), March 23, 2012, <http://news.abidjan.net/h/429866.html>; Marc Dosso, "Hamed Bakayoko, ministre de l'Intérieur : «L'embargo pour nous n'a plus sa raison d'être»,” *Nord-Sud*, November 12, 2011, <http://news.abidjan.net/h/416524.html>.

phone at that moment, and I answered to tell him what was happening. An FRCI element started insulting me, yelling at me to hang up the phone. Another FRCI had a sack and was going around taking everyone's cell phones. When he got to me, I said no, how is my family going to find out where I am. He hit me across the face. Another FRCI came over and pointed his Kalash[nikov] at me, and I put my phone in the sack....

God thankfully made that there was a police officer nearby. It was a mixed patrol in the neighborhood, but the FRCI were the majority where we were lying down.... I said to the police officer, "I was arrested when coming from a church meeting." And I showed him papers that proved I was coming from church. The policeman went to the FRCI to try to persuade him to let me go, but the FRCI guy got very angry and said that I was a militiaman.

Two 4x4s came by with police officers, including a commissioner [from the CRS II]. The police officer I talked to went to his commander and explained my story. The commissioner asked the officer my name, and the guy started to shake with fear, he was nervous about intervening for me. I spoke up and explained the situation to the commissioner. The commissioner told me to get out of the line of people arrested.... I asked him about my phone, telling him the FRCI had put them all in a sack. The commissioner got really angry and went to the FRCI guy and asked him, "Who gave you the authority to take cell phones? That is not what we're doing here!" He came back and told me to put my phone number on a paper, and they'd get my phone back to me—the sack was so full of phones it would have taken too long to search through it The CRS police officer said that he would go and get my phone from the BAE camp. He said, "If I let you go alone, it's not clear that you'll return."... With their help, I was able to get my phone back later and wasn't detained with [everyone else] at the BAE camp.¹⁴²

Not all such efforts were successful. A person arrested on August 24 and taken to the BAE camp reported that "some gendarmes tried to intervene and tell the FRCI [to let us go, that we weren't militiamen], but the FRCI told them to go back to their own camp, that this

¹⁴² Human Rights Watch interview with 28-year-old, Abidjan, September 1, 2012.

wasn't their area."¹⁴³ One civil society leader told Human Rights Watch that a key problem was the continued imbalance of power between the different security forces: "What can the police do? They have one gun for every five of them. The gendarmes might have one gun for every two or three. The police in particular [often] don't have cars. The FRCI, especially the former FN, are heavily armed, they have trucks, 4x4s, cars."¹⁴⁴

Even with the power imbalance, the mere presence of police officers or gendarmes was beneficial according to some Yopougon residents interviewed by Human Rights Watch. As reported above, several Yopougon residents reported having valuables—like computers, money, jewelry, and cell phones—stolen during FRCI house searches done ostensibly to look for weapons. One person whose house was searched by a joint group of FRCI and gendarmes on August 25 explained how he was spared from having valuables stolen:

When they came to my house, it was a guy in a gendarme uniform with an FRCI guy behind him holding an RPG [rocket-propelled grenade]. The gendarme guy did the search. No search warrant, he just came and said, "We're going to look around." He did it quickly, and they didn't take anything from my house. When they started the searches [in another part of Yopougon Koweit] earlier that day, it was just FRCI, and they were stealing from everyone. I had friends and family who were stolen from. People complained to the police, the gendarmes, anyone we could call. By early afternoon there were gendarmes and police with them.¹⁴⁵

There remains an uneasy relationship between the different security forces, and government officials are quick to point out that Gbagbo stacked certain forces—including parts of the police and gendarmerie—with people from ethnic groups that tended to support him, marginalizing northern Ivorians.¹⁴⁶ That is true, and the August attacks have heightened the mistrust, particularly as Akouédo appeared to include assistance from people within the military camp. However, relying exclusively on the military—and, at times, former fighters not even part of the Ivorian army—appears to produce a greater number of abuses against civilians, hardening even moderate Gbagbo supporters against the

¹⁴³ Human Rights Watch interview with 27-year-old former detainee at the BAE camp, Abidjan, September 2, 2012.

