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CÔTE D'IVOIRE

**“IT LOOKS LIKE
NOTHING EVER
HAPPENED HERE”**

**STILL NO JUSTICE ONE YEAR
AFTER NAHIBLY CAMP ATTACK**

**AMNESTY
INTERNATIONAL**



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Cover photo: Nahibly Camp a few hours after its destruction on 20 July 2012. © Amnesty International

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1. INTRODUCTION

“Nature is growing back, making it look like nothing ever happened here.”

Ivorian human rights defender¹

One year ago, on 20 July 2012, Nahibly Camp, home to an estimated 2,500 internally displaced persons, near the town of Duékoué in western Côte d'Ivoire, was attacked and destroyed by a large crowd of local townspeople, Dozos - a state-supported militia of traditional hunters -, and elements of the Ivorian army. UN soldiers and police personnel posted at the camp failed or were unable to stop the attack. Local political and military officials who were present during the attack did nothing to prevent it nor to protect the internally displaced persons (IDPs), some of whom were beaten and killed. To the contrary, members of the armed forces, the *Forces républicaines de Côte d'Ivoire* (FRCI), arrested scores of people as they fled the camp, some of whom were then subjected to enforced disappearance and extrajudicial execution.

The attack at Nahibly raises concerns similar to those that emerged in the March-April 2011 widespread and systematic attack directed against the civilian population in the Duékoué area. In both cases, members of the FRCI and the Dozo militia attacked a group of people belonging to the Guéré ethnic group, which is widely perceived to support the former President Laurent Gbagbo. In both cases, the military and police attached to the United Nations Operation in Côte d'Ivoire (UNOCI) and posted near or at the site failed to protect the people targeted in the attack. Similarly, in neither of these two cases did the Ivorian authorities take immediate action to suspend from duty any military personnel allegedly involved in the attacks or end the *de facto* policing and security role played by the Dozo militia. Finally, in both instances, there has been virtually no progress towards accountability even though inquiries have been opened. The investigation into the Nahibly attack has made some progress such as the exhumation of bodies from a well in Duékoué in October 2012 after considerable pressure from families and local activists and the fact that the judicial authorities heard several victims' relatives; however impunity still prevails, denying victims and their relatives the possibility of establishing the truth and obtaining reparation.

In the face of this entrenched climate of impunity, in February 2013 Amnesty International called for an international commission of enquiry into the violations and abuses committed in Nahibly. The Ivorian authorities rejected this recommendation, claiming that the national justice system was able and willing to shed light on the events and provide reparation to the victims. However, five months later there is no evidence that this is the case.

In this document, marking the first anniversary of the Nahibly attack, Amnesty International reiterates its call to President Alassane Ouattara to live up to his repeated promises to put an end to impunity and ensure justice, truth and reparation for all the victims of the post electoral crisis.

Ensuring a prompt, thorough, independent and impartial investigation of the attack at Nahibly - in accordance with international law and standards - constitutes a key opportunity for the Ivorian government to demonstrate its good faith and to prove its willingness and ability to shed light on all human rights violations committed in the country during the past decade. It is not only a matter of providing justice for past abuses. It is also a key element in preventing similar serious violations and abuses from happening again. Amnesty International is deeply concerned about the real risk that similar violations will occur again in the western part of Côte d'Ivoire, given the longstanding impunity, the prevailing insecurity, the pervasive hostility against groups perceived to be supporters of Laurent Gbagbo and the law enforcement role played by the Dozos with the tacit support of the Ivorian authorities.

2. THE ATTACK AND DESTRUCTION OF THE NAHIBLY IDP CAMP

“I saw other people at the bottom, some of them were lying on the ground, others had their feet against the walls of the well.”

Testimony of a survivor of the attack on the Nahibly camp

The targeted destruction of the Nahibly camp was sparked by an attack that took place in the nearby town of Duékoué - 450 km west of Abidjan - on the night of 19 to 20 July 2012. That night four people were reportedly killed and two others injured by unidentified persons in an area mainly populated by Dioulas². Very quickly, rumour spread that the killers had fled towards the Nahibly camp, home to an estimated 2,500 internally displaced persons.

A few hours after this attack, at around 8 a.m. on 20 July 2012, a group of Dozo militiamen arrived at the entrance to the camp, which was guarded by UNOCI soldiers. At that time, the UNOCI contingent was constituted of 14 Moroccan soldiers responsible for guarding the camp entrance and 12 Pakistani police officers who were stationed inside the camp. The Dozos asked the UNOCI soldiers to allow them to enter. The UN peacekeepers refused and the Dozos then moved to encircle the fence enclosing the camp. Soon after, a crowd, including members of the local population and elements of the FRCI arrived at the camp. The mob was estimated to have numbered as many as one thousand, around half of whom appeared to be armed with machetes, guns, and other weapons. The UNOCI contingent present at the time of the attack was very soon overwhelmed by the crowd and withdrew, leaving the IDPs in the camp without any protection. The crowd forced its way through the camp entrance and climbed the fence. People began to indiscriminately attack IDPs and set their tents on fire. IDPs were also targeted outside the camp. Many young strong-looking men among the IDPs were rounded up by FRCI soldiers waiting at the entrance as they fled the camp. The soldiers beat many of them. Some were released without charge or trial, and the fate and whereabouts of many others remain unknown.



