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Côte d'Ivoire: The Human Rights Cost of the Political Impasse

A Human Rights Watch Report
December 21, 2005

Summary

In the interest of the peace process in Côte d'Ivoire, internationally supported initiatives designed to restrain abusers and combat impunity have been put on hold. Yet the continuing abuses of human rights and the degradation of the rule of law is a major impediment to the peace process. The failure of three successive peace agreements to resolve the political-military standoff in Côte d'Ivoire has resulted in a nearly three-year "no peace no war" stalemate, with disastrous consequences for ordinary Ivorians. Not only has the impasse facilitated widespread and serious human rights abuses by all sides, it has led to a dangerous degradation of state institutions designed to protect and uphold basic human rights. In government-controlled areas, the police and army often prey on civilians they are entrusted to protect while the judicial system offers little legal recourse. The northern-based New Forces rebels have not established functioning governance institutions in the territory they control, and instead rule by threat, intimidation, or outright use of force against civilians. The standoff has also wrought an unrelenting deterioration of the humanitarian situation, especially in the rebel-held north.

Since 2002 Côte d'Ivoire has effectively been divided between the government-controlled south and rebel-held north, with a buffer zone in between patrolled by United Nations (U.N.) and French forces. In September 2005 a presidential election scheduled for October 30, 2005 was cancelled, dashing the hopes of Ivorians and the international community to resolve the three-year political-military crisis and reunify the country. To avoid a constitutional crisis and avert the complete collapse of the halting peace process, in October 2005 the African Union (A.U.) announced—and the U.N. Security Council endorsed—a plan to allow President Laurent Gbagbo to remain in power for another year until elections could be held no later than October 30, 2006.

At checkpoints in government-held areas the security forces regularly abuse their power by extorting and robbing civilians. The state security forces are buttressed by government-supported militias, ill-trained forces that regularly harass, intimidate, and often terrorize the populace, particularly persons believed to be sympathetic to the New Forces rebels and political opposition. According to reports by local and international human rights monitors, journalists and diplomats, members of the government's official security forces including the army, police, and the forces of the newly-formed Security Operations Command Center have in 2005 reportedly committed numerous extrajudicial executions, mostly under the guise of fighting crime.

In the north, members of the New Forces rebels regularly exploit their power and systematically extort money from civilians at checkpoints and in the towns and villages under their control. There are also credible reports of New Forces rebels committing extrajudicial executions of individuals suspected of working as government infiltrators.

The government has not taken meaningful steps to hold perpetrators of recent human rights violations accountable, let alone bring to justice those responsible for serious international crimes in the past (including human rights abuses and war crimes committed during the 1999-2000 military junta, the 2000 elections, and the 2002-2003 armed conflict, as well as the most serious incidents since the end of the cessation of hostilities). The leadership of the New Forces has not punished perpetrators of crimes who are within its ranks, nor has it set up any real legal system in the areas under its control. Meanwhile, the international community, fearful of undermining efforts to end the political and military stalemate, has been less than robust in implementing a U.N. Security Council resolution providing for sanctions against persons implicated in human rights abuses, and in pressing for prosecutions.

The failure of the Ivorian government and rebels to resolve the issues which gave rise to the war—disputes over citizenship, the eligibility to contest elections, and rural land tenure—increases the likelihood of resumed armed conflict between the government and New Forces, or other political violence, such as a military coup or localized clashes around Abidjan or in the restive cocoa and coffee-producing areas of the west. In the event of renewed violence, the risk to civilian life and property remains high. The force that currently stands between the rebel and government forces comprises some 6,000 U.N. peacekeeping troops, and 4,000 more heavily armed French soldiers under separate command, but the U.N. says this is too small a force to ensure peacekeeping and protection for civilians in imminent danger. The U.N. has asked for more troops to improve the capacity to protect civilians. The continued instability in Côte d'Ivoire also threatens to draw in more combatants from neighboring countries and so jeopardize the current tenuous stability of the region.

Putting justice on hold for an elusive final settlement denies victims the right to see those responsible for serious crimes under international law held accountable, and undermines the rule of law, making it even more difficult to rebuild the country once the crisis is resolved. Moreover, this approach—and the pervasive culture of impunity it has created—appears to have emboldened perpetrators to commit ever-increasing acts of violence against civilians.

