



# **‘THEY LOOKED AT HIS IDENTITY CARD AND SHOT HIM DEAD’**

SIX MONTHS OF POST-ELECTORAL  
VIOLENCE IN CÔTE D'IVOIRE

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*Cover photo:*

One of the hundreds of people unlawfully killed since the beginning of the conflict following the November 2010 contested Presidential election. People were often executed only on the grounds of their ethnicity or presumed political affiliation. © Amnesty International

*Back cover photo:*

A woman looks at the remains of a body in the Carrefour district of Duékoué, where forces supporting President Alassane Ouattara rampaged through the compounds on 29 March 2011 looking for Guérés. Women and girls were made to leave, and hundreds of men were executed.

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# GLOSSARY

<b>ADO</b>	Alassane Dramane Ouattara
<b>BAE</b>	<i>Brigade anti-émeute</i> , Anti-Riot Brigade
<b>CECOS</b>	<i>Centre de commandement des opérations de sécurité</i> , Command Center for Security Operations
<b>CRS</b>	<i>Compagnie républicaine de sécurité</i> , Republican Security Company
<b>CNI</b>	<i>Conseil national islamique</i> , Islamic National Council
<b>DDR</b>	<i>Désarmement, démobilisation et réinsertion</i> , Disarmament, Demobilization and Reintegration
<b>ECOWAS</b>	Economic Community of West African States
<b>FAFN</b>	<i>Forces armées des forces nouvelles</i> , Armed Forces of the New Forces
<b>FDS</b>	<i>Forces de défense et de sécurité</i> , Defence and Security Forces
<b>FESCI</b>	<i>Fédération estudiantine et scolaire de Côte d'Ivoire</i> , Ivorian Federation of Students and School Pupils
<b>FPI</b>	<i>Front populaire ivoirien</i> , Ivorian Popular Front
<b>FRCI</b>	<i>Forces républicaines de Côte d'Ivoire</i> , Republican Forces of Côte d'Ivoire
<b>ICC</b>	International Criminal Court
<b>ICRC</b>	International Committee of the Red Cross
<b>PISAM</b>	<i>Polyclinique internationale Sainte Anne-Marie</i> , Sainte Anne-Marie International Polyclinic
<b>PDCI</b>	<i>Parti démocratique de Côte d'Ivoire</i> , Democratic Party of Côte d'Ivoire
<b>RDR</b>	<i>Rassemblement des républicains</i> , Rally of the Republicans
<b>RTI</b>	<i>Radio télévision Ivoirienne</i> , Ivorian Radio Television
<b>UN</b>	United Nations
<b>UNOCI</b>	United Nations Operation in Côte d'Ivoire



# 1. INTRODUCTION

The violence that followed the disputed presidential election in November 2010 has caused the most serious humanitarian and human rights crisis in Côte d'Ivoire since the de facto partition of the country in September 2002. Hundreds of people have been unlawfully killed, often only on the grounds of their ethnicity or presumed political affiliation. Women and adolescents have been victims of sexual violence, including rape, and hundreds of thousands of people were forced to flee their homes to seek refuge in other regions of Côte d'Ivoire or in neighbouring countries, especially Liberia.

Human rights violations and abuses continued to be committed after the arrest of the former president, Laurent Gbagbo, on 11 April 2011. In Abidjan, a manhunt was launched against real or perceived supporters of the former president and several senior officials very close to the former president were beaten and ill-treated in the hours following their arrest. In the west of the country, thousands of people fled their homes and, by the time the document was finalized (i.e. 17 May 2011), many were still living in the forest for fear of returning to their homes. These people, belonging to ethnic groups considered to be supporters of Laurent Gbagbo, have been left to their own devices and have little or no protection from either the *Forces républicaines de Côte d'Ivoire* (FRCI, Republican forces of Côte d'Ivoire), created on 8 March 2011, by President Alassane Ouattara, or the peacekeeping forces of the United Nations Operation in Côte d'Ivoire (UNOCI). In some cases, people who tried to return home were victims of violence and noted at times that their homes were occupied by others.

The country's new leaders, notably President Alassane Ouattara and his Prime Minister Guillaume Soro, face three imperatives: put an immediate end to the human rights violations and abuses currently being committed against the real or presumed supporters of Laurent Gbagbo; re-establish the rule of law and order the security forces to protect all sections of the population whatever their political affiliation or ethnic group, notably the displaced and refugee populations so that these people can return to their homes and recover their belongings and lands; and promptly conduct an impartial investigation into the violence committed by all parties since December 2010.

On 11 April 2011, in his first speech after Laurent Gbagbo's arrest, President Alassane Ouattara announced his intention to "set up a truth and reconciliation commission to shed light on all the massacres, crimes and other human rights violations." Two days later, the new president publicly asked the Prosecutor of the International Criminal Court (ICC), Luis Moreno-Ocampo, to begin an investigation into the massacres that took place in the west of the country at the end of March 2011. Amnesty International welcomes these two decisions but notes that no reconciliation will be possible in Côte d'Ivoire unless justice and reparation is provided to all the victims of the terrible massacres and other human rights violations and abuses, committed not only since December 2010 but also during the last decade.

This report is based on research carried out in Côte d'Ivoire for more than two months between January and April 2011 both in Abidjan and some parts of the west of the country. The conclusions in this report clearly show that all parties to the conflict have committed crimes under international law, including war crimes and crimes against humanity.

For the last two decades, Côte d'Ivoire has been subject to amnesia and amnesties. Successive governments have deliberately refused to accept their responsibility to fight impunity for gross human rights violations.

The mass violations committed by all parties during these last six months have left victims, their families and large section of the population scarred and traumatized. The country's new authorities must urgently re-establish the rule of law and the people's trust in impartial security forces. Without justice and reparation for the victims of today and yesterday, any further appeals for reconciliation made by President Ouattara, the international community and all Ivoirians run the risk of foundering on an unstable and unsatisfactory compromise that could lead to more violence and vengeance in the future.

## 2. A PRESIDENTIAL ELECTION POSTPONED FIVE TIMES THAT PLUNGED THE COUNTRY INTO CHAOS

### 2.1. THE 2002 COUP ATTEMPT AND THE *DE FACTO* PARTITION OF THE COUNTRY

In September 2002, a coup attempt led by some members of the security forces ended in the *de facto* partition of the country into a northern zone controlled by the armed opposition movement, known as the *Forces nouvelles*, New Forces, and a southern zone loyal to President Gbagbo.

The *de facto* partition of the country was confirmed by the establishment of a buffer zone under the supervision of the French force *Licorne*. Within the framework of an attempted peaceful resolution of the conflict, the United Nations Security Council authorized in 2004 the deployment of the UNOCI peacekeeping forces, which currently numbers more than 10,000. These peacekeeping forces were also given responsibility for monitoring the human rights situation and helping "to protect civilians within its areas of deployment."<sup>1</sup>

#### **BOX 1 : UNOCI AND FRENCH TROOPS IN CÔTE D'IVOIRE : A CONTESTED PRESENCE**

International forces – both French soldiers of the Force Licorne and United Nations (UN) peacekeepers - have played a key role in Côte d'Ivoire since their intervention in this crisis.

The legitimacy of their presence has been called into question by supporters of the then President Laurent Gbagbo in the wake of two very serious confrontations – in November 2004 and January 2006 – between Ivorian civilians, the majority of them unarmed, and international forces. During large-scale demonstrations and confrontations with civilians, who had the tacit and at times explicit approval of the security forces and some Ivorian politicians, international forces used lethal force in November 2004 and January 2006. Dozens of civilians were killed and injured. In both cases, the international forces maintained that they had acted in self-defence. Political parties and groups professing support for President Gbagbo have, for their part, repeatedly insisted that international forces fired live bullets at "unarmed demonstrators".

In a report published in 2006<sup>2</sup>, Amnesty International called for the establishment of an international

commission of inquiry to consider all the evidence available in order to establish the respective responsibilities of the UN and French forces. No international commission of inquiry was established.

The intervention of the UNOCI and French troops in the arrest of Laurent Gbagbo on 11 April 2011 also raised many unanswered questions (see also below additional information about the role of the UNOCI and France in Section 2.3 and 6).

Several attempts at political mediation took place under the aegis of France and Burkina Faso and ended in the signature of the Linas-Marcoussis (2003) and Ouagadougou (2007) Agreements. Following the latter agreement, Laurent Gbagbo appointed the then General Secretary of the New Forces, Guillaume Soro, as his prime minister.

Despite the signature of several agreements seeking to reunify Côte d'Ivoire and to carry out a process of Disarmament, Demobilization and Reintegration (DDR), the country remained divided in two and both parties regularly committed serious human rights violations and abuses, including extrajudicial executions, deliberate and arbitrary killings, arbitrary arrests and detentions, acts of torture and other ill treatment, abductions as well as rape and other sexual violence against women and young girls.<sup>3</sup> Both parties recruited Liberian mercenaries as well as in some cases used child soldiers.

## 2.2 TWO PRESIDENTS - ONE COUNTRY

Laurent Gbagbo had been elected head of state in October 2000 after an election that he himself described as "disastrous".<sup>4</sup> At the end of his mandate in 2005, elections were due to be held. However, this election was postponed for five years because of delays in compiling electoral rolls and disarming fighters.

The international community made considerable efforts to help organize elections. Finally, a presidential election was held in November 2010. International monitors generally regarded the election to be free and fair and the UN, mandated to certify the results, confirmed the victory of Alassane Ouattara. This result was immediately contested by Laurent Gbagbo, who proclaimed himself president after the Constitutional Council cancelled votes in four regions in the north of the country.

The international community, notably the African Union and the Economic Community of West African States (ECOWAS), recognized Alassane Ouattara's victory and the country found itself in a political stalemate with two presidents and two governments. Efforts to mediate, particularly by the African Union, failed to peacefully resolve the political crisis.

Alassane Ouattara and his government, led by Guillaume Soro, who was appointed Prime Minister and Minister of Defence shortly after the results of the November 2010 presidential elections were announced, remained blockaded in the Golf Hotel in Abidjan under the protection of the *Forces armées des Forces nouvelles* (FAFN, Armed Forces of the New Forces) and UNOCI forces. On 18 December 2010, the outgoing president, Laurent Gbagbo denounced the UN peacekeeping forces and French troops of the Force Licorne for taking sides and demanded their departure on the grounds that they were not impartial. This had no effect as UNOCI and France no longer recognized Laurent Gbagbo's legitimacy as President.

## 2.3. SPIRAL OF VIOLENCE IN ABIDJAN AND THE WEST OF THE COUNTRY

Just after the proclamation of the electoral results, the security forces and Laurent Gbagbo's supporters began to commit acts of violence. They attacked one of the offices of Alassane Ouattara's party, the *Rassemblement des Républicains* (RDR, Rally of the Republicans), on 1 December 2010, followed by the office of former president Henri Konan Bédié's party, the *Parti démocratique de Côte d'Ivoire* (PDCI, Democratic Party of Côte d'Ivoire) on 4 January 2011 (see Section 3.1). Meanwhile, in the west of the country, the FAFN occupied some towns and villages previously held by troops loyal to Laurent Gbagbo. This offensive led to human rights abuses against populations perceived as supporters of Laurent Gbagbo and led to an exodus of people who found refuge in other regions of Côte d'Ivoire or in neighbouring countries, especially in Liberia.

UNOCI was also targeted from the end of December 2010. It was subjected to verbal and physical attacks by forces loyal to Laurent Gbagbo. Media close to Laurent Gbagbo broadcasted calls to resort to violence and supporters of the outgoing president attacked UNOCI vehicles and personnel and prevented the peacekeeping forces from circulating in some districts and from investigating allegations of human rights violations (See below Box 2).

In protest at Laurent Gbagbo's refusal to relinquish power, Alassane Ouattara and his Prime Minister Guillaume Soro called on supporters to demonstrate on 16 December 2010 and to take control of the *Radio-télévision ivoirienne* (RTI, Ivorian Radio-Télévision) and other official buildings controlled by supporters of the outgoing president. Security forces and militias loyal to Laurent Gbagbo dispersed this demonstration violently and fired live ammunition at demonstrators, many of whom were unarmed.

During this demonstration on 16 December six police officers were killed by firearms by demonstrators in the PK 18 and the Filtisac neighbourhoods, in Abobo, a district in the north of Abidjan where most of the population were considered to be supporters of Alassane Ouattara. The Amnesty International delegation that visited Côte d'Ivoire in January and February 2011 investigated these events and established that armed demonstrators supporting Alassane Ouattara attacked a building occupied by military and police personnel in the PK 18. The demonstrators threatened occupants of this building with death, including women and children and looted and set ablaze almost all apartments. Women were attacked and beaten and one man, accused of shooting at the crowd, was killed and burned.

In December 2010 and January 2011, tension was mainly concentrated in Abobo, where security forces and militias loyal to Laurent Gbagbo made frequent raids on houses of people suspected of supporting Alassane Ouattara. They were also responsible for unlawful killings, including extrajudicial executions, and rape (see below, Section 3.3.1).

In the same district, FAFN members and demobilized fighters formed an armed group and organized commando operations against the forces loyal to the outgoing president. Some of these armed elements later called themselves the 'Invisible Commando' and attacked military and civilian targets. The Invisible Commando was led by a former Ivorian military commander, Ibrahim Coulibaly, nicknamed "IB", who participated in the attempted coup in 2002.

At the beginning of 2011, confrontations took place between security forces loyal to Laurent Gbagbo and the armed groups in Abobo. On the night of 11/12 January, the latter attacked police officers who were standing watch at the Abobo Town Hall roundabout. The attackers launched rockets at military vehicles, which were set alight. Six police officers were killed. On 7 February 2011, the police station of district XIV (*14<sup>e</sup> arrondissement*) was surrounded and attacked in the middle of the afternoon.

In response to these attacks and because they were no longer able to enter some parts of Abobo, forces loyal to Laurent Gbagbo shelled the district killing several people, including women and children.

On 28 March 2011, faced with Laurent Gbagbo's refusal to step down, forces loyal to Alassane Ouattara launched a general offensive on several fronts, in the west and centre of the country and, in three days, occupied almost all the areas held by forces loyal to Gbagbo.

The opposing forces fought for control of Abidjan, starting on 31 March 2011. Exchanges of fire from heavy weapons paralyzed the country's commercial capital for more than a week, forcing the population to flee or remain at home, often without food, and sometimes even without water and medicine.

On 4 April 2011, soldiers of UNOCI and the French Force Licorne started to bomb the artillery deployed by troops loyal to Laurent Gbagbo as well as some other places, such as the RTI. UNOCI and France based their intervention on the provisions of Security Council resolution 1975 (2011) – adopted on 30 March 2011- which gave the authorization to UNOCI to "use all necessary means to carry out its mandate to protect civilians (...) including to prevent the use of heavy weapons against the civilian population."<sup>5</sup>

On 11 April 2011, forces loyal to Alassane Ouattara, supported by French troops, arrested Laurent Gbagbo and his immediate family, who were at the presidential residence and who have been detained since then - many of them outside any judicial procedure - in several locations in the country.

Two days later, on 13 April 2011, President Ouattara said it would take "one or two months" to obtain the "total pacification" of the country and to "rid Abidjan and the rest of the country of militias and mercenaries." In the following weeks, in Abidjan, security forces loyal to Alassane Ouattara continued to fight some militia groups close to Laurent Gbagbo in the district of Yopougon. Sporadic fighting continued in early May 2011. Some 60 dead bodies were discovered on 3 and 4 May in Yopougon. The FRCI claimed that they had been killed by Liberian mercenaries and pro Gbagbo militiamen just after the arrest of Laurent Gbagbo in April 2011. By mid-May 2011, the Ivorian authorities announced that at least 220 civilians have been killed in the south-west of the country by militias and Liberian mercenaries who had backed former President Laurent Gbagbo as they retreated to Liberia.

This post-electoral crisis led to a serious deterioration of the living conditions of the population, many of whom had to flee their homes. Staple food prices rocketed making each day more difficult for families to get enough food to survive. Moreover, in February and March 2011, Laurent Gbagbo's government twice cut off the water and electricity supplies to the Central, Northern and Western regions of the country held by the FAFN for a few days

provoking serious problems in the health centres. Hundreds of thousands of school-children and college students were also prevented from going to school following a call to civil disobedience launched by Alassane Ouattara by the end of December 2010 which led teachers working in the areas held by the FAFN to stop working.

At the time of finalizing this report (i.e. 17 May 2011), the situation remained volatile notably in some regions in the west of the country where thousands of real or perceived supporters of Laurent Gbagbo were still being harassed in villages and forced to flee and live in the bush in life-threatening conditions.

## **BOX 2. A POWER STRUGGLE AGAINST THE BACKDROP OF AN IDENTITY CRISIS**

The crisis that began in Côte d'Ivoire after the disputed election of November 2010, was the culmination of a power struggle between three men that has taken place over the last 20 years: former president Henri Konan Bédié, deposed after a military coup in 1999; Laurent Gbagbo, the outgoing president who led the country from 2000 to 2010; and Alassane Ouattara, recognised by the international community as the winner of the recent presidential election in November 2010.

This power struggle has taken place in the context of a crisis of political legitimacy that began with the end of the authoritarian single party regime established since the independence of the country in 1960 by the country's first president, Félix Houphouët Boigny, who died in 1993.

This political crisis was accompanied by an economic crisis and an identity crisis. The economic crisis dates from the fall in coffee and cocoa prices on the world markets at the end of the 1980s (Côte d'Ivoire is the world's biggest cocoa exporter) as well as a wave of business bankruptcies and mass dismissals.

The impoverishment of the population led to inter-communal and sometimes xenophobic tensions that were exploited by some political and economic leaders to remain in power or to sideline opponents on the grounds that they were not "genuine" Ivoirians.

### The concept of "*Ivoirité*", a political weapon based on a fear of foreigners

In the middle of the 1990s, some intellectuals close to the then President of the Republic, Henri Konan Bédié, developed a theory called "*Ivoirité*", which opposed "genuine" Ivoirians against "non-indigenous" populations, commonly known as *Dioulas*. Depending on the circumstances, this term may describe anyone with a Muslim name or from the north of Côte d'Ivoire or other countries in the sub-region (Mali, Burkina Faso, Guinea, Senegal, etc...).<sup>6</sup>

The theory of "*Ivoirité*" seems to have been created by supporters of President Henri Konan Bédié, mainly in order to sideline one of his main rivals, Alassane Ouattara, considered to be a Burkina Faso national and deprive him of his right to run for president.

This xenophobic discourse has been periodically repeated by some media close to those in power over the last 15 years, and depending on the circumstances, this has led to sporadic or sustained harassment, extortion and serious human rights violations and abuses against people with Muslim names.