¹⁴⁴ Human Rights Watch interview with Ivorian civil society leader, Abidjan, September 7, 2012.

¹⁴⁵ Human Rights Watch interview with 31-year-old in Yopougon Koweit, Abidjan, September 2, 2012.

¹⁴⁶ Human Rights Watch interview with high-level Ivorian government officials, Abidjan, September 2012.

government and army. Progress needs to be made toward returning internal security functions to the police and gendarmerie.

Impact on Reconciliation, Government Response

The abusive response by some soldiers in the Republican Forces to the attacks on military installations has furthered the perception among many Gbagbo supporters that they are all “guilty until proven innocent.”¹⁴⁷ At a time when the country remains deeply divided along political and ethnic lines, the military’s actions pose a dangerous risk in terms of further alienating Gbagbo supporters. Several government officials admitted excesses in the military’s response, but focused on the gravity of the security threat and promised that steps had been and would be taken in order to check abuses in the future.

As one person who had been detained at the BAE camp said, in a line repeated by many others interviewed by Human Rights Watch: “How will there be harmony and reconciliation in this context?”¹⁴⁸ Another former detainee at the BAE camp said similarly:

How does the government expect reconciliation when the FRCI steal from us, treat us all as militiamen, [and] do daily mass arrests? I have nothing left now, all my money was taken or [used to pay for my release]. If someone asks me tomorrow to pick up a gun and fight the FRCI, I don’t know what I will say. When people have been stripped of everything, when all we are left with is hatred ... we’re a long way from reconciliation.¹⁴⁹

A leading civil society activist in Côte d’Ivoire said similarly:

People are trying to break from their FESCI or Young Patriots [two longtime, violent pro-Gbagbo militia groups] past, but the government is throwing them right back into it by arresting them simply because they’re labeled as being pro-Gbagbo.... Hatred is crystallizing. Both sides must stop fooling around with this.¹⁵⁰

¹⁴⁷ Human Rights Watch interview with 30-year-old former detainee at BAE camp, Abidjan, August 30, 2012.

¹⁴⁸ Human Rights Watch interview with 32-year-old former detainee at BAE camp, Abidjan, August 31, 2012.

¹⁴⁹ Human Rights Watch interview with 29-year-old former detainee at BAE camp, Abidjan, September 1, 2012.

¹⁵⁰ Human Rights Watch interview with Ivorian civil society representative, Abidjan, September 10, 2012.

When presented with Human Rights Watch’s findings, Interior Minister Hamed Bakayoko said, “We can and should respond within the law, and every day we try to press the importance of human rights. But we also need to stand together with the military, as they have been killed in cold blood. We just need a little time.” Bakayoko stressed that progress had been made despite the fact that “a lot of pro-Gbagbos do not want peace or reconciliation.”¹⁵¹ Human Rights Minister Gnénéma Coulibaly said similarly, “When faced with people who kill without giving it thought, you have to respond. Searches, arrests, that is okay. But it has to be done within the law.”¹⁵²

Both ministers promised to speak with those in charge of the BAE camp in Yopougon and to do site visits. Bakayoko also agreed that mixed patrols and mixed units at security checkpoints could be a way to reduce tensions between the military and the population perceived as pro-Gbagbo.¹⁵³

¹⁵¹ Human Rights Watch interview with Hamed Bakayoko, Abidjan, September 12, 2012.

¹⁵² Human Rights Watch interview with Gnénéma Coulibaly, Abidjan, September 7, 2012.

¹⁵³ Human Rights Watch interviews with Hamed Bakayoko, Abidjan, September 12, 2012; and with Gnénéma Coulibaly, Abidjan, September 7, 2012.

Acknowledgements

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Human Rights Watch deeply appreciates the assistance of certain individuals in connecting its researcher to victims of human rights abuses in Abidjan and Dabou. They cannot be named due to security concerns, but their courage was essential to the success of the research. Human Rights Watch also welcomes the continued collaboration with Ivorian civil society organizations working tirelessly for the promotion and protection of human rights in the country.