To begin to address this steady entrenchment of impunity in Côte d'Ivoire, the international community, primarily the United Nations, must take key steps. First, in order to identify individuals implicated in past human rights abuses, the U.N. Security Council should make public the U.N. commission of inquiry report into violations of international human rights and humanitarian law (the laws of war) since September 2002. Second, to restrain the future actions of alleged perpetrators of human rights abuses, the U.N. Sanctions Committee on Côte d'Ivoire should immediately implement economic and travel sanctions, authorized under Security Council resolution 1572, on individuals determined to be responsible for serious human rights violations. Finally, in an effort to hold perpetrators of human rights violations accountable, the prosecutor of the International Criminal Court should promptly take concrete steps to pursue investigation into serious crimes under international law committed by all sides since 2002.

This report describes trends in human rights abuses by state security and militia forces and by rebel forces, and examines the human rights and humanitarian consequences of the "no war no peace" stalemate. It is based on interviews in Côte d'Ivoire in September-October 2005 with officials from the United Nations Operation in Côte d'Ivoire (UNOCI), members of other U.N. agencies, the rebel leadership, local government officials and militia leaders, representatives from local and international nongovernmental organizations, journalists, diplomats and military attachés, representatives of the major political parties, and victims and eyewitnesses of human rights violations.

Background

Rebellion

On September 19, 2002, rebels from the Patriotic Movement of Côte d'Ivoire (*Mouvement Patriotique de Côte d'Ivoire* or MPCI) attacked police, gendarme and other strategic targets in Abidjan, the country's commercial and de facto capital, and the northern towns of Bouaké and Korhogo. The MPCI rebels were composed mainly of "Dioula" or northerners of Malinké, Senaphou, and other ethnicities, some Burkinabe and Malian recruits, and "dozos" or traditional hunters.[1] The rebel leaders' stated aims were the end of ethnic discrimination against northerners and the removal of President Gbagbo, whose presidency was viewed as illegitimate given the flawed elections in 2000.[2]

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[1] See Human Rights Watch, "Trapped Between Two Wars: Violence Against Civilians in Western Côte d'Ivoire," Vol. 15, No. 14(A), August 2003, pp. 9-10.

[2] See Human Rights Watch, "The New Racism: The Political Manipulation of Ethnicity in Côte d'Ivoire," Vol. 13, No. 6(A), August 2001.

The rebellion also marked the manifestation of a widespread feeling among northerners that since at least 1990, they have been consistently excluded from political power.

While unable to take Abidjan, within two months the MPCI rebels had consolidated control of much of the north (including the key western towns of Man and Danané)—about 50 percent of the country. The western towns were taken with the help of two new rebel groups composed mainly of Liberian and Sierra Leonean fighters: the Movement for Justice and Peace (*Mouvement Pour la Justice et la Paix* or MJP) and the Ivorian Popular Movement for the Far West (*Mouvement Populaire Ivoirien du Grand Ouest* or MPIGO).

During the active hostilities lasting from September 2002 to January 2003 all parties committed serious violations of international humanitarian law. The state security forces frequently attacked, arbitrarily detained, and summarily executed persons whom they perceived to be supporters of the rebel forces on the basis of ethnic, national, religious, and political affiliation. The MPCI rebels also attacked and killed civilians suspected of supporting the government. Liberian and Sierra Leonean fighters with the MPIGO and MJP committed numerous abuses against civilians in the west, including summary killings, rape, and systematic looting of civilian property. Militias and rebel forces alike recruited and used child combatants.[3]

A Troika of Unfulfilled Peace Agreements

Efforts to resolve the conflict between the government and the rebels, which in 2003 formed a military-political alliance called the New Forces (*Forces Nouvelles* or FN), have rested on a string of unfulfilled peace agreements, beginning with Linas-Marcoussis brokered by the French government in January 2003, Accra III brokered by West African countries and U.N. Secretary-General Kofi Annan in July 2004, and most recently the Pretoria Agreement, brokered by South African President Thabo Mbeki on behalf of the African Union and signed in South Africa on April 6, 2005. Although these agreements have brought about and thus far maintained a cessation of civil war, they have not brought peace or unity to the country, which remains effectively split in two with the New Forces controlling the north and Gbagbo's government holding the south, where most of the country's 16 million inhabitants live.