Côte d'Ivoire has been a country of migrants for decades and has attracted millions of foreign nationals from the sub-region, most of whom worked in the cocoa and coffee plantations and in small-scale trade. With the advent of the economic crisis, these migrants often became scapegoats and many of them, especially those from Burkina Faso, were evicted from the land they cultivated.

Laurent Gbagbo has sometimes adopted this rhetoric, notably during the recent presidential election in November 2010 in which he stood against Alassane Ouattara. At a press conference held on 9 November 2010, Laurent Gbagbo described his opponent as the "foreign candidate" adding that this means "someone who is working in the interests of foreigners".<sup>7</sup>

#### Incitement to violence against peacekeeping forces

The UN decision to confirm the victory of Alassane Ouattara at the beginning of December 2010 provoked an explosion of verbal attacks against the UN peacekeepers and France on RTI, controlled by Laurent Gbagbo, and in newspapers close to the outgoing president.

The attacks particularly targeted Young Jin Choi, Special Representative of the United Nations Secretary-General for Côte d'Ivoire, who was described as a "serial killer of Côte d'Ivoire's people" by the daily newspaper *Le Temps*, close to Laurent Gbagbo. This same article stated that Young Jin Choi "has turned the United Nations force, which initially behaved impartially, into an occupying army that has given itself the task of killing anyone not willing to sing the refrain 'Alleluia Ouattara'".<sup>8</sup>

The daily *Notre Voie*, organ of Laurent Gbagbo's party, the *Front populaire ivoirien* (FRI, Ivorian Popular Front), accused France of preparing a "genocide" in Côte d'Ivoire<sup>9</sup> and described UNOCI radio as "One Thousand Hills Free Radio and Television"<sup>10</sup> (in reference to the radio station of the same name that propagated hate during the genocide in Rwanda in 1994).

The UN peacekeepers and French troops have also been accused of being "killers, rapists and thieves"<sup>11</sup>. In a speech made and filmed on 25 February 2011, Charles Blé Goudé<sup>12</sup> appointed Minister for Youth and Employment in December 2010 by Laurent Gbagbo, asked his supporters "to prevent UNOCI from circulating."<sup>13</sup> Moreover, in January 2011, the RTI broadcasted the registration numbers of 41 private vehicles rented by UNOCI, exposing UN personnel to controls at roadblocks guarded by security forces and militias close to Laurent Gbagbo, generally known under the name of Young Patriots.

These verbal attacks led to a number of physical assaults on UNOCI troops, who were also prevented from investigating locations where human rights violations had allegedly taken place.

## 3. HUMAN RIGHTS VIOLATIONS AND ABUSES IN ABIDJAN

### 3.1 HUMAN RIGHTS VIOLATIONS COMMITTED BY SECURITY FORCES LOYAL TO LAURENT GBAGBO

#### Extrajudicial executions and other unlawful killings

Faced with Laurent Gbagbo's refusal to recognize the results certified by the UN and then by the international community as a whole, Alassane Ouattara's supporters organized several demonstrations. Security forces loyal to Laurent Gbagbo responded to the demonstrations with excessive force, and in some cases, deliberately killed unarmed protesters and bystanders.

During a protest march on 16 December 2010, organised by Alassane Ouattara supporters with the aim of taking control of RTI, several people were killed by the security forces.

A truck driver living in Abobo told an Amnesty International delegation how his brother had been killed in front of him :

"On the day of the march [on 16 December 2010], my brother was trapped between police vehicles at Marcory [a neighbourhood in Abidjan]. He tried to get away when the security forces started shooting in every direction. My brother was hit in the side. He fell down. Seeing that he was still alive, police officers shot him again and killed him. My brother's body is at the Anyama mortuary (box 50)."

The same day, in the neighbourhood of Adjamé, near the Makassi crossroads, at around 9am, security officials fired teargas and then opened fire using live ammunition on another group of protesters, killing three people including a young car washer, Salami Ismaël, who was nearby and not participating in the march. An eyewitness told Amnesty International:

"A young car washer, who was not participating in the demonstration, was shot dead by two men wearing military uniforms, with hoods. The young man was standing in front of the garage waiting for drivers in order to wash their vehicles when two military arrived. One of them tripped him, he fell down. One of the military who was wearing sunglasses shot at him at point blank with a gun."

In other cases, security forces loyal to Laurent Gbagbo shot dead people in the street simply because they were residents of districts presumed to support Alassane Ouattara.

Two people were shot dead by the security forces on 4 December 2010 in the Port-Bouët area of Abidjan as they left their homes early in the morning. An eyewitness told Amnesty International:

“After the end of the curfew [decreed by Laurent Gbagbo], Bayo Alassane went out to buy some cigarettes. Everything was calm, there was hardly anyone around in the street but the security forces shot him dead as well as Kaboré Moumouni, a butcher who was on his way to work.”

Amnesty International also documented incidents of extrajudicial executions of people within their homes. One eyewitness told Amnesty International:

“The night of 5-6 December [2010] a large group of security forces supporting Gbagbo came to our home, some in uniforms and others in plain clothes; we did not open and from the window we saw seven cargos [army or police vehicles]. When we thought they had gone, we opened the door and me and my brother, Fofana Youssouf, went out but more forces were still there and started shooting. We rushed back into the courtyard and at that point my brother was hit. He died shortly after.”

### **BOX 3 : SECURITY FORCES AND MILITIAS LOYAL TO LAURENT GBAGBO**

#### Security Forces

Various security forces that remained loyal to Laurent Gbagbo after the election results were announced in November 2010 committed serious human rights violations. They include:

- The Forces de défense et de sécurité (FDS, Defence and Security Forces), which includes military personnel, gendarmes (paramilitary police forces) and police forces.
- The Centre de commandement des opérations de sécurité (CECOS, Centre for the Command of Security Operations), which was responsible to the Minister of Defence.
- The Brigade anti-émeute (BAE, Anti-Riot Brigade), a police force.
- The Compagnies républicaines de sécurité (CRS, Republican Security Companies), a police force.

#### Militias

The militias supporting Laurent Gbagbo were a nebulous group of many diverse organizations. Roughly speaking, they encompassed the village self-defence groups, the paramilitary groups in the west of the country and urban militias in Abidjan.

These urban militias were themselves divided in many sub-groups whose leaders were sometimes former or current members of the *Fédération étudiante et scolaire de Côte d’Ivoire* (FESCI), Ivorian Federation of Students and School Pupils. These urban groups included :

- The *Congrès des Jeunes Patriotes* (COJEP), Congress of Young Patriots led by Charles Blé Goudé
- The *Groupement des Patriotes pour la Paix* (GPP), Group of Patriots for Peace.

In this report, we refer to these militias under the generic term of Young Patriots.

In other cases, people were targeted by security forces loyal to Laurent Gbagbo patrolling in vehicles. For example, on 19 January 2011, Bamba Mamadou, nicknamed Solo, who was a football player, was beaten to the ground and was then shot dead by security forces patrolling in the Banfora Adjamé neighbourhood of Abidjan. An eyewitness told an Amnesty International delegation in February 2011:

"Between 7am and 8am, I saw members of CECOS in a car shooting in the air. The car was speeding through Banfora, [in Adjamé, a district of Abidjan]. It was a case of run for your life. People were frightened and ran in every direction. They started to chase Bamba. He ran and the car followed him. The four occupants of the car got out and one of them tripped him. Bamba fell to the ground. The uniformed men hit him. They trod all over him and beat him with the butts of their guns. He couldn't defend himself. One of them used a machete as though he was cutting down a tree. Bamba was in the middle of the road, one of them dragged him along, another one got down from the vehicle and finished him off with a bullet in the head. They left the body there; a woman came and put a cloth over his face. He was buried on the same day."

In February 2011, the Amnesty International delegation raised this case with the CECOS command officials who summoned the gendarme who shot Bamba Mamadou. This gendarme said that Bamba Mamadou had a machete and injured his right hand with a knife when he shot and killed him. No judicial proceedings followed.

Extrajudicial executions and other unlawful killings continued throughout March and April 2011 and dozens of people were killed either in their homes or in the street.

For example, in Yopougon, on 16 March 2011, members of the security forces killed two people, Kébé Mamadou, a carpenter, and Konate Ibrahima, a builder. A witness told Amnesty International:

"The security forces opened fire in the street. Mamadou and Ibrahima hid in a house off a courtyard. The security forces searched for the men in several houses. Each time they came back out on to the street, they asked if there were any young men around. They knocked down a Ghanaian. He pleaded with them and they let him go in exchange for cash. Then they broke down the gate of the courtyard where Ibrahima and Mamadou were hiding. They found them inside a house. They shot them in the head and then left, taking their mobile phones with them."

As has been the case throughout the last decade, especially following the 2002 coup attempt, foreign nationals from the sub-region, especially people with a Muslim name, have been targeted and sometimes illegally killed. Amnesty International researchers gathered several statements from witnesses indicating that security forces loyal to Laurent Gbagbo have attacked people from Guinea, Burkina Faso, Senegal and Mali because of their

nationality. An eyewitness told Amnesty International:

"This Monday [28 February 2011], a man nicknamed the Guinean<sup>14</sup> was pushing his wheelbarrow in front of the Siporex chemist, in the Yopougon district, when he was stopped by a CRS patrol vehicle. The occupants of the vehicle said to him: 'You have voted for Ouattara and you have a job'. They told him to lie down in the gutter and then shot him. After the CRS had left, we lifted him out of the gutter, laid him down on the tarmac and covered his body with a sheet."

The security forces also killed supporters of Alassane Ouattara and his political ally, Henri Konan Bédié<sup>15</sup>, during two attacks against the offices of their respective political parties.

At least four people were killed by gendarmes on 1 December 2010, during an attack on the office of Alassane Ouattara's party, the RDR, in Wassakara (in the district of Yopougon). An eyewitness told Amnesty International:

"It was around 10 pm, we were watching TV, some of us were drinking tea when we heard knocking on the door. We did not open because of the curfew and we were told: 'Open the door or we'll climb the walls and kill you all.' Then we saw gendarmes in uniform and people in plainclothes that climbed the walls and began to shoot at us. Some of the gendarmes were wearing red caps, others were hooded".

Another eyewitness said: "When I saw the gendarmes, I went to the toilet to hide. They broke the door and asked me to raise my hands and lie on the floor. When I was on the floor, they shot me and hit me in the leg. They left me for dead."

On 4 January 2011, security forces loyal to Laurent Gbagbo attacked at 5am in Abidjan the offices of the PDCI, the party of the former president, Henri Konan Bédié, and killed one of its supporters.

A witness told an Amnesty International delegation that police officers and gendarmes fired live ammunition at people inside the building and beat up several militants.

"On Tuesday morning, 4 January, around 5am, some of us were praying, others were on guard and others were sleeping when several cargos [army or police vehicles] pulled up outside the party offices. Police officers banged on the door and said they wanted to search the office because arms had been hidden there. We told them that it was not legal to conduct searches at such an hour. An agitated discussion took place until finally a wise member [*un sage*] of our party convinced us it was best to let them in. We accompanied the police officers during a search, they found nothing. Then they began to fire tear gas and live ammunition. Some people were able to hide. Sidibé Karim, nicknamed Krimo, fell in front of me."

The security forces also fired at several women who were demonstrating peacefully in the Abobo district of Abidjan on 3 March 2011 and calling for Laurent Gbagbo to step down. An eyewitness told Amnesty International:

"The women were singing and dancing while chanting the name of Alassane Ouattara when, around 10am, the atmosphere suddenly changed. Military vehicles, including a tank, arrived.

We wondered what was going on, then suddenly they opened fire on us. People were running in every direction. Six women were killed immediately, including a baby who was with her mother. Several people were wounded."

A few days later, on International Women's Day, 8 March, a march was organised in Treichville neighbourhood in tribute to the women killed at the Abobo demonstration. The march took place in a calm atmosphere. A witness told Amnesty International:

"After the demonstration, the women went to the St Jeanne d'Arc Church. The church was not big enough to hold everyone. A CRS patrol parked at the roundabout in front of the church. When they saw this vehicle, young people lined up in front of the women. There were shots, people were running in every direction. A Senegalese man, Moudou Faye, who was closing his shop, was killed. A Malian, Mohamed Diawara, who was passing by, was also killed. A Burkina Faso national, Moussa Ouédraogo, who was looking for his wife, was also hit. A young girl, Kobena Ama Alice, who was standing outside her house, was killed by members of a CRS patrol who came to support their colleagues."

#### Enforced Disappearances

A number of people were subjected to enforced disappearance after being arrested by security forces loyal to Laurent Gbagbo. Several such disappearances occurred in the aftermath of the 16 December 2010 demonstration. One of the December 16 demonstrators, Dao Sago, born in 1971, was detained by security forces. An eyewitness told Amnesty International:

"When we learnt that the security forces were out shooting and making arrests, we avoided going round in a group, we followed behind each other. Dao was at the front of the march. A group of the security forces and militiamen arrested my brother. When he showed his identity card, the militia and soldiers surrounded him. They took off his clothes until he was only wearing his underpants. They began to beat him with clubs and gun butts. Some of them kicked him. We fled and then I called him on his mobile but someone else answered and told me that they were killing Dao. We went to look for him in all the police stations and mortuaries but couldn't find him."

The Amnesty International delegation also interviewed the parents of Doumbia Aboubakar, a carpenter, born on 20 April 1980. According to his parents, there has been no information about his whereabouts or fate since he was arrested by the security forces during the march held on 16 December 2010:

"We went to several police stations to ask where our son was detained. We also went to the mortuary at Treichville. An employee told us that they had been ordered not to show the bodies of victims to their parents. Another employee told us that at least 80 bodies were in a container and that staff were not allowed to take any of them out. I feel disheartened and I do not want to go to the other mortuaries because they will say the same thing. When I think about my son, I am unable to sleep. He used to watch television with me in the evening and he would come to greet me in the morning."

### Shelling of residents of Abobo

In late February, security forces loyal to Laurent Gbagbo began to shell densely populated areas of Abobo, a district of Abidjan that had come under the control of anti-Gbagbo armed elements who called themselves the Invisible Commando. Many people, including women and children, were killed in the shelling. Information gathered by Amnesty International also indicates that when they crossed the Abobo district, security forces fired recklessly, killing and wounding unarmed residents.

On 11 March 2011 shortly before midnight, a shell landed in the courtyard of a family residence, killing three children and seriously wounding several members of the same family. One of the people present at the scene told Amnesty International:

"When we went to bed, we couldn't hear any noise or gunfire but suddenly, in the middle of the night, around 11:30pm, we heard a loud noise. A shell had hit our neighbour's courtyard. An adolescent aged 12, who was asleep, was killed immediately. Koné Toumoutou, aged six and Bakary Koné, aged two, were mortally wounded and died after being transferred to a health centre. Two other children from the same family were wounded. Several adults, including the grandmother, aged 53, were wounded."

On 17 March 2011, shells were fired at a marketplace in Abobo, killing at least 20 people and wounding approximately 60 others.

An eyewitness told Amnesty International: "That afternoon, before the prayer, some women were selling their produce at Gagnoa Station market, in Abobo. Everything was quiet when we suddenly heard a big noise as the place was hit by a shell. At least ten people, mainly women, were killed and others were wounded."

Another witness said that, a short while after the 1pm prayer, children were playing on the ground when the shell hit the place. "A woman, Bamba Aminata, entered the courtyard with her baby. She was hit by the shell. She died of her wounds at the hospital a few hours later. Her baby was wounded and another baby aged 18 months was killed by that same shell."

A man in Abobo Hospital told Amnesty International that he had seen the corpses of 13 people, including a woman and a child aged about five or six who had been killed as a result of this shelling.

On 21 March 2011, another shell hit the Céleste neighbourhood of Abobo. An eyewitness told Amnesty International: "Everything was quiet except for the noise being made by the children and the water in which we were washing before prayers at 6.30pm, when suddenly, a shell hit the courtyard. Three people, including a child aged 12, were killed and two others were wounded."

Another witness said: "I can still see those two women, with their legs blown off by the shell. They were taken to hospital but they did not survive their injuries. One of them had several shrapnel wounds."

### Attacks on mosques and Imams

After the election results were announced, mosques in Abidjan and outside the country's commercial capital were attacked and, in some cases, Muslims, including Imams (Muslim religious dignitaries), were shot dead. These attacks intensified at the end of February 2011, along with the general deterioration of the situation in Abidjan.

Security forces loyal to Laurent Gbagbo, accompanied by Young Patriot militias, forcibly entered two mosques. These men justified these acts on the grounds that they were looking for arms. They brutalized and killed several people in these places of worship, including the Imams.

On 25 February 2011, security forces and Young Patriots attacked the Lem mosque, in Yopougon, a neighbourhood of Abidjan. They vandalized and looted the mosque buildings, then set fire to the premises, including the Conseil national islamique (CNI, Islamic National Council) office in Yopougon. Then they set fire to a shed behind the mosque and broke down the door of the mosque to look for worshippers. A victim who survived that assault told Amnesty International:

"They began to hit us with their rifle butts. Others punched and kicked us with their boots. One of them threw a Koran he had set alight at me. Then they told us to strip and continued to hit us. When they noticed that one of us, Cissé Moustapha, was wearing amulets, they really set about him, more than on me and the other person. They accused him of being an enemy. They forced us to lie down flat on the ground and then walked all over us. Then they told us to get on our knees, with our chins touching the ground and our buttocks in the air. Then they pushed the end of their guns into our anuses and shook them around. While this was happening, a UNOCI helicopter flew over the mosque. Each time it flew over, they told us to hide in order to avoid being seen. After the helicopter went away, they continued to hit us in the mosque courtyard. I was coughing so they pushed me to the ground but then they left with Moustapha Cissé and we have not seen him again since that Friday."

On 15 March an Imam was shot dead in his mosque in Port Bouët (a district of Abidjan). An eyewitness told Amnesty international:

"During the day, security forces were shooting from the other side, opposite the wall at the back of the mosque. Towards 7pm, four uniformed men wearing red berets came into the mosque courtyard and then left. Fifteen minutes later, before evening prayers, the Imam heard a noise. He went out to see where the noise was coming from. A teargas grenade had been thrown into the courtyard. As he began to walk back up the steps to the mosque, he was hit in the back by a bullet and fell to the ground. I couldn't see the person who shot him but I formed the impression that they were waiting to kill him."