Human Rights Watch is particularly grateful to the victims and eyewitnesses who shared their stories. Many had suffered inhuman treatment in detention only several days or weeks before speaking with Human Rights Watch. Their bravery and determination in demanding an end to the types of human rights abuses that Ivorians have suffered for the last decade should serve as a call to action for Ivorian authorities and their international partners. There is urgent need to address the root causes of Côte d'Ivoire's politico-military crisis, particularly the longstanding impunity of the security forces.

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Annex I: Human Rights Watch Letter to the Ivorian Government

October 8, 2012

Marcel Amon Tanoh
Chief of Staff
Presidency
Republic of Côte d'Ivoire

Dear Mr. Amon Tanoh,

We write to receive the formal response of the presidency in regards to key findings from our recent field work in Côte d'Ivoire, undertaken from August 25 to September 14. We hope to include these responses in a report that will be published in November.

We appreciate your government's openness to human rights groups like Human Rights Watch. While in Abidjan, we had the pleasure of sharing our preliminary findings with Interior Minister Hamed Bakayoko, Human Rights Minister Gnénéma Coulibaly, Deputy Public Prosecutor Noël Djé, and the Directeur de Cabinet in the Ministry of Justice, Fodjo Abo. Your government's willingness to meet and exchange freely on human rights issues is a clear and positive change from the previous government in Côte d'Ivoire, and we hope that the fruitful engagement continues going forward.

Our work while in Côte d'Ivoire focused on the Ivorian security forces' response to the August attacks on the military. We fully recognize that Côte d'Ivoire faces a real security threat and express our condolences for the lives claimed and destruction wrought by these attacks. In June 2012, Human Rights Watch published a short report documenting cross-border attacks from Liberia into Côte d'Ivoire and warning that pro-Gbagbo militants there were recruiting and organizing for future attacks. We recognize the concerning links between militants in Liberia and Ghana, as well as the

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Ivorian government's right to respond to these threats within the framework of international and Ivorian law.

Unfortunately, the security forces – and in particular certain members of the Republican Forces – have responded to these threats with a myriad of human rights abuses. We interviewed more than 50 people in Abidjan and Dabou who had been subject to arbitrary arrest and detention. Many of them had experienced cruel and inhuman treatment while in detention at military camps, including the military police camp in Adjamé, the former *Brigade anti-émeute* (BAE) camp in Yopougon, and the military base in Dabou. The vast majority of those interviewed by Human Rights Watch were civilians, for whom the legal basis of detention at a military camp appears in conflict with Ivorian and international law.

At the military camp in Adjamé, overseen by Kone Zakaria, Human Rights Watch interviewed five former detainees who were victims of torture. They described being beaten savagely with guns, fists, belts, and other objects, as members of the Republican Forces at the camp demanded that they sign confessions or divulge information about the location of weapons. Of the five victims interviewed, three were civilians and two were military personnel who had remained in Gbagbo's *Forces de défense et de sécurité* (FDS) during the crisis. These detainees described seeing other victims of severe mistreatment in their cell. Detainees also described horrible conditions of confinement, including being forced as punishment to stay in a room full of excrement; having rooms so overcrowded that detainees could not even lie down; and being provided such small quantities of food and water that they became delirious.

At the former BAE camp in Yopougon, Human Rights Watch documented a revolving door of detainees brought in almost daily during mass arrests throughout the neighborhood. Human Rights Watch interviewed Yopougon residents who were arrested in their homes, while eating at a *maquis*, with friends at a bar, when walking home from church, when in a taxi or a bus, and when attending a funeral. These arrests primarily occurred in perceived pro-Gbagbo areas of Yopougon, and often appear to have been done largely on the basis of the person's ethnicity and age. Detainees and other witnesses said often 20 or more people would be arrested at the same time, none of them informed of any specific allegations, much less an arrest warrant, against them. After being brought to the BAE camp, detainees were frequently subject to cruel and inhuman treatment – including beatings, overcrowding so severe that many people had to sleep outside, denial of food and water, and sleep deprivation.

