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World Report 2015 - Côte d'Ivoire

Ahead of the 2015 general election, the government of President Alassane Ouattara made some progress in security sector reform and improving discipline within the security forces. However, there was insufficient progress in strengthening the judiciary, tackling corruption, or pursuing impartial justice for the serious crimes committed during the 2010-2011 post-election period. The Ivorian government has failed to arrest any member of the pro-Ouattara Republican Forces implicated in the post-election violence, undermining hopes for meaningful reconciliation.

The 2010-2011 crisis capped a decade of conflict and unrest rooted in ethno-communal tensions and land disputes during which armed groups and security forces from all sides perpetrated serious human rights abuses with complete impunity. International and Ivorian commissions of inquiry found that both sides committed war crimes and possible crimes against humanity during the 2010-2011 crisis.

There were several cross border attacks from Liberia though fewer episodes of intercommunal violence than in past years. Criminality and banditry by often-violent armed gangs continued to be a serious problem. Progress on disarmament was slow and largely benefited pro-Ouattara forces, spurring some protests.

Members of the security forces continued to be implicated in serious violations, though the number of incidents decreased compared to past years. Widespread corruption and plunder, especially by members of the security forces, remain a serious concern. However, there was some progress in reducing security force extortion and dismantling illegal checkpoints.

Côte d'Ivoire's key partners—the European Union, the United Nations, France, and the United States—were reluctant to publicly criticize the lack of accountability for past crimes. The International Criminal Court (ICC) made progress by way of the investigation of former President Laurent Gbagbo and one of his ministers. However, their lack of progress in the investigation of crimes by pro-Ouattara forces drew criticism.

National Justice for Post-Election Violence

Since the end of the crisis, progress toward justice has been largely one-sided. While Ivorian authorities have charged more than 150 pro-Gbagbo civilian and military leaders for abuses committed during the 2010-2011 crisis, and convicted nine in a military court, not one member of Ouattara's Republican Forces has been brought to account.

At the start of the year, the work of the Special Investigative Cell (*cellule spéciale d'enquête*, or CSE) was stymied by staff cuts and inadequate logistical support. Although additional staff was provided in May, the CSE's work continued to be hampered by its lack of independence from the government. It has focused primarily on crimes by pro-Gbagbo forces. The civilian courts have yet to hold a trial for those from any side indicted for crimes related to the post-election period, in violation of the right to a trial within a reasonable time.

In 2014, the judiciary provisionally released some 200 pro-Gbagbo defendants, raising concerns of a de facto amnesty for perpetrators from all sides. In August, the president pardoned 3,000 prisoners convicted of minor

crimes, raising concerns about government interference with the judiciary.

In February, the president extended the mandate of the Dialogue, Truth and Reconciliation Commission. In September, it held three weeks of public hearings. The commission has been widely criticized for doing little to fulfill its mandate.

International Criminal Court

In June, the ICC confirmed charges against Laurent Gbagbo, rejecting an appeal and ordering him to remain in detention until his trial that was scheduled at time of writing to begin on July 7, 2015.

In March, Charles Blé Goudé, a former youth minister and leader of a pro-Gbagbo militia, was surrendered to the ICC by Ivorian authorities after being transferred to Côte d'Ivoire from Ghana, where he had fled in 2011. At year's end, ICC judges were deliberating as to whether there was enough evidence to send his case to trial; if so, prosecutors have asked to combine Blé Goudé's and Laurent Gbagbo's cases into one trial.

Simone Gbagbo, charged by the ICC with four counts of crimes against humanity, remained in detention in Côte d'Ivoire. In October 2013, the Ivorian government challenged the admissibility of the ICC's case on the grounds that she is being tried on the same charges in domestic courts. On October 22, 2014 Simone Gbagbo and 82 other pro-Gbagbo defendants were brought before an Ivorian court on charges pertaining to threats against state security, but the trial was indefinitely postponed because the defense needed more time to prepare, among other reasons.

Security Force Abuses

Members of the security forces including soldiers, gendarmes, and police perpetrated numerous serious human rights abuses, including mistreatment and torture of detainees, sometimes to extract confessions; extrajudicial killings; rape; and extortion. Several commanders implicated in serious human rights abuses remain in key positions in the security forces.

Many abuses were perpetrated in response to security threats. The UN independent expert on the situation of human rights in Côte d'Ivoire reported that soldiers tortured numerous people they had detained in connection with raids near the Liberian border, while other abuses were perpetrated as they responded to the threat of armed criminal gangs in Abidjan.

In recent years, some soldiers were prosecuted for murder and theft in less politically sensitive cases. However, impunity for other crimes persisted, including for the July 2012 attack on the Nahibly internally displaced persons camp, which left at least 12 dead, and for arbitrary detention and torture committed in 2012 following attacks on military installations.

Investigations into numerous other crimes by soldiers were blocked largely due to a legal requirement that the Ministry of Defense sign the prosecutorial order before an investigation can begin, resulting in soldiers credibly implicated in crimes being protected from inquiries.

