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World Report 2013 - Côte d'Ivoire

Ongoing socio-political insecurity, failure to deliver impartial justice for past crimes, and inadequate progress in addressing the root causes of recent political and ethnic violence—notably the lack of an independent judiciary and impunity for government forces—undermined Côte d'Ivoire's emergence from a decade of grave human rights abuses.

A wave of attacks on villages and military installations launched within Côte d'Ivoire and from neighboring Liberia and Ghana—many, if not all, likely planned and carried out by militant supporters of former President Laurent Gbagbo—fostered insecurity, reversed trends of demilitarization, and led to widespread rights abuses by the Ivorian military.

The first parliamentary elections in 11 years took place in December 2011. The Ivorian government also made meaningful progress in rebuilding rule of law institutions, particularly in the north, where state institutions were reestablished after a decade-long absence. Longstanding deficiencies within the judiciary, particularly corruption and the influence of political pressure, continued to undermine rights.

Eighteen months after the end of the 2010-2011 post-election crisis, justice for the grave crimes committed remained disturbingly one-sided. Ivorian authorities and the International Criminal Court (ICC) have yet to arrest and prosecute any member of President Alassane Ouattara's camp for post-election crimes, reinforcing dangerous communal divisions.

Côte d'Ivoire's international partners supplied significant assistance for justice and security sector reform, but remained reluctant to criticize the government publicly for its lack of progress on ensuring impartial justice and an end to security force abuses.

Insecurity and Lack of Disarmament Progress

Progress in restoring security was marred by attacks throughout the year that Ouattara's government blamed on pro-Gbagbo militants intent on destabilizing the country, a claim that an October report from the United Nations Panel of Experts on Côte d'Ivoire generally supported. Attackers killed at least 25 civilians during cross-border raids from Liberia between April and June, including a June 8 attack in which seven UN peacekeepers were killed.

Insecurity intensified in August and September, when armed men launched nine strikes, many of them seemingly coordinated and well-organized, against military installations in Côte d'Ivoire. In the most daring raid, attackers killed six soldiers on August 6 at the Akouédo military camp near Abidjan and absconded with a substantial cache of weapons.

There was scant progress in disarming tens of thousands of youth who fought on opposing sides during the armed conflict. In August, President Ouattara created a single agency responsible for disarmament, demobilization, and reintegration in an attempt to improve a previously uncoordinated and disorganized

disarmament effort. The new agency effectively started anew, beginning a census of ex-combatants in late August.

Security Force Abuses

The Ivorian military, known as the Republican Forces, committed numerous human rights violations when responding to security threats, particularly the August attacks on the military. Soldiers rounded up hundreds of youth perceived to be Gbagbo supporters in mass arbitrary arrests and detained and interrogated them illegally at military camps. Cruel and inhuman treatment was common, as soldiers regularly beat detainees, who were forced to stay in extremely overcrowded cells and deprived of food and water.

In at least some cases in Abidjan and San Pedro, the mistreatment rose to the level of torture—with military personnel inflicting extreme physical abuse in pressuring detainees to sign confessions or divulge information. Several commanders who oversaw these crimes were previously implicated in grave crimes during the post-election crisis.

The security forces were also implicated in criminal acts, including theft and extortion, perpetrated during neighborhood sweeps when some soldiers stole cash and valuables from homes and people, and at detention sites where some soldiers demanded money to release people from illegal detention. The military hierarchy made little effort to stop the abuses or to discipline the soldiers involved.

National Accountability for Post-Election Crimes

While Ivorian authorities have charged more than 140 civilian and military leaders linked to the Gbagbo camp with crimes related to the post-election crisis, no member of the pro-Ouattara forces has been arrested, much less charged, for such crimes. There was growing impatience among Ivorian civil society and some diplomats to see tangible progress made toward impartial justice.

In August, a national commission of inquiry that President Ouattara established in June 2011 published a report on crimes committed during the post-election crisis. Although lacking in details on specific incidents, the report's balance in situating responsibility was noteworthy—documenting 1,009 summary executions by pro-Gbagbo forces and 545 summary executions by the Republican Forces. At this writing, the commission's work had not prompted more serious judicial investigations into crimes by pro-Ouattara forces.

The special investigative cell in the Ministry of Justice continued investigations into crimes committed during the post-election crisis. The absence of a prosecutorial strategy and lack of proactive efforts to reach pro-Gbagbo victims—many of whom remain too afraid of reprisals to bring complaints—hampered progress toward impartial justice. The government's decision in September to assign more judges and prosecutors to the special cell was positive, but the continued lack of concrete action fuels concerns about the political will to prosecute pro-Ouattara forces.