Nahibly camp, two months after the July 2012 attack. © Amnesty International

The attack then extended beyond the camp, as attackers headed towards the town of Duékoué destroying an informal market which had been established a year earlier by members of the Guéré community displaced during 2011 post-electoral violence. They also attacked and destroyed a site known as the “Annex”, which had become an informal settlement for a smaller number of displaced people afraid to return to their villages.

The attack and its aftermath resulted in serious human rights violations and abuses. According to Amnesty International’s own estimate, at least 14 persons were extrajudicially and summarily killed, while possibly hundreds of persons were injured. Following the attack, dozens of people were arbitrarily arrested by the FRCI. An undetermined number of IDPs were subjected to enforced disappearances by the FRCI.

Amnesty International has also documented sexual violence at the time of the attack. A 20 year old woman told Amnesty International that on the day of the attack she was abducted by four FRCI soldiers just outside of the camp as she was trying to flee. She said she was forced into a vehicle and taken to an unknown place where she was raped several times by the FRCI soldiers who returned her back in Duékoué the following day.

In late September 2012, an Amnesty International delegation also documented the testimony of a man arrested the day of the Nahibly attack and then released by the FRCI. This eyewitness told Amnesty International that the soldiers had thrown men into a well and then shot them:

“We were 12 and we were taken in a vehicle to the Togueï roadblock [in Duékoué]. When we arrived at the roadblock, we got out of the vehicle. Five people had their hands tied and they were taken and thrown into the old well. I saw other people at the bottom, some of them were lying on the ground, others had their feet against the walls of the well. Then two FRCI members leaned over the well and shot at them. Then they asked us to get up. One of them recognized me. They asked me if I was a tailor, I said yes, I was put to the side with another person. The five others were thrown into the well, one of whom told me he knew me. I told him to put his back against the wall. They shot at the people in the well. I was told that the person who had put his back against the wall was able to get away by scaling the walls, his parents came to see me to thank me.”

On 11 and 12 October 2012, a few days after this testimony was taken, six bodies were found in a well in the Togueï neighbourhood of Duékoué (See Section 3.1.1.)

Amnesty International conducted research in this area in September and October 2012 and a more detailed account of the attack and its aftermath is available in the organization's report 'The Victors' Law'.³

3. THE FAILURE OF THE IVORIAN AUTHORITIES TO PREVENT AND STOP THE ATTACK

“My wife cries all the time because we have not got his body back yet.”

Father of a man forcibly disappeared after the Nahibly attack

Despite extensive evidence indicating that FRCI soldiers and members of the Dozo militia played a central role in the attack on and destruction of the Nahibly camp, Ivorian authorities have failed to take steps to stop this attack, to prevent such abuses from being repeated and to hold those suspected of criminal responsibility to account. The Ivorian authorities did open an investigation into the attack on the IDP camp but no member of the armed forces has been suspended from duty while the investigation is underway. To Amnesty International's knowledge, there have been no efforts to determine any responsibility at senior military or political levels.

Instead local political and military officials have persistently denied that the FRCI played any role. The sub-prefect of Duékoué told an Amnesty International delegation that “when we learned that angry youths were headed for the Nahibly camp, we went there. We tried to talk to them but they would not listen. There was also a small contingent of five or six FRCI soldiers who tried to dissuade the crowd from attacking the camp, but their efforts were in vain. The soldiers did not enter the camp but remained at a distance of about 500 metres.”⁴



Civilian and military officials watching the attack of the Nahibly camp. © Private

This assertion contradicts extensive and consistent information collected by Amnesty International showing that local military and civilian authorities failed to take timely action to attempt to head off or disband the attack against the Nahibly camp, and prevent the abuses that accompanied the attack. Many reports indicate that military and civilian officials, including the Prefect of Duékoué, passively watched the attack on the camp without taking action. Several eyewitnesses described a contingent of FRCI soldiers coming out of the camp following the attack, surrounded by members of the local population who had been involved in the attack and who were clearly hailing the soldiers as heroes. Amnesty International has also gathered numerous and credible testimonies describing the active participation of FRCI soldiers in arbitrary arrests, enforced disappearances and extrajudicial executions following the attack.

3.1 NO SIGNIFICANT PROGRESS IN INVESTIGATIONS BY IVORIAN AUTHORITIES

Shortly after the attack, the Prosecutor for the district of Man opened an investigation into the attack. However, one year after the attack, the investigation has made very little progress.

The main progress was the exhumation of six bodies from a well in the Toguéï neighbourhood of Duékoué following extensive pressure from families and local human rights activists (See Section 3.1.1.). Additionally, on 21 March 2013, the investigating judge in charge of looking into the Nahibly attack and the bodies found in Toguéï went to the site of the wells in Toguéï. Several victims' families were also heard by the judge on April 11th.