Four days later, on 19 March 2011, the security forces and militia members killed another Imam and his mother in a house adjoining a mosque in the neighbourhood of Williamsville. An eyewitness told Amnesty International:

"On Saturday, about 8:30pm, three people including one wearing a red police armband, knocked at the entrance to the mosque courtyard. We opened the door to them. They said

they had come to search the house for armed Dioulas. Civilians and the one wearing a red armband spoke to the Imam, Cheikh Souleymane Cissoumar and said they were not going to give him any trouble because he was a man of God and he must pray for them. They left and came back 20 minutes later saying that the Cheikh's pupils were rebels. The Cheikh said this was not true. They shot at two talibés [students at a Koran school] and wounded two others, Daouda, 40, and Ousmane Coulibali, 17. Then they shot the Cheikh in the head and stomach. As they were leaving they also killed the Cheikh's mother, Fanta Konaté, aged more than 80. I knew two of the three people who did this. They are students and FESCI members and also man roadblocks at Williamsville, not far from the CRS camp."

#### Sexual violence

Amnesty International documented several cases of rape committed by security forces loyal to Laurent Gbagbo in Abidjan. One rape victim told Amnesty International:

"On 19 December [2010], they came to my house in Abobo. They came in the middle of the night; I was sleeping with my husband and my children. They were hammering at the door. Our door is right on the street, we didn't open. They then broke down the door, our door is made of wood. They came in, eight of them, four in plain clothes and four soldiers in military fatigues and balaclavas. Two of them took my husband outside and six of them came upon me. They told me to undress and when I didn't, they came at me again. They all took turns raping me and threw my children to the floor, the children were crying. I was screaming. I don't know what they were doing to my husband. After, I heard two gun shots. Then they left and I found my husband outside lying on his stomach. He was dead. The people who raped me and killed my husband told me that if I wanted to complain, I should go to Alassane Ouattara."

Women have also been victims of sexual violence in detention. Several women were arrested at the 16 December 2010 demonstration by police officers who took them to the Plateau police headquarters, in the centre of Abidjan, then to a house guarded by gendarmes. One of the women told Amnesty International:

"On Saturday [18 December 2010] they took me and five other women into a room. It was in the morning. There were three of them. They told us to undress. I refused. One of them hit me with his knife. I told him it was not human. He said: 'We will see about that'. He took his gun out and I was obliged to yield. The three men raped us, they wore masks. Afterwards, they left and we were kept in the house until Wednesday [22 December]. Every day, a gendarme brought us something to eat. They returned on Monday [20 December]. It was the same men; I suppose it was the same men. It was late in the afternoon and they raped us again. On the evening of 22 December towards 5pm, they released us. I have not dared to go to see a doctor since then."

In some cases, women were taken from their home and then raped by a group of soldiers and militiamen. The mother of one of the victims told Amnesty International how her daughter was raped on 18 December 2010.

"Our house looks out onto a yard that we share with five other families. Two days after the march of 16 December [2010], I was with my daughter at home in our bedroom when the

militia and soldiers entered our bedroom towards 10pm. The militiamen were in plain clothes while the security forces were in black. Some of them had a red armband. They told us they were looking for arms. They found nothing in our home but took our mobile phones. When they left, they took my daughter, Sita, with them. I tried to protect her but they pushed me to the ground. As they were leaving my house, they began to rip off my daughter's clothes. She came back a few hours later and her skirt had bloodstains on it. She told me they had forced her to walk with them. They pushed her to the ground. Two of them held her hands and feet while the other one raped her. They all took it in turns to rape her."

#### Arbitrary arrests and ill-treatment

Some people were arrested and ill-treated by security forces loyal to Laurent Gbagbo. Some of them were only arrested because they had Muslim names. The bodyguard of a notary was arrested along with other people on 16 December 2010, the day of the demonstration by supporters of Alassane Ouattara. This man told an Amnesty International delegation in February 2011:

"I was in my car with two other passengers when we were arrested in Cocody [a district of Abidjan]. The security forces asked to see our identity cards and when they saw we had Dioula names, they immediately said we were rebels. They saw I was carrying a gun and I showed them my permit and gave them the name of the notary who I was on my way to see. They weren't interested and told us to undress. We only had our underpants on. They took us to CECOS and on our arrival, they said: 'Look, we caught some rebels'. Immediately, a dozen of "*corps habillés*" [uniformed people] began to take it in turn to hit us. They hit us with clubs, belts, gun butts and kicked as with their boots. They insulted us. They asked us if we had said goodbye to our parents because they were going to kill us. Then they took us to the police headquarters where we were 'welcomed' by police officers who were lined up in a row. We were forced to walk between them. The police hit us from both sides. They were armed with truncheons, electric cables and clubs. They kept hitting us and threatened to execute us."

This man was released a few hours later at the request of his employer.

Two journalists, Sanogo Aboubakar and Kangbe Yayoro Charles Lopez, who work for a TV station based in Bouaké (a FAFN stronghold), were also victims of ill-treatment after their arrest on 28 January 2011 in Abidjan by security forces loyal to Laurent Gbagbo. Amnesty International met the journalists in detention.

One of them told Amnesty International:

"They began to beat us. There were some 30 of them. We were surrounded by them and they punched us, slapped us and kicked us with their boots during some 30 minutes. One of them tried to strangle me and I fainted. When I woke up, they beat me with iron bars and burnt me three times with cigarettes."

The two journalists remained in prison until the doors of Abidjan's main prison were opened on 31 March and all the inmates were freed.

### 3.2. HUMAN RIGHTS ABUSES COMMITTED BY THE MILITIAS SUPPORTING LAURENT GBAGBO

For several years, Laurent Gbagbo's government has armed and trained young people in militias. These militias have carried out deliberate and arbitrary killings - mainly of people with a Muslim name or wearing Muslim clothes - with the consent or acquiescence of security forces loyal to Laurent Gbagbo. Among their victims were many foreign nationals from the sub-region, especially from Mali, Burkina Faso, Senegal and Guinea. The Young Patriots have sometimes colluded with the security forces loyal to Laurent Gbagbo or acted with their tacit consent. These militias have erected roadblocks at many strategic points in Abidjan, some of them near police stations, and have proceeded to carry out identity controls, hitting, extorting and sometimes killing real or presumed supporters of Alassane Ouattara.

It was at one of these roadblocks, two days after the march of 16 December, that two students who attended the Koranic school, Ouali Ouattara and Ambara Ouattara, both aged 21, were killed by members of militias supporting Laurent Gbagbo. A shopkeeper who witnessed the scene told an Amnesty International delegation in February 2011:

"On Saturday 18 December [2010], Ouali, who was wearing an ADO T-Shirt, and Ambarra were walking towards one of the roadblocks controlled by the militia. The militiamen checked their identity cards and searched them, then told them they were brothers of Alassane [Ouattara] and accused them of being assailants. They beat them to death with clubs and bricks and also slashed them with their machetes. Then they took off the shoes and clothes of the two dead young men and burned them. They also wanted to burn the bodies but an old man who was passing by told them that was not right. Police officers of the 32<sup>e</sup> *arrondissement* (32<sup>nd</sup> District) of Abobo-Avocatier arrived and fired shots in the air. The bodies were identified by their parents at the mortuary."

The violence carried out by these militias increased sharply after Charles Blé Goudé, leader of the Young Patriots, made a speech at a bar in Yopougon (Baron Bar) on 25 February 2011. In this speech, which was filmed,<sup>16</sup> Charles Blé Goudé called on the Young Patriots to organize themselves into surveillance committees in order to control access to and from neighbourhoods and "to denounce all foreigners coming into our neighbourhoods".

This call was obeyed in districts considered to support Laurent Gbagbo, especially in Yopougon where any foreigner who did not know the neighbourhood risked being attacked and killed. During its investigation in March and April 2011, Amnesty International gathered information on at least ten cases of people beaten up and sometimes burned alive by pro-Gbagbo militias.

Two days after Charles Blé Goudé's call, on 27 February 2011, a young man was beaten to death in Yopougon because he did not live in the neighbourhood. An eyewitness told Amnesty International:

"I noticed a crowd near the Sicogi, in Yopougon. When I approached, I saw men and women beating up a young man. They were armed with machetes, clubs and bricks. As they hit him,

they said that he was not from the neighbourhood and accused him of being a rebel. They put several tyres around his neck, he was still alive when they set fire to the tyres. After their hideous crime, these Young Patriots made war cries and started shouting: 'We caught a rebel'. His body was half charred by the time his brother came to find him. He told the killers that their victim was not a Dioula."

On that same day in Yopougon, near the Banco II technical college, two 25 year-old men were detained because they were Dioulas. They were beaten up and then a tyre was placed around each of their necks and the Young Patriots set them on fire. An eyewitness told Amnesty International: "The Young Patriots said: 'if you are a Dioula, it's the same as being a rebel'. Some women who were selling produce in the neighbourhood protested. They told the Patriots that they knew that one of the two people detained had nothing to do with the rebellion and worked in the neighbourhood. But it was too late."

In other cases, the public did not dare to intervene even when they were aware that the victim was known in the neighbourhood. At the Gouro market in Yopougon, on 26 February 2011, the day after Charles Blé Goudé's speech, people working at the market witnessed the death of a man pushing a wheelbarrow, who was killed by Young Patriots manning a roadblock. An eyewitness told Amnesty International:

"One of the Young Patriots said he did not know him and they said: 'He's a Dioula, therefore he is from Burkina Faso, therefore he is a rebel'. They stripped him and beat him up. During this time, the man was looking around at us because we, market traders, knew him, but we were afraid to speak up for him. We felt bad about it, especially because they killed this brother of ours right in front of us. The Young Patriots put a tyre round his neck, poured petrol over his body and set fire to him. The victim's nickname was Tchédjan (which means 'the big man' in dioula)."

In other cases, people have been denounced to the Young Patriots. For example, the manager of a phone booth denounced a man because he heard him say 'Abobo'<sup>17</sup> several times during a telephone conversation. An eyewitness said: "The Young Patriots hit him and accused him of being a rebel. He denied it and said he had come to see his sister in Yopougon. But the Patriots did not want to understand and said: 'We are not having any rebels in Laurent Gbagbo's Yopougon.' They put a tyre around his neck, sprayed petrol on him and set him alight. For a moment, he moved his feet in struggle and one of them finished him off with a machete."

People wearing a *boubou* (traditional clothing) or amulets (considered to provide magical protection) were attacked by the young militia men who acted as roadblock guards and checked the identity of people passing through. For example, on 28 February 2011, Bakayoko Lassana was captured by Young Patriots who accused him of being a 'rebel' because he wore amulets. They beat him up and used a tyre to burn him to death. A relative of the victim expressed his pain at not being able to recover the body.

"We feel very upset because he will not be buried. At the village, they organized a short ceremony, but it is not the same thing, because we have not carried out the ceremony to mark his death and we cannot mourn for him. We find it difficult to accept that he has gone when his death cannot be marked in this way. There's something not right about it. If we had

seen the body, we could have prayed to God to pardon him and welcome him. It's a cruel thing to do."

In other cases, attacks have specifically targeted presumed supporters of Alassane Ouattara, without referring to their foreign origin. For example, on 25 February 2011, a group of young people were in the company of friends in a *maquis* [small restaurant] at Gabriel Gare, in Yopougon when Laurent Gbagbo's supporters came in and threatened them. A witness told Amnesty International: "They said to us: 'You Alassane supporters and Baoulés<sup>18</sup>, we are going to kill you one by one'. We ran away but one of our group, Diomandé Adama, a mobile phone salesman, was hit in the back by a bullet. He died from his wounds at a health centre in Yopougon."

In some cases, people have been taken from a vehicle under the pretext that they were "rebels" and have been killed in front of passers-by. In March 2011, a witness told an Amnesty International delegation that a few days earlier he had witnessed the execution of two young people in front of the Yopougon town hall.

"On Monday 14 March, towards 2.30pm, I was leaving the town hall when I heard people shooting in the air. The Young Patriots had stopped a taxi driver and taken two young men from the vehicle. The Patriots said that the "rebels" had been arrested. They were beaten to death then thrown into the car. The Young Patriots then set the vehicle alight. The driver was able to get away."

### 3.2.1. SECURITY FORCES SUPPORT FOR OR COMPLICITY IN HUMAN RIGHTS ABUSES COMMITTED BY MILITIAS SUPPORTING LAURENT GBAGBO.

Some of these militia attacks took place in the presence of security forces loyal to Laurent Gbagbo who did nothing to prevent these acts or to protect the victims. This clearly indicates that they acquiesced or were even complicit in these abuses.

One person witnessed an attack on 24 February 2011 in Gesco, Yopougon district, when a man wearing a *boubou* and a rosary round his neck was detained and accused of being a rebel.

"The Young Patriots punched him and accused him of being a rebel. A passing police patrol stopped and talked to the Patriots for a few minutes. While the police were talking to each other, the man wearing a *boubou* was held by the Young Patriots. He was screaming and crying but the police officers did not intervene and then left. After they had gone, the man was beaten more severely. They kicked and punched him and struck him with a stick. One of them held the rosary tight around his neck, another picked up a brick and hit him on the head with it and he collapsed and died."

On 25 February 2011, a man was beaten to death by Young Patriots with blows from truncheons, clubs and rakes. An eyewitness asked the Young Patriots why they were hitting him. "They replied that he was Guinean. At the same moment, a police vehicle was patrolling the neighbourhood. The Young Patriots said that the police were not going to shoot at them.

The police parked for a while but did not get out to ask what was happening even though the body was lying in the street."

Numerous reports indicate that Young Patriot militias were supervised by security forces loyal to Laurent Gbagbo and some operations were coordinated jointly. A witness told Amnesty International: "On 15 March, the Port Bouët neighbourhood was closed off by the Young Patriots, the Republican Guard and the BAE. No one was able to leave because of the shooting. Some militia men were recognized because they had patrolled the neighbourhood. They were supervised by people in military fatigues carrying arms. As they ran, they sang 'The rebels killed our parents, now it is our turn to kill them.'"

This witness indicated that on the same day "the militias burned down dozens of houses. Fouceny Coulibaly [aged 43] came out to put out the fire that was spreading in the house of his older brother. It was at that moment that he was killed. He was hit in the right side of his chest by a bullet fired by a militia member. His body was taken to the Treicheville mortuary."

Amnesty International learnt of one case where a man was stopped by members of a militia at a roadblock and handed over to the security forces who then killed him. Abou Ouattara, a carpenter known to everyone in the neighbourhood of the Yopougon market as the "Guinean", was arrested by Young Patriots at an identity check at a roadblock. They handed him over to members of the CECOS telling them that he was an enemy. An eyewitness told Amnesty International that this man "was executed immediately afterwards".

Militia members also raped women accused of supporting Alassane Ouattara. In some cases, the rapes occurred in the presence or involvement of security forces loyal to Gbagbo. One of the victims told Amnesty International:

"On 16 December [2010], towards 7pm, I was coming back from the market wearing an ADO T-Shirt. I was with some other people. About ten civilians were standing at a roadblock. We were frightened and ran away. I was unable to run quickly because I was carrying my baby on my back. They caught me and another young girl. They immediately pulled off the cloth that was holding my baby. The baby fell to the ground and started screaming. Despite that, they left it on the ground and dragged me to the side of a table. They held me by the hands. One of them pushed my legs apart and another one raped me, then another one also raped me. After raping me, they slapped me and told me that if I wanted to make a complaint, I should call ADO. He finally let me go and I took my baby in my arms. They also raped the other girl who they had caught and who was also wearing an ADO T shirt. I have not yet told my husband but plan to do so soon. I have not had a test and I have not dared to see a doctor."

### 3.3 HUMAN RIGHTS ABUSES COMMITTED BY THE INVISIBLE COMMANDO, AN ANTI-GBAGBO ARMED GROUP

As indicated above, an armed group calling itself the Invisible Commando took control of the district of Abobo at the beginning of 2011. The links between the Invisible Commando and other forces hostile to Laurent Gbagbo have been the subject of debate. Laurent Gbagbo's

supporters have said the group was part of the FAFN but the latter have denied any link with the Commando and, in a press release dated 16 March 2011, they said they "have never claimed to have a presence in Abobo commune".<sup>19</sup> In addition, on 4 April 2011, a former member of the military, Ibrahim Coulibaly, nicknamed "IB", who had played a role in the attempted coup of September 2002, publicly stated in an interview with Radio France Internationale that he was the leader of the Invisible Commando and that it had no links with the FRCI. After the arrest of Laurent Gbagbo, Ibrahim Coulibaly asked to meet Alasanne Ouattara. On 27 April 2011, the Ivorian president called on the Invisible Commando to disarm but they did not comply. The FRCI then attacked the location where Ibrahim Coulibaly was staying and he was killed in an exchange of fire in conditions that have yet to be clarified.

This armed group committed serious human rights abuses by attacking individuals belonging to the Ébrié ethnic group, accused of supporting Laurent Gbagbo. In particular, they attacked the village d'Anonkoua-Kouté, in Abobo, on 6 March 2011, killing and wounding dozens of people.

At the time of the attack, the village was inhabited by members of the Ébrié ethnic group and people from other parts of Côte d'Ivoire and foreign nationals from ECOWAS countries. This attack is said to have left some 20 dead and about 40 wounded and to have resulted in a massive displacement of the population.

An eyewitness of this attack told Amnesty International:

"On Sunday morning, around 9am, as we were coming out of mass, we noticed that the small restaurant called Challenger at the entrance to the village had been burned down by the attackers. We decided not to respond to provocations and returned to our homes. The FDS [Defence and Security forces loyal to Laurent Gbagbo] arrived at about 2pm and then left again. Around 4pm, we heard shots. More than 20 people speaking French and Dioula were attacking the village. I ran away but was hit in the shoulder by a bullet. I tried to hide inside my home but they managed to get in by breaking the door down. When they came in, they saw I was bleeding and they said this is a war and asked me the names of the people living in my house. They told me to call my wife. They told her to get down on her knees and pointed their weapons at her. I asked for mercy, then they left, but they took our mobile phones."

That same afternoon, other attackers set fire to wooden shacks not far from an electricity sub-station. People tried to put the fire out but the attackers prevented them from doing so by threatening them with their weapons. These armed men also killed three people who were coming back from a health centre: a man called Nzoué Augustin and two children, his son and his nephew.

The main attack took place the following night. An eyewitness told Amnesty International:

"Around 2am on 7 March, we heard shooting. The attackers had broken down the doors at various houses. They cut the throats of some people, killed others with machetes, shot other people dead and ill-treated others. They set fire to two women and set ablaze several houses."

Another eyewitness said: "About 3am on 7 March, everyone was sleeping when we were woken up by people shooting. These people, some of whom were armed and who were speaking Dioula, entered houses and asked where the arms sent by Laurent Gbagbo were. They set fire to some houses and some people did not get out in time. Some people were shot dead. Others, including Martin, a chemist, had their throats cut. The armed men accused us of supporting Laurent Gbagbo. When they went into one house, one of the commandos opened a gas cylinder and set fire to the place. In the morning, when Kango Sylvie, 40, one of the villagers, came out of her house, she was red and the skin was peeling off her body. She died of her wounds the same day."