We also documented a worrying pattern of criminal behavior by the security forces. Victims and neighborhood residents described how, during home searches, members of the Republican Forces often stole cell phones, computers, money, and jewelry. Detainees also described how the response to a security threat devolved into a widespread extortion scheme: Almost everyone detained at the BAE camp described having to pay a substantial sum of money to the Republican Forces in order to obtain their release. The demanded

amount of money varied from 10,000 CFA to as high as 150,000 CFA. Witnesses frequently identified commanding officers as being at the camp while these abuses were occurring, and our work shows the abuses continued in a similar pattern for at least four weeks. We therefore believe that, at a minimum, the commanders at these camps knew about the ongoing abuses and failed to act to stop them.

The abuses at the Dabou military camp were similar to those at the BAE camp, perhaps unsurprising given that both operations were overseen by the same commander: Ousmane Coulibaly, better known as “Bin Laden.” We note with concern that Coulibaly was recently promoted to the position of prefect in San Pedro. His promotion came two weeks after Human Rights Watch briefed the Interior Minister and the Human Rights Minister on our findings that directly implicated Coulibaly in overseeing mass arbitrary arrest and detention, cruel and inhuman treatment in detention, and mass extortion of detainees in exchange for their release. Coulibaly was also named by Human Rights Watch as responsible in a command role for war crimes during the battle for Abidjan in April and May 2011. In 2009, the United States Department of State named Coulibaly in its annual report on human rights, noting that his close aide had engaged in torture without punishment from Coulibaly. His forces were likewise implicated in grave crimes during the 2002-2003 armed conflict. Despite his repeated implication in grave human rights abuses by independent groups, he has again been promoted by the Ivorian government – and promoted to oversee one of the tensest areas of the country, given the longstanding rumors that pro-Gbagbo militants might target the region for an attack. We find his promotion deeply concerning in the face of the Ivorian government’s commitments to impartial justice and a rights-respecting military.

Finally, people involved in the transport industry expressed to Human Rights Watch frustration with the return of rampant extortion by security forces at checkpoints. In a September 2011 release, Human Rights Watch praised the Ouattara government for the efforts it had taken to end the scourge of checkpoint extortion. We recognized that the problem long predated the Ouattara government, and that the current government had prioritized addressing the issue in a way that brought clear results and was welcomed by Ivorians. However, it appears that the progress has been largely reversed in the aftermath of the August attacks. Several businessmen involved in the transport industry said that they had stopped their movement of goods at present, because the extortion was too costly to make a profit.

As noted at the outset, we will be publishing a report in early November. We want to best reflect the government’s position, providing it with an opportunity to respond to our main findings, in addition to the responses we received during meetings with Mr. Bakayoko and Mr. Coulibaly.

Due to our publication timeline, we would be grateful for a written response to the below questions **by October 22**. If easier, we could, in the alternative, discuss these issues during a phone conversation.

- Under what legal basis are civilians being held in detention at military camps, including the Yopougon BAE base, the Dabou military camp, and the Adjamé military police camp? If there is no legal basis for holding civilians at these military sites, can you commit to ending the practice?
- Under what legal basis are soldiers from the Republican Forces conducting mass arrests, including in Yopougon and Dabou? What is the justification for arresting and detaining people *en masse*, without an arrest warrant and not in hot pursuit?
- Is every detainee held in detention promptly brought before a judge, as required by Ivorian and international human rights law? If not, is there a reason why detainees, in particular at these military camps, have not been afforded the right to appear before a judge within 48 hours of being detained? Will the government ensure in the future that all detainees appear promptly or are released, in conforming to the law?
- What is the process in the government – and in particular the Defense Ministry – for vetting military commanders for promotions? Does an evaluation of allegations of human rights abuses factor into decisions?
- In selecting Ousmane Coulibaly for the position of prefect in San Pedro, was there discussion of his implication, including by the U.S. State Department, for command responsibility in serious crimes such as torture? What about Mr. Coulibaly makes the government feel he is the best person for handling the sensitive area of San Pedro?
- As noted above, victims and witnesses described numerous cases of torture and cruel treatment in the Adjamé military police camp in the aftermath of the August attacks. What measures is the government taking to safeguard detainees from such abuse? Will the prosecutor conduct investigations into allegations of torture, with a view to prosecute members of the Republican Forces deemed responsible for such abuses?
- What measures has the government taken or will the government take in order to stop criminal practices by the security forces, including the extortion of detainees in return for their release?
- Given the abuses in detention, what measures has the government taken or will the government take to ensure that independent international and Ivorian monitors have complete access to all detention sites, including on unannounced visits? Representatives from several Ivorian organizations that have historically monitored detention conditions told Human Rights Watch that the government has not approved their requests for access for over a year. Is that accurate and, if so, why?