However, nine months after this exhumation, the identity of the people found in this well has not yet been officially established and the bodies have not been returned to the families.

Moreover, to Amnesty International's knowledge, none of those suspected of criminal responsibility has been brought to trial. According to several Duékoué inhabitants, most of the FRCI soldiers involved in the attack have been transferred to other regions of the country. However, a FRCI officer whom several witnesses suspect of being responsible for the attack against Nahibly Camp, has been seen in Duékoué on several occasions still in his military uniform.

This lack of any progress in the investigation has been highlighted by the Special Representative of the Secretary General in Côte d'Ivoire and Head of the UNOCI Bert Koenders. According to *Radio France Internationale* (RFI), before leaving his position in early June 2013, Bert Koenders wrote to the Ivorian Justice Minister to express his concern over the slow progress of the investigation into the Nahibly attack⁵.

3.1.1. RELUCTANCE TO IDENTIFY THE BODIES AND COLLECT EVIDENCE FROM THE RELATIVES

On 11 and 12 October 2012, six bodies were recovered from a well in Togué. Amnesty International has interviewed witnesses – including relatives of those who have disappeared – who indicate that three of the bodies were positively identified by relatives as being among those who disappeared after the attack. The bodies were identified on the basis of such items as clothing, jewellery and bandages. The six bodies were sent to Abidjan for autopsies.

Two of the bodies identified are reportedly those of Eric Yéhé Kah and Alain Téhé, whose cases were reported in Amnesty International's February 2013 report 'The Victors' Law'.⁶ Eric Yéhé Kah was among a group of people who were forced into FRCI vehicles when they ran out of Nahibly camp. They were taken to a nearby FRCI command post. They were later seen being forcibly taken out of a small door through a small door at the back of the FRCI post. All were stripped down to their underwear. They were put into a vehicle and driven away. Their fate has remained unaccounted for since that time. Alain Téhé had been injured in the Nahibly attack and taken to the hospital in Duékoué for treatment. He was forcibly removed from the hospital by FRCI soldiers and had not been seen since.

In February 2013, an Amnesty International delegation interviewed relatives of Eric Yéhé Kah and Alain Téhé. Eric Yéhé Kah's family said that they had no contact from or communication with the authorities investigating his death until 28 February 2013 when his mother received a notice to attend an interview with an investigation judge on 11 April 2013. She was heard by the investigating judge in Man on April 11th.



Some bodies were exhumed in this well. © Amnesty International

BOX 1: JUDICIAL SUPPORT TO THE VICTIMS BY HUMAN RIGHTS NGOS

The International Federation for Human Rights (FIDH) and its' two member organizations in Côte d'Ivoire, the Ivorian Movement for Human Rights (MIDH) and the Ivorian League for Human Rights (LIDHO) have accompanied the Nahibly attack victims and their relatives during judicial proceedings. The Ivorian judiciary opened an investigation into the attack on the camp in September 2012 and another investigation was commenced by the Prosecutor based in Man into the discovery of bodies in a well in Togeï in October 2012. Lawyers with the Judicial Action Group (*Groupe d'action judiciaire*, GAJ), set up by the FIDH, MIDH and LIDHO, have assisted some ten victims of the Nahibly camp attack during proceedings before the investigating judge at the end of March 2013. The judge ordered a visit to the location where the bodies were found, and GAJ lawyers were present at that time as well. At that time lawyers asked that the two investigations be joined, given the factual links. They also asked that there be exhumation of bodies in eleven other wells; and that individuals responsible, whose identification is possible, should be arrested and brought to trial. At the time of writing this report, despite promises from the Minister of Justice minister's encouraging promises, the ONUCI's repeated calls to technically help the exhumations and the judges' security, and the evidences of the file, no recommendations has been followed through in practice.⁷

Therefore it seems that the authorities continue to be reluctant to identify the bodies and collect evidence from the relatives. Family members and local human rights defenders described to Amnesty International that the virtual inaction in proceeding with investigations

and exhumations has left them feeling that the authorities have no interest in determining who has been killed and who may be responsible.

A local human rights defender told an Amnesty International delegation in March 2013:

"If the bodies of the people down the wells were supporters of the government, they would have recovered the corpses months ago. But because they are displaced people from Nahibly and are accused of being Gbagbo supporters, they do nothing."

3.1.2. FAILURE TO PUBLISH AUTOPSY RESULTS

An autopsy on the six corpses found in the first well has reportedly been carried out. However, nine months after the discovery of these bodies, the results of the autopsies have not yet been shared with family members or released publicly. The only information available originates from a Radio France Internationale (RFI) report, dated 25 November 2012, indicating that "bullets were found in three of the bodies, but all bodies have lesions similar to those caused by firearms. The bullets will be sent to an expert for analysis and DNA tests are expected. The relatives of those missing from the Nahibly camp will reportedly undergo blood tests in an attempt to identify victims."⁸ However, to AI's knowledge and according to the testimonies collected, no DNA-test has been undertaken on the families of those missing since the Nahibly attack. As a consequence the six bodies have not been scientifically identified yet, and the families still wait to know the truth so they can mourn the loss of their relatives.