Another witness told Amnesty International that on the day after the attack they saw "two people who had had their right tendons cut and who had also been shot in the left leg."

Moreover Amnesty International learnt that in the neighbourhood of Abobo several people, including people accused of lootings, were summarily killed by members of the Invisible Commando.

### 3.4. HUMAN RIGHTS VIOLATIONS COMMITTED BY THE FRCI DURING AND AFTER THE ARREST OF LAURENT GBAGBO

During the fighting in Abidjan and in the weeks that followed, the FRCI, created by Alassane Ouattara on 8 March 2011, committed serious human rights violations against real or presumed supporters of Laurent Gbagbo.

The attack on Laurent Gbagbo's residence in Abidjan on 11 April 2011 was followed by human rights violations against some of the outgoing president's close supporters, including members of his government.

A witness, who was in the residence at the time of the attack told Amnesty International how President Gbagbo, his wife, Simone Gbagbo and close supporters were in the basement of the presidential residence after it had been bombed.

This person described the conditions in which the former Minister of the Interior, Désiré Tagro, was wounded. "Désiré Tagro was in discussions with the French ambassador about the conditions for the surrender of Laurent Gbagbo and his close supporters. Désiré Tagro went out with a white flag but was shot at although he was not hit. He returned and called the ambassador to ask him to stop the shooting. When we went out, I saw that Désiré Tagro was wounded in the jaw." Désiré Tagro died on the same evening from his wounds. At a meeting with the Amnesty International delegation on 19 April 2011, UNOCI officers said that, following a request from the FRCI, they had evacuated Tagro to their medical unit. However, no surgeon was available so they had transferred him to the Sainte Anne-Marie International Private Hospital (PISAM) in Cocody, where he died.

The same witness said that supporters of Laurent Gbagbo were hit by FRCI soldiers in the yard of the presidential residence after their surrender.

"They started to hit the men and women with sticks and rifle butts. Others were filming them and taking photos of them like animals at a fair. French soldiers of the Force Licorne, who were stationed in front of the residence in their vehicles and tanks, did not intervene. They were like people in the cinema watching a film. One young woman who was being beaten up held out her hand to a French soldier, but he looked away."

This witness said that later, French forces gave them some medical treatment and reassured some of the wounded. "When the FRCI soldiers threatened some people that they were going to take them to the Anyama camp and kill or rape them, the French soldiers said: 'The protection of the authorities [i.e. Laurent Gbagbo and his close supporters] is our responsibility'."

Amnesty International has also learnt that some of those close to Laurent Gbagbo were severely beaten on their arrival at the Golf Hotel, shortly after their surrender. A witness said: "When we arrived, UNOCI personnel lined up in a row to protect us but in the hall, next to the bar, armed men began to hit us and UNOCI soldiers left us unprotected."

Several of those close to Laurent Gbagbo were severely beaten in the Golf Hotel, including Philippe-Henry Dakoury-Tabley, former governor of the Central Bank of West African States (BCEAO) until January 2011.

In April 2011, during a meeting with the Director of Cabinet of the Minister of Justice, Amnesty International delegates expressed their concern about the security of Laurent Gbagbo and those close to him and asked to meet them. They were told this was not possible for security reasons (See below Box 6.2).

Laurent Gbagbo was initially taken to the Golf Hotel and was then transferred to Korhogo (in the north of the country) where no one seems to have been able to meet him until 2 May 2011, when the South African Archbishop, Desmond Tutu, former UN Secretary General Kofi Annan and former president of Ireland and former UN High Commissioner for Human Rights, Mary Robinson, had a brief conversation with him.

Amnesty International also raised the question of the legality of these detentions. The officials replied that these people were under the responsibility of the Ministry of the Interior and had not been "detained" but rather "retained" under the provisions of a 1963 regulation (See below Box 6.2). Amnesty International also asked the Ministry of Justice for the names of all those close to Laurent Gbagbo who had been arrested and the place of their detention but the authorities refused to provide this information.

Amnesty International remains concerned about the safety of those close to former President Gbagbo. Simone Gbagbo is currently under house arrest at Odienné (in the north of the country), others including Pascal Affi Nguessan, President of the FPI, are reportedly detained in Bouna in the north of the country. A number of other people are still being held in Abidjan, notably at La Pergola Hotel. Most, if not all these people remained detained incommunicado without any contact with their families and lawyers and some were reportedly held in life threatening conditions, notably 23 people including military and police officers held in a small cell in a military camp in Korhogo. At the time of finalizing this report (i.e. 17 May 2011), the International Committee of the Red Cross (ICRC) was not able to visit these detainees.

In addition, after Laurent Gbagbo's arrest, presumed supporters of the former President were victims of violent reprisals, despite the fact that President Ouattara launched a call on television on 11 April 2011 "appeal[ing] to all [his] compatriots who might feel the need for vengeance to abstain from all acts of reprisal and violence"

On 12 April, armed men, some of them in uniforms, raided districts inhabited by real or presumed supporters of Laurent Gbagbo, notably in Yopougon and Koumassi.

A witness told Amnesty International how, on the same day, a police officer, apparently from the same ethnic group as Laurent Gbagbo, had been apprehended just before 10am at his home in Yopougon by men in uniform and shot him dead at point-blank range.

In Abidjan, several journalists close to the former president were tracked down by armed men and the offices of several daily newspapers, including *Notre Voie*, organ of the FPI, Laurent Gbagbo's party, were attacked and vandalized. One of these journalists told Amnesty International how armed men came to his home three nights in a row between 12 and 15 April and how he had to hide and finally flee with his family.

Lawyers, real or presumed supporters of Laurent Gbagbo, have also been targeted. Some of them have had their homes looted, their offices destroyed and have had to flee, sometimes abroad.

## 4. VIOLATIONS OF INTERNATIONAL HUMANITARIAN AND HUMAN RIGHTS LAW IN THE WEST OF THE COUNTRY

### 4.1 THE WEST OF THE COUNTRY: A REGION THAT HAS BEEN UNSTABLE FOR MORE THAN TEN YEARS

Since December 2010, the most serious human rights violations and abuses have been committed in the west of the country, a region rich in coffee and cocoa plantations and which has long been the scene of inter-communal tension.

Throughout the last decade, xenophobic rhetoric about “*Ivoirité*” combined with the economic crisis led to conflicts over land between populations claiming they are native to the region and other populations who have come from other regions of the Côte d’Ivoire and neighbouring countries. These populations had settled in the region sometimes for decades, in particular to work on the coffee and cocoa plantations.<sup>20</sup>

Since the 2002 coup attempt, tens of thousands of planters, of many different origins, have been chased off their land by the two parties to the conflict. In addition, hundreds of women and girls have been victims of sexual violence, including rape, which was used as a weapon of war.<sup>21</sup>

#### 4.1.1. CREATION OF MILITIAS

In the west of the country, the Laurent Gbagbo government encouraged and created self-defence militias that have often fought alongside the security forces. These militias were created to compensate for the inability of the Ivorian army to counter the FAFN in the months that followed the 2002 coup attempt.

The Malinkés and Dioula communities (from the north of the country) also created militias composed especially of Dozos (traditional hunters).<sup>22</sup>

These different militias committed serious human rights abuses during inter-communal clashes.

## BOX 4. INTER-COMMUNAL VIOLENCE, INCLUDING RAPE, IN THE WEST DURING JANUARY 2011

In January 2011, in Duékoué (about 500 km to the west of Abidjan), some 40 people were killed in fierce inter-communal clashes. Hundreds of homes were looted and burned to the ground and thousands of people fled to camps for displaced people in the west of the country.

This inter-communal violence between so-called autochthonous and non indigenous communities ("*autochtones*" and "*allogènes*") took place while the town was still under the control of forces loyal to Laurent Gbagbo which were unable to prevent and end these clashes.

The inter-ethnic character of these clashes has been confirmed by the fact that almost everyone interviewed by Amnesty International in Duékoué described their attackers with ethnic labels - the Dioulas or Malinkés (considered to be Alassane Ouattara's supporters) or Guérés (considered to be Laurent Gbagbo supporters).

These clashes took place in several areas of the town. Neighbourhoods inhabited predominantly by one community were burned down by the other. In mixed neighbourhoods, homes were targeted on the basis of ethnicity and presumed political affiliation.

Most of the victims were members of the Guéré community, but members of the Dioula community were also attacked.

A witness told Amnesty International how the Dioulas were killed in an area called *Quartier Résidentiel*:

"Those who came to attack our neighbourhood on Monday [3 January 2011], I know them personally. This saved my life. I begged them to spare my house and they did. But they burned all the other houses of people who were not Guéré. They killed a neighbour, a Guinean; he was visiting his Malian friends here. When they arrived, he hid behind the door and they caught him and killed him. They cut off his hand and penis and put his penis at the end of their rifle."

In February 2011, the Amnesty International delegation met several Guéré women who had been gang-raped in their own houses, which were then set ablaze. One victim told Amnesty International:

"On Tuesday, 4 January, in the afternoon there was shooting and we hid in the house; there were many of us as other neighbours (f) had come to shelter in our house, in my father's house. They broke the door and came in and started to hit the young men and boys and to rape the women. They were Dioula, were dressed in *boubous* and with amulets. Several women were raped in the house; they pushed some of the young men and boys outside and hit pregnant women. I was raped by 3 men; they told us to lay flat and said: 'We'll kill you.' We fled the same night. . . . We went to the Catholic Mission in town but there was no space and now we are staying with my sister in the *Quartier Carrefour*; she lent us a very small room by her house."

During their visit to Duékoué in February 2011, the Amnesty International delegates accompanied this woman to her charred house located in the Toguéï neighbourhood. There was nothing left other than a pile of rubble from burned houses and the only people found there were non-Guéré.

However, in some cases, Dioulas saved Guérés. A Guéré woman told Amnesty International:

"When the Malinkés (Dioulas) came to attack the neighbourhood I took refuge at the home of a neighbouring family from Burkina Faso. The Malinkés came to ask if there are any Guéré to send them out, to kill them, and my host said that there are only foreigners here, only Dioula. He then helped me to leave the neighbourhood and I came here to the Catholic Mission."

A Guéré woman who is now in Abidjan after fleeing the village told Amnesty International:

"On Monday [3 January 2011], they came early in the morning. I was in my home in my father's compound with my mother, my older sister and my little brothers. I was alone in my house, the courtyard is not enclosed. They had knives and machetes. They broke the door and grabbed me. They said nothing, threw themselves on me and did horrible things to me; they raped me, three or four of them. They burned my house, the house of my family and they killed my brother. They stole everything from my shop and then burned it down. We fled the same day, with my mother and my sister-in-law and her children. We hid in the bushes and then went to a small village and after a day came here."

During their investigation in the Toguéï neighbourhood, in Duékoué, in February 2011, Amnesty International delegates noted that the violence could not be explained simply in terms of inter-communal disputes. A witness showed the delegation houses belonging to Guérés which had not been burned down because they were allegedly supporters of Alassane Ouattara while houses belonging to non-Guérés who allegedly voted for Laurent Gbagbo had been burned down.

#### 4.1.2 OFFENSIVE BY THE FRCI IN THE WEST

On 28 March 2011, the FRCI, supported by auxiliary forces composed particularly of Dozos, launched a general offensive in the west of the country and, in three days, took control of almost the entire part of the country that was still in the hands of Laurent Gbagbo supporters.

In the days that followed, the two parties to the conflict committed serious violations of international humanitarian law, including war crimes, as well as crimes against humanity.

Fierce fighting took place for control of the city of Duékoué on Monday 28 March between forces loyal to Laurent Gbagbo and those fighting for Alassane Ouattara. Mercenaries recruited in Liberia and militias supporting Laurent Gbagbo fought alongside of the security forces against the FRCI. Throughout that day, forces loyal to Laurent Gbagbo looted the belongings of Malinkés (Dioulas) and killed civilians, including an Imam and another person who was with him. The pro-Gbagbo militias were unable to resist the attack mounted by the FRCI, supported by Dozos and other armed elements in plain clothes, and fled. From the morning of 29 March 2011, the FRCI accompanied by the Dozos took complete control of Duékoué and, in the hours and days that followed, hundreds of people belonging to the Guéré ethnic group were killed deliberately and systematically in Duékoué and in some surrounding villages, simply because they belonged to this particular ethnic group.



*Image above:*

The road between Bolequin and Guiglo in the west of Côte d'Ivoire where fighting took place at the end of March 2011.

*Image right:*

Smoke rises above the Abidjan skyline as forces bomb the city in their fight for control. Both parties shelled densely populated neighbourhoods.





*Image right:*

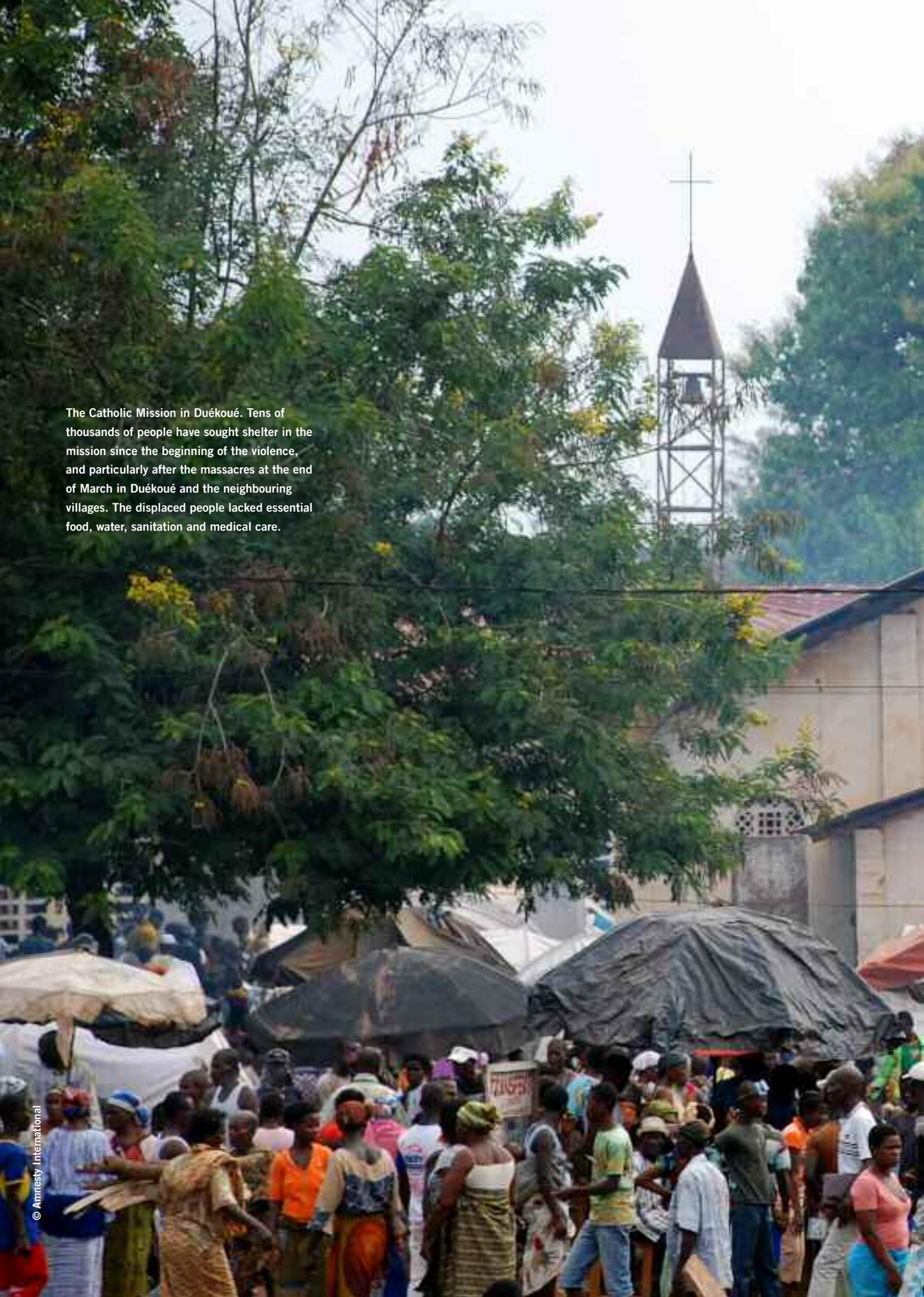
Security forces loyal to former President Laurent Gbagbo patrol the streets of Abidjan a few days before his arrest on 11 April 2011. They were responsible for unlawful killings, rapes, disappearances, torture and other ill-treatment.

*Image below:*

Forces loyal to former President Laurent Gbagbo clash with supporters of President Alassane Ouattara in Abidjan on 16 December 2010, killing several people.



The Catholic Mission in Duékoué. Tens of thousands of people have sought shelter in the mission since the beginning of the violence, and particularly after the massacres at the end of March in Duékoué and the neighbouring villages. The displaced people lacked essential food, water, sanitation and medical care.







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*Image above:*

A woman and her child look at the remains of their house a few days after the attack for control of Duékoué.

*Image left:*

One of the three mass graves in Duékoué, where dozens of bodies were buried after the attack by forces supporting President Alassane Ouattara at the end of March 2011. Some bodies were put in plastic bags and others were piled on top of each other. No photos of those killed were taken to allow families to identify their relatives.

*Image right:*

Two fighters ride around the empty streets of Duékoué, a few days after the attacks for control of the town. Hundreds of Guérés were massacred on ethnic and political grounds.

*Image below:*

A woman looks at the remains of a body in the Carrefour district of Duékoué, where forces supporting President Alassane Ouattara rampaged through the compounds on 29 March 2011 looking for Guérés. Women and girls were made to leave, and hundreds of men were executed.





*Image left:*

People displaced by the fighting queue for water in the camp at the Catholic Mission in Duékoué. Laurent Gbagbo's government twice cut off water and electricity supplies to vast areas of the country during February and March 2011.

*Image below:*

The headquarters of the United Nations Operation in Côte d'Ivoire (UNOCI). The mission has been in the country since 2004 with responsibility for monitoring the human rights situation and helping "to protect civilians within its areas of deployment".



## 4.2. VIOLATIONS OF INTERNATIONAL HUMANITARIAN AND HUMAN RIGHTS LAW

### 4.2.1 VIOLATIONS COMMITTED BY FORCES LOYAL TO LAURENT GBAGBO

On 28 March 2011, Liberian mercenaries and militias loyal to Laurent Gbagbo killed several Dioulas in Duékoué while entering compounds often inhabited by several families. They looted and burned down houses and killed real or presumed supporters of Alassane Ouattara on purely ethnic or political grounds. An Imam, Drissa Konaté, and a man living in the same yard, Samasy Sidicki, were killed in their homes.