On October 2, the first trial for post-election crimes opened in a military court against four officers from pro-Gbagbo forces, including the former head of the Republican Guard, Brunot Dogbo Blé, who was sentenced to 15 years for kidnapping, illegal detention, and murder. Ivorian justice officials indicated that trials in civilian courts, including against high-level officials like former First Lady Simone Gbagbo, would begin in late November.

International Criminal Court

On November 29, 2011, the Ivorian government surrendered Laurent Gbagbo to the ICC, where he was charged as an indirect co-perpetrator with four counts of crimes against humanity. On November 2, the court ruled that Gbagbo was fit to stand trial, following a closed hearing in late September on the issue.

On November 22, the ICC unsealed an arrest warrant against Simone Gbagbo and asked Ivorian authorities to surrender her to the court. Diplomats and civil society had previously voiced concern over whether the Ivorian government would cooperate with the ICC in executing additional arrest warrants, as the government increasingly asserted that it could handle all cases going forward. Many perceived this as an effort by the Ouattara government to protect its military commanders from potential prosecution for their own serious crimes between 2002 and 2011.

The office of the prosecutor continued to stress that additional investigations were ongoing, including against pro-Ouattara forces. However, frustration grew among Ivorian civil society and human rights groups over the ICC's significant delay in issuing an arrest warrant against someone from the Ouattara side, reinforcing the problem of one-sided justice within Côte d'Ivoire.

Reestablishing Rule of Law

In December 2011, legislative elections took place for the first time in 11 years, and the new National Assembly sat for its first session on April 24. For the first time in nine years, state authority—including judges, customs officials, and other civil servants—was restored throughout northern Côte d'Ivoire. The Ivorian government also made significant progress in rehabilitating courthouses and prisons, many of which were seriously damaged during the conflict. However, the judiciary's lack of independence remained a concern.

The police, gendarmerie, and judicial police remained poorly equipped and marginalized. In early 2012, there was gradual progress in ensuring that these forces, not the military, took the lead in day-to-day internal security. However, after the August attacks, the military again hijacked responsibilities far outside its mandate, including by conducting neighborhood searches and arresting, detaining, and interrogating people.

Key International Actors

Côte d'Ivoire's international partners, including the European Union, France, the United States, and the UN, supported justice and security sector reform initiatives but were reluctant to pressure the government publicly on the lack of accountability for past crimes and ongoing abuses by the military. However, several made notable statements on press freedom after the national press council suspended pro-Gbagbo newspapers from publishing in September. The press council promptly lifted the suspensions.

During the first half of 2012, Liberian authorities failed to respond adequately to pro-Gbagbo militants' use of Liberia as a staging ground to recruit and launch attacks into Côte d'Ivoire. Several Liberian mercenaries implicated in grave crimes during the Ivorian crisis were quietly released on bail in February, and authorities made no progress in these prosecutions during the year. However, after the June 8 attack in which UN peacekeepers were killed, Liberian authorities increased their border presence, arrested individuals involved in cross-border attacks, and extradited 41 Ivorians allegedly involved in post-election crimes.

Ghana appeared to serve as a base where pro-Gbagbo militants planned attacks on Côte d'Ivoire, as Ghanaian authorities failed to extradite pro-Gbagbo leaders who lived in Ghana and were subject to Ivorian and international arrest warrants. Following the August attacks in Abidjan, Ghanaian authorities arrested Justin Kone Katinan, Gbagbo's former budget minister, but the extradition hearing was repeatedly postponed.

In January, the UN Human Rights Council's (HRC) independent expert on human rights in Côte d'Ivoire published his first report, highlighting the state's failure to prevent human rights abuses and slow progress in security sector reform. In May, the UN Security Council visited Côte d'Ivoire to assess rule of law, security, and reconciliation challenges. In October, a panel of experts under the Security Council's authority reported that the government may have violated the council's arms embargo, and that pro-Gbagbo militants had established a "strategic command" in Ghana in their efforts to destabilize Côte d'Ivoire.

The UN Operation in Côte d'Ivoire (UNOCI) actively documented human rights violations and visited detention sites, though it rarely published reports or publicly criticized the Ivorian government, including on issues such as one-sided justice. The Security Council has still not published the findings of the 2004 commission of inquiry that investigated serious human rights and international humanitarian law violations during the 2002-2003 armed conflict.