The government took steps to combat widespread extortion and racketeering at checkpoints manned by the security forces and other armed groups. Some unauthorized checkpoints were dismantled and the military courts prosecuted several members of the security forces and pro-government militia for extortion and racketeering. Progress was also made in removing soldiers from properties they had illegally seized during the crisis. But the security forces' ability to protect the population from armed bandits, particularly in the north, was hampered by inadequate personnel and resources.

Land Rights

Land disputes, particularly in western Côte d'Ivoire, have underscored over a decade of instability and conflict. They remain largely unresolved.

Extreme violence during the post-election crisis forced hundreds of thousands of people to seek refuge in neighboring countries or elsewhere in Côte d'Ivoire. Many displaced returned home to find their land illegally occupied or sold, violating their property rights and rights as returning refugees. By mid-2014, over half of returning refugees were homeless according to the UN High Commissioner for Refugees (UNHCR).

In 2013, the Ivorian government passed several reforms to land tenure and nationality laws, but the government's failure to fund or staff local administrative and judiciary structures to implement the reforms undermined their ability to resolve land disputes.

Disarmament and Security Sector Reform

Spurred on by concerns related to potential violence during the 2015 presidential polls, the government made some progress in security sector reform by disarming tens of thousands of former combatants who fought during the crisis.

As of October, the UN reported over 21,000 former combatants had been disarmed, more than 30,000 had benefitted from reinsertion support, and 7,429 weapons had been collected. However, disarmament has been one-sided, mostly benefitting forces loyal to President Ouattara. Only 13 percent of those disarmed were combatants affiliated with Gbagbo and large numbers of beneficiaries were not listed in the national Disarmament, Demobilisation and Reintegration database. Demonstrations by former combatants in western Côte d'Ivoire in February and March turned violent.

The government made some progress in returning basic security functions from the military to the police and gendarmerie, though the military continue to man checkpoints and at times act as first responders to security threats. In November, thousands of soldiers at several military bases, including Abidjan, Daloa, Bouaké, and Korhogo demonstrated over claims of unpaid wages.

Sexual Violence

High levels of gender-based violence continue. Many of these assaults targeted children and elderly women. In the first five months of 2014, the UN secretary-general's report on the UN Operations in Cote d'Ivoire (UNOCI) reported at least 170 cases of rape, including many gang rapes.

The government has taken some steps to address the widespread sexual violence. In September, with UN support, the government launched a national strategy against sexual violence with a strong commitment to prosecute perpetrators. But the *cour d'assises* mandated to try such cases rarely functioned. Many serious cases are downgraded to indecent assault in order to be heard in regular courts, which carry a more lenient penalty, furthering impunity. Social stigma, lack of access to justice and the cost of a medical certificate are significant barriers to ensuring accountability for violent sexual crimes.

Trafficking of women and girls, often from Nigeria, into Côte d'Ivoire for sex work, continues to be a problem.

Corruption

The Ivorian government has been slow to combat allegations of corruption, which continues to be a major problem, undermining the fulfillment of key social and economic rights such as basic healthcare and education. An anti-corruption law drafted in 2012 has not been adopted and there is no independent anti-corruption commission with the power to investigate and prosecute. However, in April, the Defense Ministry pledged to eliminate thousands of "ghost" soldiers in the army.

Since Ouattara assumed power, security forces loyal to him have plundered revenues through smuggling and parallel tax systems on cocoa, timber, diamonds and other natural resources. The UN Group of Experts, appointed by the UN Security Council to monitor the sanctions regime in Cote d'Ivoire, reported in 2014 that commanders are using income from illicit sources for personal enrichment and as a tool for retaining ex-combatant loyalty.

LGBTI Rights

Côte d'Ivoire does not criminalize homosexuality and has traditionally been relatively tolerant, though lesbian, gay, bisexual, transexual, and intersex (LGBTI) people are not protected under the law and can be prosecuted for public acts of indecency. There were a few violent attacks on LGBTI activists in Abidjan in 2014, with little accountability for those responsible.

In January, a series of attacks by mobs on Alternative-CI, a local non-profit working on LGBTI rights and HIV prevention, culminated in an attack on their Abidjan office. Police intervened and escorted the activists to safety, but failed to launch an investigation into the incident. Alternative-CI's director had been targeted a few days earlier at his home.

In April, Cote d'Ivoire's Universal Periodic Review raised some key human rights recommendations. Cote d'Ivoire rejected all those relating to the prevention of discrimination on the basis of sexual orientation and gender identity.

Key International Actors

Côte d'Ivoire's partners largely failed to prioritize the importance of impartial justice. The UN's independent expert on human rights published two reports highlighting continued security force abuses, the prevalence of sexual violence, and the need for reparations. He also raised concern that provisional releases of perpetrators of crimes committed during the crisis amounted to a de facto amnesty, saying that reconciliation and justice cannot be separated.

In June, the Human Rights Council passed a resolution maintaining the mandate of an independent expert on Cote d'Ivoire, but, at the request of the Ivorian government, imposed changes both of the expert in charge, and of the mandate, which now prioritizes technical cooperation. On April 29, the UN lifted an embargo on the sale and export of diamonds, in place since 2005, and relaxed its arms embargo, reflecting improvements in security. The UNOCI began scaling down its mission, including the planned elimination of the rule of law component.

The EU, France, and the US continued to take the lead on justice and security sector reform, along with UNOCI.

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