Pro-Gbagbo forces also killed, the same day, nationals from the sub-region, including three Malians, Nouhoum Ouattara, Ahmed Touré and Souleymane Diakité, who lived in the same compound as well as a Burkina Faso national, Soungalo Ouattara. A child aged four, Sankara Ahmed, burned to death in her home when the house was burned down. Her parents told Amnesty International: "We were only able to bury her bones."

A woman from Burkina Faso told Amnesty International how her husband was killed in front of her on 28 March 2011:

"When the militias arrived at our house, they threw themselves on my husband. They hit him with a stool. They hit him a few times in the mouth and broke all his teeth. He was bleeding and they finished him off with a knife."

Amnesty International was also told that 47 people from the north of the country had been massacred reportedly by Liberian mercenaries loyal to Laurent Gbagbo in Bolequin prefecture (80 km from Duékoué) by the end of March 2011. The Amnesty International delegation visited the place several days later, in April 2011, and found the town completely empty of its inhabitants. The houses and shops had been looted and seriously damaged. The FRCI that were in the area showed the Amnesty International delegation photos of bodies and said that these people had been killed by mercenaries and militias loyal to Laurent Gbagbo. Amnesty International was not able to find any corroboration of the identity of these victims and of the perpetrators.

### 4.2.2 ABUSES COMMITTED BY THE FAFN BEFORE THEIR INTEGRATION INTO THE FRCI

Until Alassane Ouattara announced the creation of the FRCI, on 8 March 2011, the FAFN were formally under the command of Guillaume Soro, Secretary General of the New Forces. In fact, the commanding officers of this armed opposition group were all-powerful in their areas and residents had no recourse to justice due to the total absence of a judicial system and accountability mechanisms.

After the December 2010 election results were announced, FAFN members began to take control of several villages in the west of the country, causing tens of thousands of people to flee towards either Liberia or other regions still controlled by forces loyal to Laurent Gbagbo, especially to the city of Duékoué. Thousands of people, mainly belonging to the Guéré ethnic

group, believed to support Laurent Gbagbo, found refuge in this city, in the bush, at the homes of relatives living in a district called *Quartier Carrefour* or in the city's Catholic Mission.

In February 2011, the Amnesty International delegation met dozens of displaced people who had come to Duékoué. Many of them said they had fled their villages after being threatened by FAFN members. One of these displaced people, from the village of Blodi (10 km from Duékoué) told Amnesty International: *"As soon as they arrived, the 'rebels' fired in the air and threatened us. We were afraid and fled, abandoning our belongings and plantations."*

Another man who found refuge in the Catholic Mission told Amnesty International the circumstances in which his wife and their one-year-old son had been killed by the FAFN in an attack on the village of Guiéhibli (some 24 km from Duékoué), on 28 December 2010.

"We had fled to hide in the bush but the rebels followed us. My wife was carrying our child on her back and could not run quickly. She was hit by a bullet, which also went through our one-year-old son's body and he died immediately."

This man told Amnesty International that 14 other people from his village had been killed by the FAFN.

The Amnesty International delegation also gathered witness statements on rape, arbitrary detention and ill-treatment committed by FAFN members in the areas under their control.

#### Arbitrary detentions and ill-treatment

In Mahapleu, a village between the towns of Man and Danane (about 600 km west of Abidjan), where most of the inhabitants reportedly voted for the outgoing president Laurent Gbagbo, nine men were detained by the FAFN in mid-January 2011 and severely beaten and ill-treated for several days. They were eventually released without charge or trial but were threatened and most of them had to leave their homes. One of them told Amnesty International:

"They took me to the former health centre which they now use as their military base; they beat me very harshly with the butts of their rifles and they stepped on me. They put me into two large bags (the bags used for rice) and tied the bags with rope around (like a mummy) so that I could not move my hands and legs and beat me and threatened me with death."

#### Rapes

In Mahapleu, a schoolgirl aged 15 was raped by an FAFN commanding officer in mid-January 2011. The girl told Amnesty International:

"We had been given the day off school because of the elections and then school did not start again and I was in Mahapleu at my parents' home. I was in the village with my elder sister and friends. A FAFN commander in a red four wheel vehicle stopped and forced me to get in. He forced himself on me and abused me. Then he threatened to throw my parents in prison if I told people what had happened. I have not told my mother. I acted as though nothing

happened. I believe he has done that with other girls."

Amnesty International has also obtained a witness statement from a young girl, aged 18, raped in Mahapleu by the same commander on 27 January 2011. This young girl told Amnesty International:

"I was going home, at about 4pm. This FAFN commander forced me into his vehicle, drove to a field outside the village and raped me in the back of the vehicle; then he left me there and I walked home. I told a friend of his what he had done. At night he came to our home; I fled to the fields nearby with my older brother. When my mother said that I was not home he saw my brother's wife and he hit her; he said she knew where I was. Then they arrested my brother and my father. Now I cannot go home anymore; I am in hiding with relatives far away".

To Amnesty International's knowledge, no action has been taken against this commander who was neither suspended from duty nor punished.<sup>23</sup>

#### 4.2.3. VIOLATIONS COMMITTED BY THE FRCI AND THEIR AUXILIARY FORCES

Until Alassane Ouattara announced the creation of the FRCI, on 8 March 2011, there was no clear chain of command between the new president and this armed opposition group.

Since 2002, Laurent Gbagbo's supporters have continuously denounced the collusion between the FAFN and Alassane Ouattara, accusing him of instigating the attempted coup in September 2002, which the latter has always categorically denied.

However, relations between the FAFN and Alassane Ouattara were officially strengthened as the presidential election of November 2010 approached. Even before the election results were announced, armed elements of the FAFN had ensured the protection of Alassane Ouattara and his government, who were blockaded in the Golf Hotel in Abidjan until the arrest of Laurent Gbagbo.

The FAFN's subordination to Alassane Ouattara was definitively clarified when the new Ivorian president integrated the FAFN into the FRCI. Having done this, President Ouattara assumed responsibility for all the acts committed or tolerated by these armed forces subsequent to their integration.

##### 4.2.3.1 Massacres in Duékoué

When they took control of Duékoué and the surrounding villages, the FRCI and the Dozos massacred hundreds of Guérés on essentially ethnic and political grounds.

After they took control of Duékoué on the morning of 29 March 2011, the FRCI, supported

by Dozos and armed elements in plain clothes, led a manhunt in an area called *Quartier Carrefour*, where the population was mainly Guérés. They entered the compounds, demanded money and looted houses. Then they asked women and girls to leave and summarily executed hundreds of men of all ages (See below Box 5). Before killing them, they asked their victims to give their names or show their identity card. Some of these identity cards were later found beside the bodies.

Amnesty International has gathered more than 100 witness statements from people who survived this massacre in Duékoué and in the neighbouring villages. They all indicate the systematic and targeted nature of the killings committed by uniformed FRCI soldiers and Dozos against Guéré populations. Many people were also killed in their homes during systematic raids on compounds inhabited by Guéré communities. During its investigation in Duékoué in April 2011, the Amnesty International delegation visited several burnt houses and saw charred bodies not yet buried.

A woman who lived in Duékoué told Amnesty International:

"On Monday [28 March 2011], the FRCI easily defeated the security forces and their allies, militias and Liberian mercenaries. The latter quickly deserted, abandoning civilians, leaving us without any protection. The next day, the FRCI and the Dozos entered into *Quartier Carrefour*. They came into the yards and chased the women. Then they told the men to line up and asked them to state their first and second names and show their identity card. Then they executed them. I was present while they sorted out the men. Three young men, one of whom was about 15, were shot dead in front of me."

Amnesty International learnt that armed elements regularly came back during the following days to Duékoué Hospital to look for the wounded and that, on one occasion, FRCI elements had fired a bullet inside the hospital "to scare medical staff."

Several people were killed after they showed their identity cards. A protestant pastor told Amnesty International:

"That Tuesday [29 March], I ran with people from my congregation to seek refuge at the Catholic Mission. When we arrived at the CP II area, they shot at us. My son and two other persons were killed. A few meters further, they arrested me and asked for my ethnic group. I told them that I was a pastor. They then asked me for my identity card, they did not check everything as they were arguing with another inhabitant who was running away. When that person said that he was from the Bété ethnic group,<sup>24</sup> they asked him to lie down and they slit his throat. I took this opportunity to run away."

Other men belonging to religious congregations were killed and all the churches in the *Quartier Carrefour* were vandalized, looted and burned down.

A pastor called Jacquemin was killed in his church with one of his congregation. A witness told Amnesty International:

"On Tuesday 29 March, they came into our church, the pastor was praying with his congregation. One of them asked him what he was doing and what ethnic group he belonged

to. He replied that he was praying and that he was a pastor. The man said: 'Pastor is not an ethnic group'. Another asked him what party he supported. The pastor replied that his party was Jesus Christ. One of the attackers replied: 'Why is your party Jesus Christ?' And they killed him. One of his congregation, Arsène, who was with him, was also killed."

Another priest of the Celestial Church of Christ who was still wearing his sacerdotal clothes and eight members of his congregation were also killed.

In their attempts to flee these massacres, thousands of people tried to enter the Duékoué Catholic Mission. Some of them were killed on their way there. A witness told Amnesty International:

"On Tuesday afternoon [29 March 2011], there were a lot of us on the road running away from the rebels. We were on our way to the Catholic Mission when we were arrested. One of the armed men spoke to my uncle, who was retired, and said to him: 'You, the man, stay here, we are going to kill all the men'. My uncle said to him: 'Excuse me, my child, do not kill me, what have I done, my child?' They shot him. I still tremble when I think about it. Then they arrested another young man. They looked at his identity card and shot him dead."

In some cases, people were killed because they did not have enough money to give to their attackers. In Duékoué, the widow of a man who had been killed in front of her, on 30 March 2011, told Amnesty International:

"Just before 2pm, I was at home with my husband and other members of my family when Ouattara's rebels arrived. They gathered us together. They told my husband that he was a '*corps habillé*' [member of the security forces]. He replied there must be some mistake, as he was not a soldier. They told him: 'You are a tall man, therefore you are a '*corps habillé*'. They asked us for 100,000 francs [CFA francs, about 150 euros]. We told them we did not have the money. My father-in-law gave them 6,000 [CFA francs, about 8 euros], they decided that was not enough. They killed my husband."

Some people were killed in their homes after they had put their hands on their head to indicate they were surrendering. One witness said:

"On Tuesday morning, at least nine people, most of them in fatigues, came into our yard. People were afraid, they came out and put their hands on their head. It was just at that moment that they opened fire, killing seven people in our yard, including a woman, Temohin Suzanne, aged 52, and two men, Gbahounou Dominique Ouonmouegnon and Gbahounou Desiré. "

Some people were killed in front of their parents, sometimes with a knife. The mother of one young man who had his throat cut in front of her told Amnesty International:

"On Monday morning, about 10am or 11am, they came into the yard and fired in the air. My son and I went out, with our hands on our heads. They said they wanted to kill the boy, I began to cry. One of them shouted out that he did not want to kill women: 'We want the boy. As for the women, we'll leave them to the dogs (*les femmes, ce sont nos chiens qui vont coucher avec vous*)', and they cut my son's throat."

These killings had political as well as ethnic motives and the Guérés who were able to prove their support for Alassane Ouattara escaped alive. One official in the local administration had this to say:

"[On Tuesday 29 March], when they arrived, they shouted out, repeating that they had come to kill the Guérés. A Guéré woman was stabbed in the back. When she showed a photo of ADO, a FRCI soldier said: 'Excuse me', and spared the life of her brother whom they were going to execute."

The Amnesty International delegation also collected information showing clearly that the FRCI and the armed elements fighting alongside them were targeting specifically the Guérés population. During their stay in Duékoué, the delegation learnt that a house belonging to a Malian and another house belonging to a Baoulé family were not attacked while their Guéré neighbours were systematically attacked.

In other cases, the FRCI and armed elements fighting at their side made their victims sing hymns to the glory of Alassane Ouattara.

One person who was in a group trying to seek refuge at the Catholic Mission, told the Amnesty International delegation:

"We were arrested on the road, opposite Guémon Bridge. The rebels told us they were going to kill all the Guérés and that not a single one of them would be left. They told us to stand apart in a group – the men and boys on the left and the women on the right. They said that the Guérés were stupid and that it was not surprising they had voted for Laurent Gbagbo. They told us to sing 'ADO president, ADO solution'."

Many men and young boys were killed off the Guémon bridge and the Amnesty International delegation learnt that 56 dead bodies were registered at this place. Witnesses told Amnesty International that the day after this massacre, people belonging to the Malinké ethnic group plundered the corpses and the homes of the dead.

At least one political official was targeted by the FRCI and the troops fighting alongside them in Duékoué. These armed elements went to the home of Jean Bouana, director of the campaign of one of the candidates to the presidential election in November 2010 who supported Laurent Gbagbo in the run-off. A witness told Amnesty International:

"On Tuesday 29 March, we were at home when the rebels arrived, some of them wearing grigris [amulets]. We told them that our parents were Lebanese and Guérés. They demanded money, then left. They returned towards 9am the next day and asked Jean Bouana to get in their vehicle. We asked for mercy but they took him in the direction of Guiglo. We fled in order to go to the Catholic Mission. That afternoon, his body was found on the road."

#### The UNOCI failure to protect civilians

The massacre at Duékoué took place in spite of the presence of a UNOCI base 1 km from the *Quartier Carrefour*, the main location of the killings. The first people to find refuge in the Catholic Mission requested the help of the peacekeeping force but received no assistance.

One woman told Amnesty International: "I went to see the UNOCI people to tell them that our men and boys were being massacred and that they ought to intervene but they did nothing."

The UNOCI's presence in the Duékoué region was limited to one battalion of 200 Moroccan soldiers, one of whose tasks was to protect the camp for displaced people that had been set up in the city's Catholic Mission. Amnesty International notes actions taken by Moroccan soldiers who went into the bush to help people who had fled their homes following threats from the FRCI and other associated armed elements. However, the insufficient numbers of UNOCI in this region meant that protection for tens of thousand of displaced people who wanted to go back to their homes was not provided. The insufficient number of UNOCI troops was even clearer in the area between Guiglo and Bolequin (to the southwest of Duékoué). Although a UNOCI battalion conducted two patrols per day in the area, testimonies indicate that the UNOCI vehicles were speeding through ghost villages without stopping to inquire about the situation of displaced people.

Since 29 March 2011, Amnesty International publicly made several appeals to UNOCI to strengthen its presence in the area. In April 2011, the Amnesty International delegation raised this question at a meeting with several high level UNOCI representatives in Abidjan, emphasizing the urgency of protecting the population in the west of the country. They replied that the general responsible for that area had not requested reinforcements. (See below Section 6.3).

## BOX 5. MASSACRES IN DUÉKOUÉ: A POLEMIC ABOUT THE FIGURES

The number of people killed at Duékoué and the identity of the perpetrators of these killings has been the subject of an intense polemic. On 1 April 2011, the International Committee of the Red Cross (ICRC) publicly stated that "at least 800 people" had been killed on 29 March, during "inter-communal violence".

The UNOCI Human Rights Division stated that "330 people had been killed" between 28 and 30 March 2011 in Duékoué and that "most of the 330 people killed had been executed by Dozos (traditional hunters) fighting alongside the FRCI".<sup>25</sup> UNOCI added that the victims were "militiamen and civilians, including women and children."

These versions have been categorically denied by FRCI spokesman, Seydou Ouattara, who said that those killed in Duékoué were "militiamen and not civilians."<sup>26</sup>

In April 2011, Amnesty International interviewed a witness in Duékoué who had helped Moroccan soldiers of UNOCI to count the people killed in the *Quartier Carrefour* and helped the Red Cross to bury some of them. This person said that 817 bodies had been counted, including:

- one woman.
- 24 people under the age of 20, including a child aged three.

- 12 bodies dressed in an alb (white priests robe), which were found close to the Celestial Christian Church

This person said that the bodies had bullet wounds. About 30 bodies were burned inside their homes. Bodies were found side by side, inside houses, in yards, in back streets and along main streets.

Amnesty International has obtained information about the way the bodies were buried. Some of them were buried by the Ivorian Red Cross with the help of UNOCI soldiers.<sup>27</sup> They piled the bodies on top of each other in communal graves, using a mechanical digger to cover them with earth.

The bodies were buried in three communal graves in the town market. Another grave was dug near Guémon bridge. Bodies were also buried in the cemetery and other places. The communal grave dug near Guémon Bridge was on marshy terrain, which could be flooded in the rainy season.

None of the measures regarding temporary burial recommended in authoritative standards for the management of dead bodies after disasters<sup>28</sup>, to ensure that bodies should be recoverable, identifiable to the extent possible and treated with respect, were followed. No measures to identify the bodies were taken and the place and position of each body was not marked. Some bodies were put in plastic bags and others were piled up on top of each other without respecting the recommended distance between bodies. These omissions could seriously impede eventual identification of the human remains buried in these locations.

These Guidelines provide that:

"Temporary burial sites should be constructed in the following way to help ensure future location and recovery of bodies:

- Use individual burials for a small number of bodies and trench burial for larger numbers.
- Burial should be around 1.5m deep and at least 200m from drinking water sources (...).
- Leave approximately 0.4m between bodies.
- Lay bodies in one layer only (not on top of each other).
- Clearly mark each body [...] and mark their positions at ground level."<sup>29</sup>

#### 4.2.3.2 Massacres and killings in the villages in the Duékoué region

The Amnesty International delegation also investigated killings and massacres committed by the FRCI, the Dozos and other armed elements allied to them in several villages near Duékoué, including Dahoua, Delobly, Bahé Bé, Pinhou, Guéibli, Guinglo-Zia, Diéhiba and Diahouin. As a result of these attacks, these villages were often abandoned by communities belonging to the Guéré ethnic group and many people who fled the killings found refuge in the bush where they were chased and in some cases killed. One witness, a resident of Dahoua, told Amnesty International:

"On Friday 1 April, Dozos and men in fatigues arrived, causing panic in the village. They vandalized the house of the village chief, a former sergeant in retirement. They burned his house down and said they would be back. All the inhabitants sought refuge in the bush. The next day, I returned to the village but I was caught by the FRCI. They told me to call the villagers but the FRCI and the Dozos said they had not come to kill people. They then asked people to assemble. They took three young people from the displaced population. They said that these were criminals. Two of them were tied together back-to-back, with their hands behind their backs, another was attached in the same way. One of them took out a knife and cut their throats."