3.1.3. FAILURE TO RETURN THE CORPSES TO THE FAMILIES

It is also worrying that, after more than nine months, the bodies have not been returned to their families despite repeated requests from relatives.

Thus, Eric Yéhé Kah's father told Amnesty International:

"My wife cries all the time because we have not got his body back yet. We need to be able to bury him with dignity so we can accept he has gone'.

3.1.4 FAILURE TO INVESTIGATE OTHER WELL HOLES

In October 2012 and again in February 2013, Amnesty International visited an area in Toguéi where 11 other well holes are suspected to contain dead bodies. Amnesty International interviewed UN peacekeepers and police officers who were part of a UN detachment that has been guarding the wells on a round-the-clock basis since mid-October. Amnesty International also interviewed local human rights defenders and relatives of individuals whose corpses were recovered from the first well.

Amnesty International interviewed a local human rights defender who has lowered himself into three of the well holes by a rope and has ascertained that in each of those wells there is at least one corpse. Because of the narrow diameter of the holes he was not able to

determine how many other bodies might be in these wells. Since then, there has been no progress in exhuming bodies from the wells. Officials have reportedly indicated that they are having difficulty arranging for the equipment and materials needed to excavate the wells. Meanwhile, UN personnel have been deployed on a full-time basis to guard the well holes to ensure that there is no tampering or interference with the sites. Amnesty International is deeply concerned about the lack of any meaningful progress in investigating the other well holes.

3.1.5 REFUSAL TO ACCEPT AN INTERNATIONAL COMMISSION OF INQUIRY

In the organization's February 2013 report, *'The Victors' Law'*, Amnesty International called for the establishment of an international commission of inquiry to examine the attack against the Nahibly Camp and its aftermath. The organization stressed that setting up an international commission of inquiry - which is no substitute for judicial proceedings - is particularly important because the Nahibly attack comes in the wake of other situations of massive human rights violations and abuses in the region, such as the hundreds of March/April 2011 extrajudicial executions and enforced disappearances in Duékoué which have never been adequately investigated by local authorities and for which no one has ever been charged or tried.

The day after the publication of the Amnesty International's report, the Ivorian Minister of Justice, Coulibaly Gnénéma, rejected, in an interview to an Ivorian newspaper, the organization's call for an international commission of inquiry.

"The only thing in this report we do not understand very well is the request for the establishment of an international commission. We do not see the need, let alone the utility, except if there is a premise that Ivoirians are not able to carry out investigations themselves. We have provided evidence in the past with the National Commission of Inquiry that Côte d'Ivoire is able to check the facts and provide a credible report⁹."

A few months later, in a letter addressed to Amnesty International in June 2013, the Ivorian Minister of Justice provided a detailed account of the authorities' position regarding the killings and other human rights violations committed in Nahibly¹⁰.

Concerning the responsibility for this attack, the Minister stressed that:

"As for the IDP camp Nahibly, it seems to me excessive to blame the Republican Forces of Côte d'Ivoire and the Dozos especially since it appears from the testimony of the UNOCI personnel that it is the population, exasperated by the atrocities committed by camp residents who decided to destroy it. It would have been appropriate to mention the abuses committed by some residents of the camp. "

Furthermore, it was established by an administrative investigation that the authorities in Duékoué didn't have the security forces necessary to prevent the destruction of the camp taking into account the size of the crowd in comparison with the elements present in the spot. Also, the spontaneity of the movement prevented the adoption of prior arrangements to avoid this situation. "

Amnesty International believes the authorities have a responsibility to ensure protection of the IDP camp. However information collected by the organisation produces conclusive evidence that the military and civilian forces present during the attack did nothing to prevent or stop it.

Concerning the slowness of the judicial enquiry, the Minister mentioned that witnesses and victims were afraid to respond to the judicial summons.

"Lengthy procedures of the investigation are related primarily to problems of auditioning witnesses and victims who do not respond to notices of magistrates for security concerns. Improved security conditions could accelerate the work of the investigators. The Government is aware of this situation and endeavours to remedy it. "

Finally, the Minister stressed the fact the judicial process had recently known some significant progress

"As for the alleged slowness of justice, if this reproach seemed justified at the time, we have to recognize that since my arrival at the head of the government department in charge of justice, the procedures for examining files have accelerated. It is important to note that the Ivorian justice system allows civil parties to initiate criminal action. People concerned should be invited to explore this possibility. "

However, despite some progress in the judicial procedures, since the end of the post electoral crisis in 2011, the Ivorian government has not demonstrated a willingness or capacity to ensure justice in cases of massive human rights violations in which government forces are implicated. This is particularly the case for the massive human rights violations and abuses committed in the area of Duékoué in March-April 2011.

Amnesty International remains convinced of the need for an international commission of inquiry into the Nahibly attack. It is the only effective means to ensure that there is an impartial and timely investigation of the attack and its aftermath.