- The government of President Ouattara had considerable success in reducing the practice of checkpoint extortion during its first months. What measures does the government intend to take to ensure that this progress is not lost?

We thank you again for the openness that your government has shown in engaging on human rights issues, and we look forward to your response on the important matters raised in this letter. If you have any questions, please contact us by email at wellsm@hrw.org or by fax at: +1-212-736-1300.



Corinne Dufka
West Africa director



Matt Wells
West Africa researcher

CC: SEM Président Alassane Ouattara
CC: Prime Minister and Minister of Justice, Garde des Sceaux Jeannot Ahoussou-Kouadio
CC: Minister of Interior, Hamed Bakayoko
CC: Minister of Human Rights, Gnénéma Coulibaly

Annex II: Response from the Chief of Staff in the Ivorian Presidency

30 Oct 2012 10:51

FAX HP LASERJET

20314190

page 1

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CABINET DU PRESIDENT

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LE MINISTRE
DIRECTEUR DE CABINET

Abojan, le 30 OCT 2012

N/Ref: 657 /CAB/M.DIR-CAB/jv

Madame la Directrice,

Je voudrais vous remercier de votre correspondance relative à la mission que vous avez effectuée récemment en Côte d'Ivoire.

Ce courrier a été transmis à Monsieur le Ministre des Droits de l'Homme et des Libertés Publiques pour suite à donner.

Veuillez agréer, Madame la Directrice, l'assurance de ma parfaite considération.



Madame Corinne Dufka
Directrice des Projets pour l'Afrique de l'Ouest
de Human Rights Watch

NEW YORK (USA)

P.J : Copie du courrier adressé à M. le Ministre
des Droits de l'Homme et des Libertés Publiques.

PRESIDENCE DE LA REPUBLIQUE

CABINET DU PRESIDENT

LE MINISTRE
DIRECTEUR DE CABINETREPUBLIQUE DE CÔTE D'IVOIRE
Union - Discipline - Travail

Abidjan, le 29 OCT 2012

N/Réf : 658 /CAB/M.DIR-CAB/jv

Monsieur le Ministre,

Je vous prie de bien vouloir trouver ci-joint, pour attribution et suite à donner, copie du courrier que nous adresse l'organisation « *Human Rights Watch* » suite à leur récente mission en Côte d'Ivoire.

Vu le caractère urgent de cette correspondance, je vous prie de bien vouloir y répondre avec diligence et m'en tenir informé.

Veuillez agréer, **Monsieur le Ministre**, l'expression de ma considération distinguée.



**Monsieur le Ministre
des Droits de l'Homme
et des Libertés Publiques
Général COULIBALY**

ABIDJAN

P.J. Document sus-mentionné.

Annex III: Response from the Minister of Human Rights and Public Liberties

1. Sur quel fondement juridique des civils sont-ils détenus dans des camps militaires, notamment le camp de la BAE à Yopougon, le camp militaire de Dabou et le camp de la police militaire d'Adjamé ? S'il n'y a pas de fondement juridique à la détention de civils sur ces sites militaires, pouvez-vous vous engager à mettre fin à ces pratiques ?

Durant les semaines qui ont précédé les attaques contre des positions de l'armée - mais également pendant qu'elles se déroulaient -, des évasions avaient été organisées de la Maison d'Arrêt et de Correction d'Abidjan et de la prison de Dabou.

Face à de tels événements et alors que la loi prévoit que les détentions préventives s'effectuent dans des maisons d'arrêt, il était inconcevable de détenir des individus soupçonnés d'attenter à la sûreté de l'Etat, sans prendre au préalable un minimum de précautions. Les sites militaires constituaient dès lors les lieux les plus sûrs pour éviter de probables évasions.

Bien plus, il convient de relever qu'il ne s'agit pas en l'espèce de citoyens ordinaires mais de combattants et miliciens, qui du reste n'ont pas hésité à abattre froidement des soldats ivoiriens.