Those who could not flee in time, including old people, were among the first killed in these attacks. A resident of Diahouin (about 20 km from Duékoué) told Amnesty International:

"On 28 March, towards 10am, we heard shots. The villagers went out and went into the bush. A group of 15 of us, who were not able to run very fast, were killed straightaway. The bodies were burned; other bodies were thrown in wells."

One old man, who could not run quickly, was also killed in front of his daughter in Délobly.

"When I saw them arrive, I told my father to run. He tried but he was too old to run quickly and he was caught. He asked them what he had done, they cut his throat, then they cut his head and hands off. They threw the rest of his body into a well."

Several witnesses confirmed that many bodies were thrown into wells. One man said :

"After hiding in the bush for a few days, Blesson Jean went back to his home on Monday 5 April. He was caught by the FRCI and the Dozos, who cut his throat and threw his body in a well."

Dogs were also used to track people who fled from the massacres. One witness said:

"On Monday [28 March 2011], the day of the attack, I fled into the bush to hide. Two days later, on Wednesday, the FRCI came to look for me with dogs. The dogs bit my feet and buttocks [the scars left by the bites were still visible when Amnesty International delegates met this person two weeks later]. They followed me even after I had crossed a river. I was able to reach a hill and they could not climb after me. The people who were following me fired in my direction, but did not hit me."

In some villages, notably Diéhiba, houses were set ablaze and people were burned alive inside them.

"On Monday 28 March, we were surprised to hear gunshots towards 9am. Men in fatigues had come to our village, some of them were on foot, others were on motorbikes. They shot at everybody. They broke down doors, looted everything, took the villagers' personal belongings in wheelbarrows. They burned houses down and some people were burned alive inside their own homes."

In another case, attackers prevented one person from leaving his home, which was on fire.

One witness told how in Diahouin:

"Djiezon Olivier, aged 17, ran to hide in his house. Rebels set his house alight and prevented him from coming out. His burned body was buried immediately afterwards."

Village chiefs were also illegally killed. In Bahé Be (8 km from Duékoué on the road to Guiglo), the FRCI killed the village chief, Doh André, on Friday 1 April 2011 because he had given shelter to the village chief of the *Quartier Carrefour*, in Duékoué, who was also killed.

These massive and systematic human rights abuses led tens of thousands of people to flee from their towns and villages, some of which had become almost ghost towns by the time the Amnesty International delegation visited the area. For example, Diahouin (some 20 km from Duékoué), which had a population of 2,675 before the attacks had only 263 by the time the Amnesty International delegation visited it on 10 April 2011. One resident of the village told Amnesty International:

"When the rebels arrived, when we saw they were not shooting in the air, we fled. The population went to hide in the bush. Some of them have still not returned."

The ethnic motive for these killings was evidenced by the fact that many witnesses said that non-Guéré communities were spared and their belongings left untouched. In the village of Niambly (10 km from Duékoué), which was attacked on 23 March 2011, only the Guérés were targeted by the FRCI. A witness told Amnesty International:

"On the morning of 23 March, the village was surrounded by armed men. Some of them were wearing fatigues, others were wearing simple clothes, Rangers [boots] or Leke [plastic sandals]. They began to shoot the villagers, they shot them in the back if they ran away. They killed at least ten people. They burned down some houses. They spared those belonging to non-Guérés."

#### 4.2.4 MASSACRES IN THE TOWN OF GUIGLO

The delegation visited Guiglo, which is located about 30 km to the south west of Duékoué. Although they took the control of the town of Guiglo without any resistance, the FRCI and the armed elements fighting with them killed members of the Guéré ethnic group. A Guéré woman told Amnesty International:

"They came to the Nikla neighbourhood on Friday 1<sup>st</sup> April and they began to shoot. I ran to seek refuge in a plantation compound. I stayed there for three days. The FRCI and the Dozos chased people in the compound. They captured Toualy Rodrigue and Dogo Hervé, his seven year old nephew. Toualy Rodrigue was killed by a machete and Doga Hervé's throat was slit, his body was thrown in a well."

In this town, about 30 people who had fled from their village were killed by FRCI soldiers and Dozos. One of the 4 survivors of the massacre in Guiglo told Amnesty International:

"I was in a group of 30 people and we had wandered into the town of Guiglo as we looked for a safe place. On Wednesday afternoon [30 March], we met a person (a Dioula) who offered to help us. We followed him but he led us to a house where there were Dozos and FRCI soldiers, who beat us. They tore our clothes off and tied us together with our shirts and trousers. Our feet were tied to our hands, some young people who had no underpants were naked. They told us to lie down on our backs and 'whipped' us. The youngest among us received less blows. The next morning, they hit us again and they told us they were waiting for their chief before killing us. On Thursday afternoon, they took us to a bridge over the River Nzo. There were 30 of us in all. They talked among themselves and decided to spare the four youngest. The other 26 people were placed between a group of men in fatigues and a group of Dozos. They pointed their guns at them, then all 26 had their throats cut, one by one."

Liberian refugees, who had been living in Guiglo for more than 20 years, after fleeing from the conflict in Liberia in the 1990s, were also targeted by the FRCI, which treated them as though they were pro-Gbagbo Liberian mercenaries.

One Liberian woman refugee told the Amnesty International delegation how FRCI soldiers had killed a Liberian refugee:

"FRCI soldiers arrived in the camp. They fired some shots to frighten us. A Liberian refugee called Julian was captured. They tied his hands behind his back and then tied his feet together. Julian was put in a vehicle and a few metres from the camp, they threw him to the ground like a bag of rice and told him to clear off. He said that he could not because his feet were tied together. They accused him of being a Liberian mercenary. He replied that he was Ivorian and not Liberian. One of them took out his bayonet from his rifle and stabbed him in the head and a few times in the side and Julian collapsed to the ground. The FRCI then told three women to 'rejoice' and clap their hands. I could not rejoice. I looked towards the bush. One ordered me to look and to clap my hands. We were forced to obey."

#### 4.2.5. ATTACKS IN OTHER REGIONS IN THE WEST OF THE COUNTRY

After Gbagbo's arrest on 11 April 2011, the FRCI and the troops fighting with them attacked some villages claiming they were searching for arms and Liberian mercenaries.

The village of Zikisso, 300 km west of Abidjan, was attacked several times, including on 10 April, by armed forces allegedly loyal to President Alassane Ouattara. The village chief, Gbagbo Matthias, was abducted by these forces on 11 April and was reportedly held in the town of Lakota.

Amnesty International also obtained information indicating that, on 11 and 12 April 2011, armed supporters of Alassane Ouattara went to Gagnoa, birthplace of Laurent Gbagbo and looted and attacked the population living in the area, in particular the villages of Guessio (7 km from Gagnoa) and Bougrou. Many villagers fled into the bush.

Attacks against villages - where people belonging to ethnic groups considered as supporters of Laurent Gbagbo lived - continued during the first weeks of May 2011. On 1 May 2011, the FRCI entered the villages of Mopoyem and Agneby in the region of Dabou (about 50 km to the west of Abidjan). Claiming that they were looking for militias supporting Laurent Gbagbo and arms caches, elements of the FRCI beat up some villagers.

On 4 May, the FRCI entered the village of Adiaké, on the road to Bassam. Four people were beaten and one of them was detained for at least two days.

Several villages located in the sub-prefecture of Dago, in the department of Sassandra, were looted and set ablaze. A village chief told Amnesty International on 9 May 2011:

"Since 6 May, the FRCI and the non-indigenous populations (*allogènes*) are committing many abuses against us. There are dead bodies everywhere and as people fled to the bush, there is nobody to bury the corpses that are exposed on the road. Behind all this, there is a land issue as the *allogènes* want to take our lands."

Between the 6 and 8 May 2011, several villages were set ablaze and dozens of people were killed, notably in the village of Gobroko. The FRCI justified these acts by saying that they were looking for arms and Liberian mercenaries. Amnesty International learnt that in the village of Adebem, people belonging to the Godie ethnic group (considered as supporters of Laurent Gbagbo) were assaulted by Dioulas who destroyed their homes and expelled the inhabitants. Hundreds of people have since been hiding in the bush and living in poor sanitary conditions.

#### 4.2.6 SEXUAL VIOLENCE

Amnesty International also gathered information on cases of rape and sexual violence committed against women and girls by the FRCI and other armed elements fighting with them.

For example, on 31 March, in the village of X<sup>30</sup>, 7 kms from Duékoué, a girl aged 14 was raped and killed. A witness said:

"On 31 March, men in fatigues surrounded my "campement" (a house surrounded by a plantation). First they shot me. I fell down, they thought I was dead. Then they surrounded other people. The daughter of a woman, aged 14 and who also lived in the camp, was raped and then killed. She struggled, she screamed, she called for help, to no avail, the other people could do nothing. One of the attackers ripped her skirt and raped her, then shot her and then shot other people."

In another village, several women were raped on 1 April 2011. A rape victim told Amnesty International:

"When the rebels arrived at the village on Friday 1 April, they fired in the air and chased the men. They pushed the women into a house containing two rooms. They demanded money, one of them lifted my skirt up, stuck his fingers in my vagina and threw me to the ground. One of them put his foot on my hips so I couldn't move, while a second one spread my legs and a third one raped me. They threatened to kill us if we screamed."

Another woman, a rape victim on that same day in the same village, said: "They accused us of supporting Laurent Gbagbo. They told us to lie down and hit us with a Gbinhin, (woven liana), and with palm branches. They told us to sing 'ADO, solution'. Two of them took it in turns to rape me."

Some women were detained for several days and raped repeatedly. For example, eight women were taken from their homes in Duékoué. One of the victims told Amnesty International:

"On Tuesday 29 March, I was with the old people in a house in the *Quartier Carrefour* when the door was broken down. Some men in fatigues told us to go outside and join a group of people. They wanted to kill us, but one of them said that he needed some women. A group of eight women and eight children (four girls and four boys) was gathered together. They told us to carry their booty, they wanted to take everything – clothes, saucepans and plates. They pointed their guns at us, some of them went in front of us and some followed us with their guns. Between 12pm and 8pm, we walked until we arrived at Y. We were put together in a house. One of them held a knife and threatened to kill me if I did not have sex with him. He ripped my clothes and raped me in front of everyone. While they were raping the women, some of them shouted and insulted the Guérés: 'We are going to kill you Guérés, we are going to marry you and take your land'."

These eight women were kept in the house for ten days, during which time they were the victims of sexual violence and repeated rape.

## 5. APPLICABLE INTERNATIONAL LAW

For part of the period covered in this report there has been a non-international armed conflict in Côte d’Ivoire with parties to the conflict comprising the forces supporting outgoing President Laurent Gbagbo and those forces and groups supporting President Alassane Ouattara. Applicable international law includes international human rights law which is applicable in both conflict and non-conflict situations and is binding on state actors. International humanitarian law applies only in situations of armed conflict. Under international criminal law, individuals who perpetrate certain serious violation of international humanitarian law or international human rights law can be held criminally responsible.

### **International humanitarian law**

International humanitarian law, also known as the laws of armed conflict, contains the rules and principles that seek to protect primarily those who are not participating in hostilities, notably civilians, but also certain combatants, including those who are wounded or captured. It sets out standards of humane conduct and limits the means and methods of conducting military operations. Its central purpose is to limit, to the extent feasible, human suffering in times of armed conflict.

Côte d’Ivoire is a party to the four Geneva Conventions of 1949 and their two Additional Protocols of 1977: the principal international humanitarian law instruments. Many of the specific rules included in these treaties, and all of those set out below also form part of customary international humanitarian law and are thus binding on all parties to any conflict, including armed groups.<sup>31</sup> Violations of many of these rules may amount to war crimes.

A fundamental rule of international humanitarian law is that parties to any conflict must at all times “distinguish between civilians and combatants”, especially in that “attacks may only be directed against combatants” and “must not be directed against civilians.”<sup>32</sup> A similar rule requires parties to distinguish between “civilian objects” and “military objectives”. These rules are part of the fundamental principle of “distinction”.

For the purposes of distinction, anyone who is not a member of the armed forces of a party to the conflict is a civilian, and the civilian population comprises all persons who are not combatants.<sup>33</sup> Civilians are protected against attack unless and for such time as they take a direct part in hostilities.<sup>34</sup>

Civilian objects are all objects (that is, buildings, structures, places, and other physical property or environments) which are not “military objectives”, and military objectives are “limited to those objects which by their nature, location, purpose or use make an effective contribution to military action and whose partial or total destruction, capture or neutralisation, in the circumstances ruling at the time, offers a definite military advantage.”<sup>35</sup> Civilian objects are protected against attack, unless and for such time as they become military objectives because all of the criteria for a military objective just described

become temporarily fulfilled.<sup>36</sup> In cases of doubt whether an object which is normally dedicated to civilian purposes, such as a place of worship, a house or other dwelling, or a school, is being used for military purposes, it is to be presumed not to be so used.<sup>37</sup>

Intentionally directing attacks against civilians not taking direct part in hostilities, or against civilian objects (in the case of non-international conflicts, medical, religious or cultural objects in particular), is a war crime.<sup>38</sup> The principle of distinction also includes a specific rule that "acts or threats of violence the primary purpose of which is to spread terror among the civilian population are prohibited."<sup>39</sup>

The corollary of the rule of distinction is that "indiscriminate attacks are prohibited".<sup>40</sup> Indiscriminate attacks are those that are of a nature to strike military objectives and civilians or civilian objects without distinction, either because the attack is not directed at a specific military objective, or because it employs a method or means of combat that cannot be directed at a specific military objective or has effects that cannot be limited as required by international humanitarian law.<sup>41</sup>

International humanitarian law also prohibits disproportionate attacks, which are those "which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated."<sup>42</sup> Intentionally launching an indiscriminate attack resulting in death or injury to civilians, or a disproportionate attack (knowing that the attack will cause excessive incidental civilian loss, injury or damage) constitute war crimes.<sup>43</sup>

International humanitarian law applicable in non-international armed conflicts also provides fundamental guarantees for civilians as well as fighters or combatants who are captured, injured or otherwise rendered unable to fight ("*hors de combat*"). Between them, common article 3 of the 1949 Geneva Conventions and customary international humanitarian law include the following rules: humane treatment is required; discrimination in application of the protections of international humanitarian law is prohibited; torture, cruel or inhuman treatment and outrages on personal dignity (particularly humiliating and degrading treatment) are prohibited, as are enforced disappearance, the taking of hostages, and arbitrary detention; no-one may be convicted or sentenced except pursuant to a fair trial affording all essential judicial guarantees; and collective punishments are prohibited.<sup>44</sup> Depending on the particular rule in question, many or all acts that violate these rules will also constitute war crimes.<sup>45</sup>

#### **Obligations under international human rights law**

Côte d'Ivoire is a party to some of the major international human rights treaties, including the International Covenant on Civil and Political Rights (ICCPR); the International Covenant on Economic, Social and Cultural Rights. the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT); the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW); the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD); the Convention on the Rights of the Child (CRC) and the African Charter on Human and Peoples' Rights. Côte d'Ivoire is

legally bound by its obligations under these international treaties, as well as by relevant customary international law. The International Court of Justice as well as the UN Human Rights Committee have affirmed that international human rights law applies in time of armed conflict as well as peacetime; some (but not all) rights may be modified in their application, or "derogated from" or limited in situations of armed conflict, but only to the extent strictly required by the exigencies of the particular situation and without discrimination.<sup>46</sup>

Of particular relevance to this report are Côte d'Ivoire's international human rights law obligations related to the prohibition of discrimination, the right to life, the prohibition of torture and other ill-treatment, the prohibition of enforced disappearance, and the prohibition of arbitrary detention.<sup>47</sup> Certain violations, such as torture and enforced disappearance, amount to crimes under international law and states are required to make such violations a criminal offence in domestic legislation. States are also obliged to bring to justice those responsible for these and other serious crimes, including extrajudicial executions.

### **International criminal law**

Individuals, whether civilian or military, can be held criminally responsible for certain violations of international humanitarian law and grave abuses of human rights.

All states have an obligation to investigate and, where sufficient admissible evidence is gathered, prosecute genocide, crimes against humanity and war crimes, as well as other crimes under international law such as torture, extrajudicial executions and enforced disappearances, in fair trials without the death penalty.

Grave breaches of the Geneva Conventions and Additional Protocol I and most other serious violations of international humanitarian law are war crimes. Definitions of these crimes are included in the Rome Statute. The list of war crimes in Article 8 of the Rome Statute of the International Criminal Court basically reflected customary international law at the time of its adoption, although they are not complete and a number of important war crimes are not included.

According to the Rome Statute, certain acts, if directed against a civilian population as part of a widespread or systematic attack, and as part of a state or organizational policy, amount to crimes against humanity. Such acts include, among others, murder, extermination, enslavement, deportation or forcible transfer of population, imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law, torture, rape and other sexual crimes, and enforced disappearances.

## 6. OFFICIAL MEETINGS

During its two missions to Côte d'Ivoire in 2011, the Amnesty International delegation met political leaders of the two parties and UNOCI officials in both Abidjan and the Duékoué region. During its two missions, the Amnesty International's delegation requested to meet both Laurent Gbagbo and Alassane Ouattara but could only meet the latter during the second mission in April 2011.

### 6.1 MEETING WITH OFFICIALS APPOINTED BY LAURENT GBAGBO

Amnesty International met several ministers appointed by Laurent Gbagbo after the results of the November 2010 election were announced including the Minister of the Interior, Émile Guiriéoulou, the Minister of Defence, Alain Dogou, the Minister of Justice, Yanon Yapo as well as security service officials, including the head of CECOS, General Bi Poin.

The delegates raised the serious human rights violations committed by the security forces and militias loyal to Laurent Gbagbo. In February 2011, Amnesty International showed General Bi Poin, a video in which members of this security force ill-treated people under arrest. General Bi Poin confirmed that the uniformed men responsible for these acts were members of CECOS and that he would open an investigation into the case.

These officials stated that Laurent Gbagbo had set up an international commission to investigate "into the allegations of serious human rights abuses committed since the proclamation of the provisional results of the first round of the presidential election on 3 November until the establishment of its report".<sup>48</sup> In addition, these officials criticized Amnesty International for not mentioning the soldiers and police officers killed during clashes with armed demonstrators. The delegates replied that they were in the process of investigating what happened during the march of 16 December 2010 and the events of 11-12 January 2011 (see above Section 2.3).

### 6.2. MEETINGS WITH ALASSANE OUATTARA AND MEMBERS OF HIS GOVERNMENT

During their second mission, the Amnesty International delegates met President Alassane Ouattara and his Minister of Justice and Human Rights, Ahoussou Jeannot at the Golf Hotel on 25 March 2011 (two weeks before the arrest of Laurent Gbagbo).