An international inquiry could also shed light on the controversial and unsettled question of how many people were killed during the attack itself. In a letter sent to Amnesty International on 19 February 2013 (See Section 5), the Special Representative of the Secretary General in Côte d'Ivoire, Mr Bert Koenders, referred to "at least six" deaths. This is the figure that the Ivorian government has repeatedly publicized. The UN Secretary General's report to the Security Council in December 2012 stated that "eleven people were killed and 56 injured" during the attack.¹¹ Amnesty International's own research has confirmed that at least fourteen people were killed in the attack. An international commission of inquiry could assist in clarifying the number of people killed during the attack.

4. PERSISTENT INSECURITY FUELLED BY DOZO MILITIAS

“The Dozos control the areas far away from the village; and they won’t let us return to our fields”

Resident of the Duékoué area, March 2013

The minimal progress in investigating the attack at Nahibly over the course of the past year fuels a climate of longstanding impunity in the region which encourages further human rights violations in the West, including by the Dozos militias.

The Dozos are from a powerful brotherhood of hunters present in several countries in the sub-region.¹² They have also been progressively involved in the Ivorian conflict over the past decade. In particular, they have ensured the safety of those including the Dioulas who were regularly subjected to threats and attacks by security forces and militias loyal to former President Laurent Gbagbo. These traditional hunters, have formed as a militia, and have consistently fought alongside the New Forces (that controlled the north of the country since the attempted coup in 2002) and have committed serious abuses, including during the 2011 post-electoral crisis, the deliberate killing of people often because of their ethnicity.¹³

Since Alassane Ouattara’s coming to power, the Dozos have gained considerable importance over the whole territory and their presence has increased notably in the west of the country where some of their members ransom the population and carry out arbitrary arrests assuming a self-appointed policing role.

Though the Dozos have their own command structure, the state exercises nevertheless a certain control over them. Amnesty International has collected information confirming the existence of a close cooperation and coordination between the FRCI and the Dozos (particularly in the context of numerous joint operations). Besides, the authorities give assistance to the Dozos in the form of equipment and weapons.



Two Dozos fighters ride around the empty streets of Duékoué, a few days after the April 2011 attacks for control of the town. Hundreds of Guérés were massacred on ethnic and political grounds. © Amnesty International

Amnesty International has pressed the authorities to curtail the Dozos' role in law enforcement and security activities - including security checks at road crossings - and to ensure that any Dozo fighters responsible for human rights violations face justice. On 5 June 2012 the Ivorian government published an inter-ministerial circular stating that "accordingly, from 30 June 2012, any person not belonging to the Armed Forces or National Police and caught disobeying rules regarding roadside checks will be arrested and, where necessary, will be prosecuted." However, Amnesty International is not aware of any steps taken to enforce this order.

In February 2013, Amnesty International met with officials of the Minister of the Interior in Abidjan. The officials told the Amnesty International delegation that a "*Projet de Recensement des Dozos*" (Dozos Census Project) was being launched to ensure that Dozos would come under the authority of *sous-préfets* and that their arms will be registered or confiscated.

Yet despite these official commitments the reality on the ground has remained unchanged, and Dozo militias are still playing a security role and committing abuses in the Duékoué region, fuelling a feeling of insecurity among the population generally perceived as supporters of Laurent Gbagbo.

Amnesty International's delegates were able to assess this climate of fear when they met in March 2013 the mother of Alain Téhé, a man who "disappeared" after being forcibly removed by FRCI soldiers from the hospital in Duékoué on 20 July 2012. This woman had to go into hiding and had left her village to move to another location where the delegates met

her. She had been outspoken in pressing for investigations into what had happened to her son after his “disappearance”. She filed a formal declaration confirming his identity after the body of her son was recovered from a well hole on 11 October 2012. She continued to press the authorities for answers. However soon after that she began to receive reports from friends and neighbours that unknown people were circulating in her village asking about her and inquiring as to her whereabouts. She has been hiding since November 2012 and fears for her safety.

Amnesty International delegates also interviewed numerous individuals, member of the Guéré ethnic group, in villages outside Duékoué who indicated that they remain too fearful to return to their fields located at anything more than a three to five kilometre distance from towns and villages. They described the presence of regular patrols of Dozo militias and continued Dozo barricades on paths. They indicate that members of Dozos militias harass and threaten them, occasionally beat them; and frequently extort money. They do not report these instances to the local authorities because they feel that would lead to increased danger.

A local resident told an Amnesty International delegation in March 2013:

“The Dozos control the areas far away from the village; and they won’t let us return to our fields. My son was beaten two weeks ago when he tried to go to our field. We haven’t been to our field since we returned here last year. They said he was not to return again. We can’t turn to the FRCI for help, because they are all friends. And the police do nothing here.”

For the last two years, Amnesty International has repeatedly stressed that the Dozos should not play any official or unofficial role in law enforcement and security unless that role is clearly established in law, with a precise legal framework establishing their powers and accountability. Amnesty International remains concerned that Dozos suspected of criminal responsibility for human rights violations in the past have not been investigated and brought to trial.