En tout état de cause, le Gouvernement ivoirien s'attèle à trouver des solutions à de telles situations en rénovant les maisons d'arrêt.

2. Sur quel fondement juridique les soldats des Forces républicaines procèdent-ils à des arrestations massives, y compris à Yopougon et à Dabou ? Quel est le motif de ces arrestations et détentions de personnes en masse, sans mandat d'arrêt ou sans situation de flagrant délit ?

Le mode opératoire adopté par les assaillants était qu'après avoir les attaques faisant de nombreux morts dans les rangs des forces républicaines, ils se débarrassaient de leurs armes pour ensuite se mêler aux populations.

C'est sur la base d'un faisceau d'indices et souvent sur dénonciation que ces personnes ont été arrêtées pour nécessité d'enquête. Il s'agissait bien d'arrestations ciblées et non massives.

3. Est-ce que chaque personne maintenue en détention est présentée rapidement à un juge, comme stipulé par la loi ivoirienne et le droit international des droits humains ? Si non, y a-t-il une raison pour laquelle les détenus, en particulier dans ces camps militaires, n'ont pas pu bénéficier du droit à comparaître devant un juge dans les 48 heures suivant leur arrestation ? Est-ce que le gouvernement

s'assurera à l'avenir que tous les détenus comparaissent rapidement ou soient libérés, conformément à la loi ?

Les lenteurs enregistrées dans les procédures judiciaires ne datent pas de la mise en place de l'actuel gouvernement. Depuis plusieurs décennies ont été constatées un engorgement des tribunaux, une trop grande rigidité du Code pénal face aux évolutions de la société ivoirienne, ou encore un manque de moyens mis à la disposition des magistrats ; toutes choses qui rendent difficile, pour l'heure, le respect strict des délais de comparution pour chacun des détenus.

Par ailleurs, la gravité des faits imputés aux personnes arrêtées imposent que les enquêtes soient bien menées, ce qui exige souvent un peu de temps.

4. Quelle est la procédure au sein du gouvernement, et en particulier au ministère de la Défense, pour se renseigner sur les commandants militaires avant une promotion ? Est-ce qu'une évaluation des allégations de violation des droits humains est prise en compte dans ces décisions ?

Le cas auquel il est fait allusion ici ne concerne pas une « promotion », mais une « nomination » en qualité de préfet de région, acte pour lequel le Président de la République dispose d'un pouvoir discrétionnaire légal.

5. En choisissant Ousmane Coulibaly pour la fonction de préfet de San Pedro, y a-t-il eu une discussion sur son implication, notamment par le Département d'Etat des Etats-Unis, dans des crimes graves contre la torture en tant que responsable du commandement ? Pourquoi le gouvernement considère-t-il M. Coulibaly comme la personne la mieux à même de gérer la région sensible de San Pedro ?

Comme rappelé précédemment, une telle nomination relève de l'appréciation exclusive du Président de la République.

De plus, le fait que le nom de M. Ousmane Coulibaly soit mentionné dans un rapport ne vaut pas condamnation et pour l'heure, aucun acte juridique n'incrimine M. Ousmane Coulibaly pour des actes de violations des droits humains.

6. Comme indiqué précédemment, les victimes et les témoins ont décrit de nombreux cas de tortures et de traitements cruels dans le camp de la police militaire d'Adjamé au lendemain des attaques d'août. Quelles mesures le Gouvernement prend-il pour protéger les détenus de tels abus ? Le procureur mènera-t-il des enquêtes sur les allégations de torture, en vue de traduire en justice les membres des Forces républicaines considérés comme responsables de ces abus ?

Le Chef de l'Etat ne cesse de rappeler sa volonté ferme de lutter contre l'impunité et cela s'est traduit ces derniers jours par d'enquête contre les soldats des forces républicaines soupçonnées d'avoir participé aux tueries qui ont eu lieu à Nahibly au mois de juillet dernier.

Pour ce qui est de ces allégations de torture, soyez assurés que les auteurs de ces pratiques, s'ils sont identifiés, seront traduits devant la justice.