The delegation raised its concerns about the serious human rights abuses committed by the FAFN in the west of the country, especially the rapes committed by a FAFN commander in Mahapleu in January 2011 (See Section 4.2.2.) as well as the deliberate and arbitrary

killings committed in October 2010 in Touba<sup>49</sup>, as well as in other areas in the west of the country. The delegation noted that President Ouattara had integrated the FAFN into the new FRCI on 8 March 2011 and it was therefore his duty to send a clear signal to all forces under his control indicating that any person responsible for human rights violations or abuses would be immediately relieved of their duties and brought to justice.

President Ouattara and his Minister of Justice replied that the fight against impunity was at the heart of their concerns and that they were going to open an investigation into all allegations of human rights violations and abuses committed since the beginning of the post-electoral crisis.

On their return from the west of the country, the Amnesty International delegation met the director of the Minister of Justice's cabinet on 19 April 2011, and informed him of the massive and systematic human rights violations and abuses committed by the FRCI and troops fighting alongside them in the Duékoué region against a specific ethnic group, the Guéré, presumed to be Laurent Gbagbo supporters. The director of cabinet replied that an investigation to establish the facts had already been opened. To date, Amnesty International received no information on the findings of this investigation.

The Amnesty International delegation also raised concerns about the circumstances of the death of Désiré Tagro, Laurent Gbagbo's former minister of Interior, wounded at the time of his arrest at the presidential residence on 11 April 2011 and who died a few hours later as a result of his wounds. The director of cabinet told Amnesty International that an inquiry has been opened into this death. To date, Amnesty International received no information on the findings of this investigation.

The delegation also pressed for authorization to meet Laurent Gbagbo, his wife and those close to him who had been arrested at the president's residence. The director of cabinet replied that these people had not been detained in accordance with a judicial process but had simply been "retained" under the article 7 of the Law No 63-4 adopted on 17 January 1963 that provides for house arrest of "Anyone whose action is prejudicial to the economic or social promotion of the nation can be assigned to house arrest by decree".<sup>50</sup> The delegation was told that they could not meet Laurent Gbagbo and his close supporters on "grounds of security".

### 6.3. MEETING WITH UNOCI OFFICIALS

The Amnesty International delegation also met six high level UNOCI officials including the Deputy of the Secretary-General's Special Representative (SRSG) for Côte d'Ivoire, the Chief of Staff of the SRSG and the Deputy Director of the UNOCI military forces at their Headquarters in Abidjan on 19 April 2011. The delegates raised several concerns including:

### **Protection of the civilian population in Abidjan**

Amnesty International informed UNOCI that during its two research missions, carried out in January and February, then in March and April 2011, victims of human rights violations and abuses as well as their families had told the Amnesty International delegates that UNOCI did not answer to their request for help at a time when they were subjected to abuses, including the shelling of the districts of Abobo and Yopougon.

UNOCI officials responded that although the protection of civilians was within their mandate, the primary responsibility to protect civilians rested with the national authorities of Côte d'Ivoire. UNOCI officials said that despite the fact that they did not have the resources to respond to all protection requests, they carried out many daily patrols. UNOCI explained its difficulties to answer all requests for help by the fact that they were seen as being hostile by supporters of Laurent Gbagbo and had been several times targeted and attacked. They stressed that Security Council resolution 1975 (2011), which allowed UNOCI to destroy heavy weapons, made the difference as it "helped to bring down Laurent Gbagbo".

The meeting with the UNOCI leadership did not shed light on the concrete measures UNOCI took to ensure the protection of civilians in these difficult circumstances, especially to protect those being subjected to shelling, both in Abobo and in Yopougon.

### **Protection of Laurent Gbagbo and his family**

The Amnesty International delegation welcomed the statement made by Alain Le Roy, Head of the Department of Peacekeeping Operations (DPKO), on 11 April 2011, according to which the UN would guarantee the security and physical integrity of Laurent Gbagbo and his family. The delegation stressed that it had received worrying information indicating that people close to Laurent Gbagbo had been ill-treated during their arrest.

The UNOCI officials responded saying that they had not been involved in the attack on the presidential residence or in the arrest of Laurent Gbagbo and his supporters. UNOCI had been involved in the aircraft attacks against heavy artillery under the SC resolution 1975(2011) but stressed that most of these attacks were carried out by the French troops of the Force Licorne.

### **Protection of the civilian population in the west of the country**

During the meeting, the Amnesty International delegates informed UNOCI that it had collected many witness statements pointing at the late deployment of UNOCI forces to protect the site of the Catholic Mission in Duekoué where more than 25,000 displaced people had sought refuge. The delegation stressed that several witnesses had told Amnesty International that, on Tuesday 29 March 2011, they informed UNOCI that civilians belonging to the Guéré ethnic group were being massacred in the *Quartier Carrefour*, but that the peacekeeping forces based within one kilometre did not intervene to protect the people in danger.

The UNOCI officials answered that during the fighting in Duékoué, the peacekeepers were not able to protect civilians as they had to protect themselves and stressed that the UNOCI

was “besieged”. In support of this they referred to the reported incident in which a UNOCI helicopter was shot at by the FRCI on 28 March 2011.<sup>51</sup>

The AI delegation informed UNOCI that on 29 March 2011 there was no fighting in Duékoué anymore as the town was under the total control of the FRCI and asked why the UNOCI peacekeepers did not intervene to protect the civilians from being killed by the FRCI and their militia groups and prevent the burning and plunder of the abandoned houses.

Amnesty International was informed by the UNOCI officials that an investigation was under way into how the UN contingent in the area responded to this serious situation and that this investigation will also shed light on the number of people killed in Duékoué and surrounding villages.

During this meeting, Amnesty International raised its concern about how UNOCI peacekeepers allegedly buried some of the bodies of victims in Duékoué without taking any steps to identify them and failed to follow internationally recognized standards on the temporary burial of bodies (See above Section 4.2.3.1). The delegation stressed that the way these bodies had been buried in mass graves, including in a marshy area, without any recording of their identity, was not in line with international standards and could hamper investigation into war crimes or crimes against humanity.

The UNOCI officials answered that it was not within their mandate to bury the bodies and they did not give such orders to the UNOCI staff in Duékoué.

Amnesty International also asked about the protection measures taken in the villages surrounding Duékoué, especially Diahouin, Bahé Bé and Delobly since the launch of the FRCI offensive on 28 March 2011, where civilians belonging to the Guéré ethnic group were subjected to killings, rape and other serious violations. In addition the Amnesty International delegation stressed the urgency of deploying UNOCI troops between Guiglo and Toulepleu in order to reassure and protect the thousands of people who were still in the bush for fear of returning to their homes and being the victim of reprisals.

The UNOCI officials responded by saying that they did not receive any request from the UN regional commander and that he did not use the reserve forces at his disposal. The UNOCI officials added that their peacekeepers had to abandon the region of Toulepleu as their convoys were regularly blocked by the militiamen supporting Laurent Gbagbo.

As the UNOCI officials were not able to answer all Amnesty International concerns, the organization was asked to request further information in writing. A letter was sent on 28 April to the Special Representative of the Secretary General in Côte d’Ivoire and the UNOCI answered on 5 May.<sup>52</sup>

While welcoming the “spirit of cooperation and dialogue between UNOCI and Amnesty International” this letter did not provide answers to the very detailed concerns raised in Amnesty International’s letter.

Concerning the specific situation in Duékoué, the UNOCI letter stressed that the UNOCI had finished its investigation and was about to finalize the report, which would subsequently be

made public. On the general issue of protection of civilians, UNOCI reiterated that although they have “been vested with the competence of protecting civilians in imminent danger within their capacity, the primary responsibility to protect civilians rests with the national authorities of Côte d’Ivoire”.

Amnesty International is concerned that this official UNOCI answer sheds no light on the deployment plans or protection measures to be put in place, particularly in the west of the country where the FRCI, officially responsible for the protection of civilians, continue to be involved in serious human rights violations, up to the date of finalizing this report (ie 17 May 2011).

## 7. WHAT JUSTICE AND FUTURE FOR CÔTE D'IVOIRE?

The flagrant disregard for human rights and international humanitarian law standards displayed by all sides since the November 2010 disputed presidential election is the result of the complete impunity for human rights violations that has reigned for a decade, both in the southern part of the country under the control of Laurent Gbagbo and in the areas under the control of the FAFN.

In order to end this cycle of violations and reprisals, it is essential to ensure justice for all victims, whatever their political affiliation or ethnic group. Without justice and reparations, the people in Côte d'Ivoire are at risk of plunging again in the appalling cycle of violence and reprisals that have blighted the lives of so many for the last decade.

President Ouattara has firmly committed himself to the fight against impunity, basing himself on both national judicial procedures and the International Criminal Court (ICC). It is essential that investigations be completed promptly, thoroughly, independently and impartially and that, whenever there is sufficient admissible evidence, suspects be prosecuted in fair trials.

Several mechanisms to investigate and establish the facts are underway or are in the process of being established at both national and international level.

At the national level, President Ouattara has asked the Minister of Justice to begin legal proceedings against Laurent Gbagbo, his wife and former officials. The *Procureur de la République* (public prosecutor) questioned Laurent Gbagbo, in Korhogo on 7 May 2011, and his wife, Simone Gbagbo, held in Odienné (in the north of the country), on 8 May. These hearings took place in the absence of their lawyers as two of them, coming from Paris, were not authorized to enter the Ivorian territory due to visas problems.

In addition, on 4 April 2011, the Ivorian Minister of Justice and Human Rights requested the General Prosecutor at the Daloa Court of Appeals (in the west of the country) to investigate "the serious allegations of massive human rights violations in this region of the west of our country and contribute in this way to revealing the truth."<sup>53</sup> Amnesty International is not, however, aware of any steps by national authorities to investigate or prosecute any of the other numerous crimes under international law, such as torture, rape and other serious human rights violations and abuses committed in the country over the past decade.

President Ouattara has also announced his intention to create a "truth and reconciliation commission to shed light on all the massacres, crimes and other human rights violations." No further details are available about this proposal. Any truth commission should satisfy the requirements of international law and standards to ensure that the right to truth is obtained in a manner that fully respects the right of persons to a fair trial and facilitates the obtaining by victims and their families of full reparation. Amnesty International has described what the

key elements of any such body should be in its publication, *Truth, justice and reparation: Establishing an effective truth commission*.<sup>54</sup>

At the international level, on 4 December 2010, Fatou Bensouda, Deputy Prosecutor of the International Criminal Court (ICC) publicly stated that: "All acts of violence will be carefully monitored and scrutinised by the office of the prosecutor to determine whether crimes within the jurisdiction of the International Criminal Court have been committed and should warrant an investigation". On 6 April 2011, Luis Moreno Ocampo, ICC prosecutor, indicated his intention to open an investigation into crimes committed in Côte d'Ivoire, but Amnesty International is concerned that this statement only mentions "the deteriorating situation in Ivory Coast including recent information about alleged mass killings in the Western part of the country."<sup>55</sup> This statement might suggest that the ICC investigation would be limited to the post-electoral human rights violations and abuses committed since December 2010, thereby ignoring all the other crimes committed since 2002, including crimes of war and crimes against humanity.

This initiative of the prosecutor of the ICC was supported by President Ouattara who, on 13 April 2011, officially requested an ICC investigation into the massacres that occurred in the west of the country at the end of March 2011. Again, Amnesty International is concerned that the ICC investigation might be limited to some massacres in the west of the country while not dealing with the very serious human rights violations and abuses committed since the September 2002 coup attempt.

On 25 March 2011 the UN Human Rights Council established an international Commission of Inquiry to investigate "the facts and circumstances surrounding the allegations of serious abuses and violations of human rights committed in Côte d'Ivoire following the presidential election of 28 November 2010".<sup>56</sup> This Commission went to Côte d'Ivoire on 3 May 2011 and should carry out its activities there until 27 May. The report of the Commission of Inquiry is scheduled to be presented to the 17<sup>th</sup> session of the Human Rights Council, probably during the week of 6 June 2011. The UN Security Council has requested the UN Secretary-General to transmit the report of the Commission of Inquiry to the Security Council and other relevant international bodies.<sup>57</sup>

The UN High Commissioner for Human Rights is also to report to the 17<sup>th</sup> session of the Human Rights Council about the situation of human rights in Côte d'Ivoire.<sup>58</sup>

## 8. RECOMMENDATIONS

Evidence collected by Amnesty International clearly demonstrate that crimes under international law, including war crimes and crimes against humanity have been committed by all sides. To ensure justice and reparations and to re-establish the rule of law and the confidence of all the citizens in their judicial system much more is needed than just a process of truth and reconciliation.

After more than 15 years of xenophobic discourse that tore apart the people of Côte d'Ivoire, there is an urgent need to reassure and protect the different communities who live in Côte d'Ivoire. Unfortunately, the very serious violations and abuses committed by the FRCI and the armed elements fighting alongside them since the arrest of Laurent Gbagbo send the signal that people from ethnic groups considered to be supporting Laurent Gbagbo continue to be targeted.

President Alassane Ouattara and his government should live up to their promises of fighting against impunity and ensuring justice and reparation to all victims whatever political affiliation or ethnic group they belong to. If this is not done as a matter of priority, the future of Côte d'Ivoire risks plunging again into a cycle of human rights violations and abuses that go unpunished and that will provoke calls for revenge and lead to further violence.

In order for the authorities of Côte d'Ivoire to re-establish the rule of law and reassure and protect the population Amnesty International makes the following recommendations:

### **Amnesty International calls on Alassane Ouattara and his government :**

- Issue clear public instructions to all security forces to comply with Ivorian law and international human rights law and make clear that anyone responsible for ordering, carrying out or failing to prevent human rights violations and abuses, especially those involving unlawful killings, enforced disappearances, torture or sexual violence, will be held accountable for their actions.
- To exercise strict control over their armed forces and hold to account any member of those forces for their actions constituting human rights or international humanitarian law violations, or for allowing others to commit those violations.
- Put an immediate end to the reprisals perpetrated by the FRCI against real or presumed supporters of Laurent Gbagbo and ensure that no more violations, including ill-treatment and extrajudicial executions, are committed by FRCI members throughout the Ivorian territory.
- Immediately suspend, pending investigation, any person in a position of authority suspected of committing violations of international humanitarian or human rights law since

November 2010, including those committed in the Duékoué region, so that they are not in a position to commit further abuses.

- Carry out impartial and thorough investigations, in accordance with international standards, of the evidence indicating that serious violations of international human rights and humanitarian law, including war crimes and crimes against humanity, were committed. Wherever there is sufficient admissible evidence, prosecute any alleged perpetrator in proceedings that fully respect international fair trial standards. If necessary seek international assistance in the investigation and prosecution of violations.
- Guarantee that Laurent Gbagbo, and those arrested and detained since then, are treated in accordance with international human rights standards and have access to their relatives, legal counsel and any medical aid they may need ;
- Guarantee that any investigation by the Ivorian judicial system into the post-electoral events are carried out in an independent, impartial and thorough manner.
- Take concrete measures to put an end to impunity for perpetrators of acts of violence against women and, in particular, ensure that any person suspected of having committed rape or other acts of violence against women, is suspended from his duties while awaiting an investigation into the matter.
- Provide immediate and effective assistance to victims of gender-based violence and take the measures necessary to prevent future gender-based violence, in particular, ensure that victims of rape and other forms of sexual violence, have access to appropriate medical treatment, in particular by providing the necessary funding and other resources to appropriate health-care providers.
- Create a disarmament, demobilization and reintegration programme for militia members and other irregular forces, provide it with sufficient financial resources and prioritize the reintegration of fighters into society.
- Provide full reparations to victims of serious violations of international humanitarian law and human rights law.
- Ensure that refugees and the displaced can return voluntarily and safely to their homes.
- Cooperate with and allow unhindered access to the investigation by the ICC and by the Commission of Inquiry established by the UN Human Rights Council, including access to all relevant documents, other evidence and persons.
- Undertake not to subject to reprisals persons who may provide information or testimonies to these or other investigations and take pro-active steps to protect witnesses.
- As regards the proposal to establish a Truth and Reconciliation Commission, ensure that this process is never seen as a substitute for bringing those responsible to justice nor should they preclude victims also seeking compensation through the courts.

**Amnesty International requests the international community, particularly the United Nations to:**

- Immediately increase the presence of UNOCI forces in the west of the country, especially in the Duékoué and Bolequin regions in order to be able to effectively fulfil their mandate to protect the civilian population.
- Ensure that the investigations opened into the massacres committed in Côte d'Ivoire are conducted in accordance with the Principles on the Effective Prevention and Investigation of Extrajudicial, Arbitrary and Summary Executions and provide the necessary resources for effective investigation.
- Ensure the international Commission of Inquiry created by the Human Rights Council is adequately supported and resourced and that its report is made public.
- Provide full support to ongoing investigations by the Office of the Prosecutor of the ICC and by the Commission of Inquiry established by the UN Human Rights Council, including providing sufficient resources for them to accomplish their tasks effectively and promptly; obtain access to all relevant documents, other evidence and persons; and be in a position to protect from reprisals all persons who provide information.
- Support the process of disarmament, demobilization and reintegration of the militias and other irregular forces.
- Assist in the creation of a programme for immediate and effective assistance to victims of gender-based violence, in particular, ensure that victims of rape and other forms of sexual violence have access to appropriate medical treatment, including by financing the provision of health care.
- Publish the Report of the UN International Commission of Inquiry into allegations of serious violations of human rights and international humanitarian law occurring in Côte d'Ivoire from 19 September 2002 to 15 October 2004 submitted to the United Nations High Commissioner for Human Rights in October 2004.
- Assess the role played by UNOCI in the post 28 November 2010 events and draw lessons about how the United Nations could better contribute to the protection of civilians in similar situations in the future.

**Amnesty International is calling the African Union to:**

- Prioritize the respect of human rights in Côte d'Ivoire against the background of the initiatives set up by the African Union Peace and Security Council;
- Ensure that the Ivorian authorities put an end to impunity as part of their national reconciliation efforts;
- Provide full support to ongoing investigations by the Office of the Prosecutor of the ICC and by the Commission of Inquiry established by the UN Human Rights Council;

- Stress the importance of overcoming and addressing all the problems that exacerbated the post electoral violence, including xenophobic discourse and inter-communal clashes.

## ENDNOTES

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<sup>1</sup> Security Council Resolution 1528 (2004), S/RES/1528 (2004), 9 March 2004, par.16.

<sup>2</sup> Amnesty International: *Côte d'Ivoire. Clashes between peacekeeping forces and civilians: Lessons for the future*, AI Index: AFR 31/005/2006, 18 September 2006.