This climate of insecurity is also present in Abidjan. Amnesty International is also concerned about security threats experienced by local Amnesty International members in the country’s economic capital. On 27 February 2013, the day after a press conference Amnesty International arranged in Abidjan for the launch of the report, *The Victors’ Law*, a group of four armed men appeared at the office of Amnesty International Côte d’Ivoire at approximately 6 p.m. The office had closed that day at 3 pm so there was no one present at that time. A witness who observed the men indicated that they pounded on the door of the office demanding entrance. They left after some time. The visit of the armed men was brought to the attention of UN police in Abidjan by a witness. Amnesty International also brought it to the attention of officials in the office of the Ministry of the Interior. UN police and national police both carried out visits to and patrols around the office on 28 February. The armed men did not return. Amnesty International is concerned that this may have been connected with the release of the report on the previous day.

5. UNOCI'S RESPONSE TO AMNESTY INTERNATIONAL

“[I]t is clear that the Ivorian authorities did not intervene in a timely fashion to address law and order concerns within the camp.”

Bert Koenders, Head of the UNOCI in a letter to Amnesty International, February 2013

In the report *The Victors' Law* Amnesty International highlighted concerns that the UNOCI contingent present onsite at the time of the attack was unable to provide protection and safety to the inhabitants of the camp when it came under attack.

Amnesty International has had numerous meetings and exchanges with UNOCI political and military officials regarding the Nahibly attack. On 19 February 2013 the organization received a detailed written response from Bert Koenders, Special Representative of the UN Secretary General in Côte d'Ivoire and head of UNOCI¹⁴.

Mr. Koenders stresses that UNOCI shares Amnesty International's main concerns regarding the Nahibly attack, including the lack of a proper investigation into the incident and the need for truth and justice.

“We share your serious concerns about the events at Nahibly – the failures that led to the destruction of the camp, the deaths of at least six camp residents, the renewed displacement of the IDPs, and the lack of progress on clarifying the facts of the attack, bringing those responsible to justice and providing reparations to the victims. UNOCI concurs with you that this attack constitutes a grave violation of human rights and humanitarian law, and that everything needs to be done to uncover the truth.”

In his letter to Amnesty International, Mr. Koenders also provides UNOCI's assessment of the nature of the security threats in the IPD camp in the weeks and months preceding the attack.

“The principal security issues [...] concerned the management of the populations inside the camp, particularly growing criminal activity which increasingly threatened IDPs and humanitarian workers alike”. [Therefore the assessment conducted by the UNOCI] “concluded that the main threat to civilians in the camp was the insecurity caused by criminal gangs inside; indeed, neither UNOCI nor any national or international actor related

to the camp viewed as likely an attack from outside by a mob of up to 1,000 residents of the area".

While recognizing that insecurity did in part stem from the fact that some individuals suspected of being responsible for acts of violence (including robberies and rape) reportedly lived permanently or occasionally in the Nahibly camp, Amnesty International has also collected evidence that this attack took place against a background of increasing stigmatization of IDPs by both Ivorian political and military authorities as well as some sections of the general population. This growing stigmatization was not only fuelled by the wide perception that the IDP camp was "full of bandits". It was also characterized by taunts and insults, nurtured by the fact that the IDPs were mainly from the Guéré ethnic group and generally regarded as supporters of former President Gbagbo. A former resident of the camp told Amnesty International: "Dozos and inhabitants of surrounding villages were constantly telling us: It is because of Gbagbo that you are there, we are going to kill you". Several sources have also told Amnesty International that in the weeks before the attack, it became commonplace to hear people comment about the need to make the Nahibly camp "disappear".

On the basis of several meetings Amnesty International had with local Ivorian political and military officials, this prevailing atmosphere of hostility towards the IDPs living in the Nahibly camp did not appear to have been taken seriously by the Ivorian security forces. It also does not appear to have played a central role in determining the level and nature of the UNOCI security detail. Mr. Koenders describes that UNOCI "exceptionally provided 14 peacekeepers to man 24/7 six watchtowers constructed around the camp to monitor the flow of the displaced into and out of the camp whilst the Government kept overall responsibility for the protection of IDPs". Mr Koenders added that neither the peacekeepers stationed in the camp's six watchtowers nor the 12 police were "meant to control or manage crowds and were neither formed nor equipped for such tasks."

This reliance by UNOCI on the Ivorian authorities to protect the IDPs is worrying given the tragic precedent of the Duékoué incidents in March and April 2011, when FRCI soldiers and Dozo militias attacked and killed hundreds of people perceived to be supporters of Laurent Gbagbo on grounds of their ethnicity. In that context and given the prevailing hostility towards IDPs at the camp, Amnesty International is concerned that UNOCI was prepared to rely on local military and police to provide the bulk of the protection for the camp.

Notably, UNOCI was aware of the inadequacies of the security mechanisms put in place by local authorities. Mr. Koenders notes that "effective internal policing required the local authorities to establish an Ivoirian police presence inside the camp, as demanded by the camp administrators and UNOCI for several weeks preceding the attack. [However, t]he Government never implemented the security request despite repeated request to do so. National police never deployed inside the camp".