7. Quelles mesures le gouvernement prend-il ou prendra-t-il afin de mettre un terme aux pratiques criminelles des forces de sécurité, y compris l'extorsion à l'encontre des détenus en échange de leur libération ?

Pour l'heure, le Gouvernement va ouvrir une enquête. Si les allégations de violations des droits de l'Homme sont avérées à l'encontre de membres des forces de sécurité, ils seront traduits devant les tribunaux. À côté de cela, le Ministère des droits de l'Homme et des Libertés publiques va continuer la formation des forces de sécurité aux droits de l'Homme. Rappelons que celles-ci en ont déjà reçu.

Le Gouvernement voudrait réitérer son engagement à ne favoriser aucune impunité sur son territoire et en cela, le temps nous donnera raison.

8. Face aux abus en détention, quelles mesures le Gouvernement a-t-il pris ou prendra-t-il pour s'assurer que des observateurs ivoiriens et internationaux indépendants aient un accès total à tous les sites de détention, y compris lors de visites inopinées ? Les représentants de plusieurs organisations ivoiriennes qui surveillent depuis longtemps les conditions de détention ont déclaré à Human rights Watch que le gouvernement n'avait pas approuvé leurs demandes d'accès depuis plus d'un an. Est-ce exact ? Et si oui, pourquoi ?

Il faut faire la part des choses. S'il s'agit d'accéder aux personnes impliquées dans les attaques meurtrières contre les militaires des Frci ou pour atteinte à la sûreté de l'Etat, vous comprendrez qu'on ne peut pas, à un certain stade des enquêtes donner libre accès à celles-ci. Il y va de la sécurité du pays.

Par ailleurs, lorsqu'il s'agit de détenus dans les maisons d'arrêt, la loi ivoirienne en l'état, soumet les visites à des procédures, comme partout au monde. Il faut pour tous les respecter jusqu'à nouvel ordre.

9. Le Gouvernement du Président Ouattara a eu un succès considérable dans la réduction des pratiques d'extorsion aux points de contrôle pendant ses premiers mois au pouvoir. Quelles mesures le gouvernement prévoit-il de prendre pour faire en sorte qu'on ne revienne pas en arrière sur ce point ?

Le Gouvernement continue de sensibiliser les forces de l'ordre au respect de l'interdiction de cette pratique. Il punira tout agent qui fera l'objet de la preuve d'une extorsion de fonds. Nous demeurons vigilant sur la question.

“A LONG WAY FROM RECONCILIATION”

Abusive Military Crackdown in Response to Security Threats in Côte d’Ivoire

Côte d’Ivoire continues to experience aftershocks from the deadly 2010-2011 post-election crisis. A series of seemingly coordinated and well-organized attacks on military installations in August 2012—likely at least in part carried out by militants loyal to former President Laurent Gbagbo—gave rise to a brutal and abusive crackdown by the Ivorian military.

The report documents near-daily arbitrary arrests and illegal detentions by the military in August and early September, in which hundreds of young men from ethnic groups perceived to support Gbagbo were picked up en masse apparently on the basis of their ethnicity and neighborhood of residence. In detention, soldiers subjected detainees to inhuman treatment and, in some cases, torture—brutally beating people during questioning. Many soldiers turned the process into a lucrative extortion scheme, demanding that detainees pay to be released.

A few of the commanders who oversaw August’s abusive crackdown were previously implicated in grave crimes during the last decade of politico-military violence. The persistent abuses under the same commanders lay bare the cost of impunity for forces linked to President Alassane Ouattara’s government.

While the government has the responsibility to respond to security threats, authorities can and should act in accordance with Ivorian and international law. Authorities must also show the determination to hold accountable members of the security forces who commit serious abuses like torture. The attacks and abuse-marred response have further polarized a country beset by dangerous communal divisions.

“*A Long Way from Reconciliation*” is based on a three week mission to Abidjan in late August and early September. Human Rights Watch interviewed 39 people who had been arrested and detained after the August attacks, as well as another 14 witnesses to mass arrests, beatings, and other abuses.



Soldiers from the Republican Forces of Côte d'Ivoire patrol the streets of Dabou on August 16, 2012, after attacks the previous night on the town's military base and prison.

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