<sup>3</sup> Amnesty International has published many documents and press releases denouncing these human rights violations and abuses committed by all the parties for the last decade. All these documents are available on Amnesty International's website at: <http://www.amnesty.org/en/region/cote-divoire>.

<sup>4</sup> At the time of this election in 2000, the Constitutional Council had rejected the candidacies of two of the main political leaders, former president Henri Konan Bédié and Alassane Ouattara. The candidacy of Henri Konan Bédié was rejected for not meeting procedural provisions and Alassane Ouattara because his claim to Ivorian nationality was not accepted.

<sup>5</sup> Security Council, Résolution 1975 (2011), S/RES/1975), 30 March 2011, par.6.

<sup>6</sup> For supporters of this theory, "*Ivoirité*" is "a requirement of sovereignty, identity, creativity. The Ivorian people must first of all assert their sovereignty, their authority in the face of threats of dispossession and subjugation: whether it concerns immigration or economic and political power." See Proceedings of the Curdiphe Forum, 20-23 March 1996, published under the direction of Saliou Touré, in *Politique africaine*, No 78, June 2000, Karthala, Paris, pp.65-66. For a more detailed analysis of this concept, see Amnesty International, *Côte d'Ivoire: Clashes between peacekeeping forces and civilians: lessons for the future*, AI Index: AFR 31/005/2006, 19 September 2006.

<sup>7</sup> Interview with Laurent Gbagbo: "*N'importe qui ne peut pas venir jouer dans notre maison*", 11 November 2010, at <http://saoti.over-blog.com/article-laurent-gbagbo-n-importe-qui-ne-peut-pas-venir-jouer-dans-notre-maison-60735907.html> (last accessed 17 May 2011).

<sup>8</sup> *Le Temps*, 5 March 2011.

<sup>9</sup> *Notre Voie*, 9 December 2010.

<sup>10</sup> *Le Temps*, 8 December 2010.

<sup>11</sup> *Notre Voie*, 20 December 2010.

<sup>12</sup> In 2006, the Security Council imposed sanctions on Charles Blé Goudé for the following acts: "public statements advocating violence against United Nations installations and personnel, and against foreigners; direction of and participation in acts of violence by street militias, including beatings, rapes and extrajudicial killings; intimidation of the United Nations."

<sup>13</sup> This speech was filmed and can be viewed at: <http://www.djibiti.com/video/8503/BI%C3%A9+Goud%C3%A9+annonce+la+lib%C3%A9ration+du+Golf> (last accessed 17 May 2011).

<sup>14</sup> Some manual, commercial and transport trades are often carried out by foreigners from the subregion. These people are often called "Guineans" even when they are from another country or are Ivorians with a Muslim name. Some people have told Amnesty International that the Young Patriots sometimes use the term "Guinean" rather than "foreigner".

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<sup>15</sup> Henri Konan Bédié allied himself with Alassane Ouattara and called to vote for him in the November 2010 run-off. Therefore, some of his supporters, including members of his ethnic group, the Baoulés were targeted by supporters of Laurent Gbagbo.

<sup>16</sup> This speech can be watched at:  
<http://www.djibiti.com/video/8503/B1%C3%A9+Goud%C3%A9+annonce+la+lib%C3%A9ration+du+Golf>  
(last accessed 17 May 2011).

<sup>17</sup> A neighbourhood in the north of Abidjan then controlled by the Invisible commando hostile to Laurent Gbagbo (See Section 3.3).

<sup>18</sup> The Baoulés are an ethnic group from the centre of the country. Henri Konan Bédié who allied himself with Alassane Ouattara during the second round of the November 2010 presidential election belongs to this ethnic group.

<sup>19</sup> Statement 160311, Forces nouvelles, 16 March 2011. See:  
[http://www.forcesnouvelles.info/site/fn\\_lire.php?newsid=942](http://www.forcesnouvelles.info/site/fn_lire.php?newsid=942). (last accessed 17 May 2011).

<sup>20</sup> According to terminology inspired by the theory of *Ivoirité*, the non-indigenous populations of the west of the country are divided into *allochtones* (Ivorians, notably the Baoulés from the centre of the country) and *allogènes* from neighbouring countries, especially Burkina Faso

<sup>21</sup> See Amnesty International document, *Côte d'Ivoire. Targeting women: the forgotten victims of the conflict*, AI Index AFR 31/001/2007, 15 March 2007.

<sup>22</sup> Heirs to a thousand-year-old tradition, the Dozos (or "doso"), which in Bambara means "the one who returns to the house after hunting in the forest" are a brotherhood of very powerful and tightly-knit hunters, widely spread around Mali, Guinea, Burkina Faso, Senegal, Niger and Côte d'Ivoire. Since the 2002 coup attempt, the Dozos have regularly fought alongside the FAFN and have committed serious human rights abuses, including arbitrary and deliberate killings and acts of torture and ill-treatment.

<sup>23</sup> This case was raised by Amnesty International delegates during a meeting with President Ouattara on 25 March 2011 (See Section 6.2).

<sup>24</sup> The Bétés are an ethnic group to which Laurent Gbagbo belongs.

<sup>25</sup> Agence France Presse, "*Ouest ivoirien: 330 tués, 'la plupart' par les forces pro-Ouattara (ONU)*", 2 April 2011.

<sup>26</sup> Agence France Presse, "*Ouest ivoirien: les tués étaient 'des miliciens' (forces pro-Ouattara)*", 2 April 2011.

<sup>27</sup> The Amnesty International delegation learnt that the UNOCI soldiers brought some mechanical diggers from another place and carried some of the corpses.

<sup>28</sup> See Management of Dead Bodies after Disasters: A Field Manual for First Responders published by the Pan American Health Organisation (PAHO) and the International Committee of the Red Cross (ICRC), together with the World Health Organisation (WHO) and the International Federation of Red Cross and Red Crescent Societies (IFRC), Washington DC, 2006. See also Morris Tidball-Binz, *Managing the dead in catastrophes: guiding principles and practical recommendations for first responders*, International Review of the Red Cross, Vol 89, Number 866, June 2007.

<sup>29</sup> Ibid, p.10.

<sup>30</sup> For security reasons, the names of the villages where women were raped are not mentioned.

<sup>31</sup> Red Cross study, Customary International Humanitarian Law: Volume 1: Rules, J-M Henckaerts and L Doswald-Beck, eds, 2005 (“ICRC Customary IHL Study”)

<sup>32</sup> ICRC Customary IHL Study, Rule 1; see also Protocol I, article 48 and Protocol II, article 12(2).

<sup>33</sup> ICRC Customary IHL Study, Rule 5; see also Protocol I, article 50.

<sup>34</sup> ICRC Customary IHL Study, Rule 6; see also Protocol I, article 51(3); Protocol II, article 13(3).

<sup>35</sup> ICRC Customary IHL Study, Rules 8 and 9; Protocol I, article 52.

<sup>36</sup> ICRC Customary IHL Study, Rule 10.

<sup>37</sup> Protocol I article 52(3). See also ICRC Customary IHL Study, pages 34-36.

<sup>38</sup> ICRC Customary IHL Study, Rule 156, pages 591,593,595-598. See also Rome Statute of the ICC, articles 8(2)(b)(i) and (ii) and 8(2)(e)(i)(ii)(iv) and (xii) [see also discussion in ICRC Customary IHL Study, page 27]

<sup>39</sup> ICRC Customary IHL Study, Rule 2; see also Protocol I, article 51(2) and Protocol II articles 12(2).

<sup>40</sup> ICRC Customary IHL Study, Rule 11; Protocol I, article 51(4).

<sup>41</sup> ICRC Customary IHL Study, Rule 12; Protocol I, article 51(4)(a).

<sup>42</sup> ICRC Customary IHL Study, Rule 14; Protocol I, articles 51(5)(b) and 57.

<sup>43</sup> ICRC Customary IHL Study, Rule 156, pages 599-601.

<sup>44</sup> Customary IHL Study, Rules 87-105.

<sup>45</sup> ICRC Customary IHL Study, Rule 156, pages 590-603.

<sup>46</sup> International Court of Justice, Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territories, 9 July 2004, paragraph 104; Human Rights Committee, General Comment no 31, paragraph 11.

<sup>47</sup> International Covenant on Civil and Political Rights, Articles 2, 6, 7, 9.

<sup>48</sup> This Commission of enquiry was set up by decree on 7 January 2011 and was composed of seven members including four Ivorians as well as a lawyer from Burundi, a French professor of Public International Law and a former minister of Human Rights from Congo Brazzaville. To Amnesty International’s knowledge, this commission does not seem to have published the results of their enquiries.

<sup>49</sup> In October 2010, members of the FAFN summarily executed eleven men that they had detained and accused of being “coupeurs de route” (road bandits) and of having murdered several travellers in Touba (some 680 km west of Abidjan). Though the incident was publicly well known (FAFN members themselves filmed the incident, including the bodies of the 11 detainees after they had been killed) no concrete measures are known to have been taken by the FAFN leadership against those responsible.

<sup>50</sup> This Law (Loi 1963-04) adopted on 17 January 1963 entitled “*Réquisition des personnes*” (Requisition of People) concerns the “use of people in view of ensuring the economic and social promotion of the nation”. The original text of the article 7 reads: « *Toute personne dont l’action s’avère préjudiciable à la promotion économique ou sociale de la nation peut être assignée à résidence par décret* ».

<sup>51</sup> UN News Centre, Côte d'Ivoire: UN condemns firing at helicopter and killing of civilians, 29 March 2011, <http://www.un.org/apps/news/story.asp?newsid=37925&cr=ivoire&cr1=> (last accessed 17 May 2011).

<sup>52</sup> See Annex 1 Amnesty International's letter to Young Jin Choi, Special Representative of the United Nations Secretary-General for Côte d'Ivoire and the UNOCI's answer.

<sup>53</sup> Official letter from the Ivorian Minister of Justice and Human Rights, 4 April 2011.

<sup>54</sup> See Amnesty International's report, *Truth, justice and reparation: Establishing an effective truth commission*, AI Index: POL 30/009/2007, 11 June 2007.

<sup>55</sup> ICC, Widespread or systematic killings in Cote d'Ivoire may trigger OTP investigation, 6 April 2011, available at <http://www.icc-cpi.int/menus/icc/structure%20of%20the%20court/office%20of%20the%20prosecutor/com%20and%20ref/c%3%B4te%20divoire/otpstatement060411?lan=en-GB> (last accessed 17 May 2011). Despite the fact that Côte d'Ivoire has only signed, and not ratified, the Statute of Rome, in April 2003, Côte d'Ivoire made a declaration pursuant to Article 12 (3) of the Rome Statute recognizing the jurisdiction of the ICC over crimes committed in that country since 2002, a declaration that authorizes the Court to investigate any crimes committed since that date, and asked the ICC to determine whether crimes committed on the territory of Côte d'Ivoire since 19 September 2002 were under its jurisdiction. However, Laurent Gbagbo's government never authorised the ICC prosecutor to visit Côte d'Ivoire.

<sup>56</sup> A/HRC/RES/16/25, par.10. The President of the Human Rights Council appointed Vitit Muntabhorn (Chair), Suliman Baldo, and Reine Alapini Gansou, to the Commission of Inquiry on 12 April 2011.

<sup>57</sup> Ibid par.11.

<sup>58</sup> Ibid par.14.

# ANNEX

Ref: TG AFR 31/2011.022

Mr Young J. Choi  
United Nations Special Representative  
of the Secretary General in Côte d'Ivoire  
ABIDJAN  
Côte d'Ivoire

**AMNESTY  
INTERNATIONAL**



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28 April 2011

Dear Mr Choi

Thank you for the working meeting that your office granted Amnesty International's delegation, led by Stephan Oberreit, Director General of Amnesty International France, in Abidjan on 19 April 2011.

At that meeting, our delegation made a number of queries that were not responded to because of a lack of time or because the information was not available. Your office therefore asked us to e-mail you listing our concerns and raising questions that were not addressed at the meeting.

We are asking you these questions in a spirit of dialogue and with a view to working together to reveal the truth so that victims of human rights violations and abuses and their families may obtain justice and reparation.

## 1. Monitoring the human rights situation

From the beginning of the crisis in December 2010, ONUCI regularly monitored human rights violations and abuses committed by all parties to the conflict. We would like to know if you would provide us with a list of the victims in Abidjan and other regions of the country. Where the abuses or violations resulted in the victim's death, please indicate the circumstances and cause of death of these victims.

## 2. Protection of the civilian population in Abidjan

During our two research missions, carried out in January and February, then in March and April 2011, some witnesses told us they asked UNOCI to assist them at a time when they were subjected to human rights violations or abuses, including the indiscriminate shelling of districts of Abobo, but that UNOCI forces did not come to their assistance.

We would like to know what practical measures UNOCI took to ensure the protection of civilians, especially those subjected to shelling in Abobo during March 2010. We would also welcome information about practical measures that UNOCI is currently taking to protect civilians in Yopougon

### 3. Protection of Laurent Gbagbo and his family

We welcome the statement made by M. Alain Le Roy, on 11 April 2011, according to which the UN will guarantee the security and physical integrity of Laurent Gbagbo and his family. Our delegation made a formal request to meet Laurent Gbagbo and his family during our mission, but was told this would not be possible for security reasons.

Worrying information is circulating about the situation of some of the former Ivorian president's family, and we would like to know if you have been able to meet them in order to verify that they have not been subjected to ill-treatment. Does UNOCI have in place any procedures to ensure that Laurent Gbagbo and his family are treated in accordance with all applicable human rights standards?

### 4. Protection of the civilian population in the west of the country

Our delegation, which spent a week in western Côte d'Ivoire, collected dozens of testimonies mentioning the late deployment of UNOCI forces to secure the site of the Catholic Mission of this town, where more than 25,000 displaced people had sought refuge. Several witnesses told Amnesty International that, on Tuesday, 29 March 2011, they informed UNOCI that civilians belonging to the Guéré ethnic group were being massacred in the Dia Bernard neighbourhood, known as Carrefour, but that the peacekeeping force did not intervene to protect the people in danger.

Questioned on this subject, your representatives told us that an investigation was under way into how the UN contingent in the area responded to this serious situation. We were also told that this investigation will also shed light on the number of people killed in Duékoué and surrounding villages.

Amnesty International is interested in the results of this investigation, which will certainly play a crucial role in the fight against impunity and the re-establishment of the rule of law in Côte d'Ivoire, and serve as a lesson on how to improve the protection of civilians by the UN both in Côte d'Ivoire in the future or in other situations where peacekeepers are deployed. We should be grateful if you provide us with a copy of the report of the investigation.

#### 4.1 Massacre in Duekoué,

At the meeting on 19 April with members of your office, Amnesty International raised its concern that UNOCI allegedly buried the bodies of victims in Duékoué without taking appropriate steps to identify them or follow internationally recognised standards on the investigation of extra-legal, arbitrary or summary executions. UNOCI military personnel were in fact present when victims were buried and the deaths recorded, and proceeded to the burial of some of them. Amnesty International would like to know what role UNOCI played in recording these deaths and whether it took individual photos of the bodies.

Amnesty International notes that UNOCI buried the bodies in communal graves, including in a marshy area, which is not at all in accordance with international standards. This is all the more worrying given that the remains risk being seriously damaged when the waters rise in the rainy season.

#### 4.2. Protection of civilians in the area of Duekoué

Amnesty International would also like to know about protection measures taken by UNOCI in the villages surrounding Duékoué, especially Diahouin, Baé Bé and Delobly, where civilian populations belonging to the Guéré ethnic group were the victims of atrocities, including rape.

At our 19 April meeting with your office, our delegation stressed the urgency of deploying UNOCI troops between Guiglo and Toulepleu in order to reassure the thousands of people who are still wandering around the bush for fear of returning to their homes and being the victims of reprisals. We are interested in learning whether such a deployment was considered and, if so, if it has taken place.

Thank you in advance for all the attention that you give to this e-mail and for providing us with the requested information at the earliest opportunity.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Saliil Shetty', with a stylized flourish at the end.

For Saliil Shetty  
Secretary General

**NATIONS UNIES**  
Opération des Nations Unies  
en Côte d'Ivoire



**UNITED NATIONS**  
United Nations Operation  
in Côte d'Ivoire

HRD/029/2011  
HRD/MCU

5 May 2011

Dear Mr. Shetty,

Referring to your letter dated 28 April 2011, I welcome the spirit of cooperation and dialogue between UNOCI and Amnesty International with the common view of protecting and promoting human rights, particularly in Côte d'Ivoire.

With respect to the specific situation in Duekoué, UNOCI's Human Rights Investigative team has finished its investigation and is about to finalize its report which will subsequently be made public and eventually shared with the relevant stakeholders including amongst others, Amnesty International.

Regarding the other issues contained in your letter, UNOCI is ready to cooperate with the Ivorian Government and other concerned institutions, including Amnesty International. As you may be aware, although UNOCI has been vested with the competence of protecting civilians in imminent danger within its capacity, the primary responsibility to protect civilians rests with the national authorities of Côte d'Ivoire. For this reason, the Ivorian government remains the main actor regarding most of the issues contained in your letter.

I avail myself of this opportunity to reaffirm UNOCI's cooperative posture vis-à-vis Amnesty International

Kind regards,

A handwritten signature in black ink, appearing to be "Abou Moussa".

Abou Moussa  
Principal Deputy Special Representative  
of the Secretary General

Mr. Salil Shetty  
Secretary General,  
Amnesty International  
London





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## **'THEY LOOKED AT HIS IDENTITY CARD AND SHOT HIM DEAD'**

### **SIX MONTHS OF POST-ELECTORAL VIOLENCE IN CÔTE D'IVOIRE**

The violence that followed the disputed presidential election in November 2010 has caused the most serious humanitarian and human rights crisis in Côte d'Ivoire in recent years. Hundreds of people have been unlawfully killed, often only on the grounds of their ethnicity or presumed political affiliation. Sexual violence, including rape, was reported, and hundreds of thousands of people were forced to seek refuge in other regions of Côte d'Ivoire or in neighbouring countries, especially Liberia.

Thousands of people remain displaced after fleeing the wave of human rights violations and abuses, which continued to be committed by both sides after the arrest of former President Laurent Gbagbo. Dozens were killed by pro-Gbagbo militiamen. At the same time, ethnic groups considered to be Gbagbo's supporters have received little or no protection from either the new security forces created by President Alassane Ouattara, or the peacekeeping forces of the United Nations Operation in Côte d'Ivoire (UNOCI).

This report is based on research carried out in the city of Abidjan and in the west of the country between January and April 2011. The conclusions show that all parties to the conflict have committed crimes under international law, including war crimes and crimes against humanity.

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May 2011

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