Despite this further evidence of the Ivorian government's reluctance and incapacity to ensure the security of the IDPs, UNOCI maintained the position that UNOCI police officers deployed inside the camp were "primarily tasked to support national police counterparts". All of this left UNOCI soldiers and police in an untenable situation when the attack suddenly and unexpectedly occurred. Not only had Ivoirian security forces failed to protect the IDPs;

worse, some even joined in the attack. The failure of the UNOCI to protect the Nahibly IDP population is reminiscent of the March/April 2011 killings in Duékoué in 2011 which took place while a UNOCI base was located 1 km from where most of the killings took place.

Mr. Koenders notes that an internal review has supported the actions of UNOCI military and police personnel.

“None of the security agents at that moment was in a position to face the challenges posed by the nature of the assault. UNOCI peacekeepers tried actively to deter the attacks but explicitly avoided the use of deadly force with the assailants in view of the high risk of a significant death toll amongst a large number of civilians. Our internal review supported this decision”.

This internal review has not been made public. As such, the basis for the conclusion that concerns about using deadly force against the attackers outweighed concerns about the deadly threat the attackers posed to the IDPs is not available. Added to this is the concern that UNOCI police reportedly rebuffed a number of IDPs who came to beg for help. Amnesty International has received many testimonies from individuals describing being turned away from UNOCI police officers in the camp as they approached them for assistance. Several people also described to Amnesty International that they were beaten or witnessed others being beaten, within sight of UNOCI police officers who allegedly did not intervene.

Amnesty International has raised these allegations with UNOCI. In his letter, Mr. Koenders stressed that “[w]hile part of the population perceived UNOCI to be part of the IDP camp’s security, that responsibility always rested with the authorities.” He further notes that “UNOCI’s investigation did not reveal that IDPs seeking protection were physically rebuffed by UNOCI personnel”.

UNOCI’s shares Amnesty International’s concerns about the failures on the part of Ivorian officials. Mr. Koenders notes that “[i]t is clear that the Ivorian authorities did not intervene in a timely fashion to address law and order concerns within the camp.” He adds that he has personally “criticized the slowness of the investigation and have offered UNOCI’s technical support and security for magistrates and prosecutors involved in the case”.

Mr. Koenders indicates that “the lessons learned from the attack are feeding into the Mission’s constant review of its protection of civilians strategy and implementation arrangement, in order to better address protection needs in an integrated manner.” Amnesty International welcomes this process of review and urges that UNOCI release the results of the Nahibly review publicly. As part of the review it is essential that UNOCI recognize that at the present time Ivorian security forces cannot be relied upon to provide protection to vulnerable people who are accused or suspected of being supporters of former President Laurent Gbagbo. At best, Ivorian security forces might leave the Dozos or other sections of the population free to harass people considered to be “enemies”; at worst they could be directly involved in attacks and human rights violations. This recognition must be central to the ongoing review of UNOCI’s civilians protection strategy in order to better fulfil its mandate.

6. CONCLUSION AND RECOMMENDATIONS

One year after the attack against the Nahibly camp, the Ivorian authorities have made no substantial progress in investigating the crimes committed along this attack. Amnesty International welcomes the exhumation of bodies from a well in Togueï in October 2012, and the fact that the magistrate in charge of investigating the Nahibly attack, has travelled, albeit belatedly, to the area and interviewed some of the families of the victims. However, this limited progress is not sufficient. No-one has been held responsible for the acts committed during the attack and its aftermath. More critically, autopsy results have not been released and the bodies have been neither identified nor returned to their families.

Generally speaking, Amnesty International remains concerned about the fact that the government has failed to hold any members of the FRCI or the Dozo militia accountable for crimes committed during the post-electoral crisis, including crimes against humanity.

This impunity is all the more worrying because since the end of the post-electoral crisis the security forces and the Dozos have continued to commit human rights violations and abuses against known or suspected supporters of former President Laurent Gbagbo. The one-sided nature of arrests, detention and legal proceedings for post-electoral violence – many of which seem arbitrary – is deepening the sense of marginalization and injustice felt by ethnic groups and members of political parties that are aligned or are perceived to have been aligned with former president Lauren Gbagbo.

Amnesty International reiterates its call on the government to implement the recommendations included in the report, *The Victors' Law*.

Amnesty International urges the Ivorian authorities to:

- Agree to the establishment of an international commission of inquiry into the attack on the Nahibly displaced persons camp – which, as mentioned above, is no replacement for the judicial determination of guilt or innocence, and full reparations to victims and their families.
- Ensure that full and impartial investigations of all well sites where bodies of individuals who disappeared after the Nahibly attack are believed to have been dumped are carried out without any further delay.
- Take immediate steps to end the formal and informal law enforcement and security roles placed by the Dozos and ensure that all allegations of human rights abuses allegedly committed by Dozo fighters are promptly, thoroughly, independently and impartially investigated.

- Make public the full report of the *Enquête sur les violations des droits de l'homme et du droit international humanitaire survenues dans la période du 31 octobre 2010 au 15 mai 2011*, issued in July 2012.

- Develop an action plan to assure the safety of eyewitnesses and family members of victims of human rights violations and abuses during, and in the aftermath of, the attack against the Nahibly Camp

Amnesty International also calls on the Côte d'Ivoire authorities to:

- Promptly ratify or accede to the International Convention for the Protection of All Persons from Enforced Disappearance without making any reservation or declaration amounting to a reservation and making, upon ratification or accession, the declarations contained in Article 31 and 32 of the Convention, thus recognizing the competence of the Committee on Enforced Disappearances to receive and consider communications from or on behalf of victims or other states parties and to implement the Convention into national law.¹⁵

- Promptly accede to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Amnesty International calls on the international community to:

- Work with the government of Côte d'Ivoire to establish an international commission of inquiry into the July 2012 attack on the Nahibly displaced persons camp.

- Continue to provide technical and logistical support to Ivorian authorities so as to ensure that investigations into the Nahibly attack move ahead expeditiously.

- Release publicly the results of the UN's internal review of the actions of UNOCI military and police personnel during the attack against Nahibly.

ENDNOTES

¹ Human rights defender, interviewed by Amnesty International near the site of former Nahibly displaced persons camp, outside Duékoué, 2 March 2013.

² Term which, depending on the circumstances, means any person with a Muslim family name and from northern Côte d'Ivoire or states of the sub-region including Mali, Burkina Faso, Guinea, Senegal, etc). In the last decade, Dioulas were generally considered to be supporters of Alassane Ouattara and which resulted in discrimination against them and attacks by the security forces and supporters of former President Laurent Gbagbo.

³ See Amnesty International, Côte d'Ivoire: The Victors' Law: The human rights situation two years after the post-electoral crisis, 26 February 2013, AFR 31/001/2013, available at: <http://www.amnesty.org/en/library/info/AFR31/001/2013/en>.

⁴ Amnesty International, *The Victors's Law*, p, 54.

⁵ <http://www.rfi.fr/afrique/20130606-cote-ivoire-onu-nahibly-duekoue-koenders>

⁶ Amnesty International, *The Victors's Law*, pgs. 48-50.

⁷ See the FIDH documents, *Côte d'Ivoire : la justice pour combattre les violations des droits de l'Homme et l'insécurité*, disponible sur <http://www.fidh.org/Cote-d-Ivoire-la-justice-pour-12352>, *Côte d'Ivoire / Attaque du camp de Nahibly : une occasion de rendre justice*, disponible sur http://www.fidh.org/IMG/pdf/civ_rapport_nahibly_mars2013-2.pdf et *Côte d'Ivoire : Timides avancées judiciaires dans l'affaire de l'attaque du camp de Nahibly*, disponible sur www.fidh.org/Cote-d-Ivoire-Timides-avancees-judiciaires-dans-l-affaire-de-l-attaque-du-13103.

⁸ Radio France Internationale, *Fosse commune de Duékoué : l'ONU demande au gouvernement ivoirien d'accélérer l'enquête*, 25 November 2012, available at : <http://www.rfi.fr/afrique/20121125-fossecommune-duekoue-onu-demande-accelererenquete>.

⁹ Coulibaly Gnénéma (Ministre de la Justice): « La Côte d'Ivoire est capable de fournir elle-même un rapport crédible », L'expression, 27 février 2013. Available at: <http://news.abidjan.net/h/452819.html>.

¹⁰ This letter was dated 18 February 2013 but was sent on the 21 June 2013 (date as per postmark).

¹¹ UN Security Council, *Thirty-first progress report of the Secretary-General on the United Nations Operation in Côte d'Ivoire*, UN Doc. S/2012/964, 31 December 2012, para. 3.

¹² Heirs to an ancient tradition, the Dozo (or "Doston"), which means in Bambara "he who returns home after hunting in the forest," is a very powerful and united brotherhood of hunters, widely represented in Mali, Guinea, Burkina Faso, Senegal, Niger and Côte d'Ivoire.

¹³ See Amnesty International, *They looked at his identity card and shot him dead' Six months of Post-Electoral violence in Côte d'Ivoire*, 25 May 2011, AFR 31/002/2011, available at: <http://www.amnesty.org/en/library/info/AFR31/002/2011>.

¹⁴ Letter to Salil Shetty, Secretary General, Amnesty International from Albert Gerald Koenders, Special-Representative to the Secretary-General in Côte d'Ivoire, 19 February 2013 (hereafter UNOCI Response to Amnesty), 19 February 2013.

¹⁵ See Amnesty International, No impunity for enforced disappearances. Checklist for effective implementation of the International Convention for the Protection of All Persons from Enforced Disappearance (IOR 51/006/2011), November 2011 available at : <https://www.amnesty.org/en/library/asset/IO51/006/2011/en/66282ecd-5087-4467-88a2-dc7709ae5755/ior510062011en.pdf>.

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