The Linas-Marcoussis accord officially ended the armed conflict between the government and New Forces. The accord called for an interim Government of National

[3] See Human Rights Watch, "Trapped Between Two Wars."

Reconciliation, comprised of members of President Gbagbo's ruling Ivorian Popular Front (*Front Populaire Ivorien* or FPI), the New Forces, and opposition parties, and headed by a Prime Minister chosen by consensus. The interim government was charged with overseeing the disarmament of "all forces"; preparing the country for credible elections; and revising laws and procedures relating to citizenship, the issuing of identity documents, eligibility to contest elections, and the makeup and role of the Independent Electoral Commission.

In September 2003 the New Forces withdrew from this government of national reconciliation, complaining of President Gbagbo's "lack of good faith" in implementing the accord. In an effort to boost the peace process, on February 27, 2004, the United Nations Security Council established a peacekeeping mission in Côte d'Ivoire, known as the United Nations Operation in Côte d'Ivoire (UNOCI).[4] The force, deployed on April 4, 2004, is comprised of some 6,000 U.N. peacekeepers ("blue helmets") and about 250 civilian police officers. The U.N. force, backed by 4,000 more heavily armed French troops belonging to Operation Unicorn (*La Licorne*), monitors a buffer zone running the width of the country east to west and separating the opposing Ivorian forces, which is known as the Zone of Confidence. ONUCI is also charged with assisting the government with implementing a national disarmament, demobilization, and reintegration (DDR) plan, and with protecting "civilians under imminent threat of physical violence, within its capabilities and its areas of deployment."[5]

In March 2004 a demonstration by a coalition of opposition groups marching to bolster their demands for the full implementation of the Linas-Marcoussis Agreement was attacked by security forces, resulting in at least 105 dead and 290 wounded. In July 2004 the U.N., A.U., and the Economic Community of West African States (ECOWAS), fearing a renewal of hostilities, organized a summit in Accra, Ghana. This resulted in the Accra III agreement, which committed the government to adopt the legal reforms on citizenship and eligibility to contest elections already stipulated in the Linas-Marcoussis Agreement. Accra III also stipulated that the disarmament process would include paramilitary and militia groups.

On November 4, 2004, President Gbagbo's government launched bombing raids on rebels in the north, shattering the eighteen-month ceasefire. When nine French soldiers were killed in an airborne attack on Bouaké on November 6, 2004, the French retaliated by destroying the bulk of the country's tiny air force. The French attack against the

[4] U.N. Security Council Resolution 1528, February 27, 2004, S/RES/1528(2004).

[5] Ibid.

Ivorian Air Force triggered a stream of invective from Ivorian state broadcasters and pro-government newspapers against France and foreigners, leading to the widespread burning and looting of French and other foreigners' homes and businesses. The attacks prompted the largest evacuation of expatriates in the country's post-colonial history: some 8,000 people from 63 countries left Côte d'Ivoire in November 2004. These attacks spurred various actors within the international community to intensify their efforts to resolve the crisis. The U.N. Security Council imposed an arms embargo on Côte d'Ivoire in November 2004, and in February 2005 named a panel of experts to monitor it.[6]

An attack by militia forces on the rebel-held town of Logoualé in the volatile west on February 28, 2005, and rumors of a renewed government military offensive, prompted South African President Mbeki (appointed the A.U. mediator in November 2004) to step up his mediation efforts. A series of meetings resulted in the signing of the Pretoria Agreement on April 6, 2005. The agreement included a declaration of the "immediate and final cessation of all hostilities"; called for the disarmament of the rebels and pro-government militias; committed the actors to accept the determination of the mediator regarding revisions to laws and procedures called for under Linas-Marcoussis; and committed all actors to take steps toward a presidential election in October 2005.

Within six months it was clear that the Pretoria Agreement was delivering no more progress towards peace than its predecessors. Diplomats, U.N. officials, journalists, and politicians from the main political parties, including the FPI, the Democratic Party of Cote d'Ivoire (*Parti Démocratique de la Côte d'Ivoire* or PDCI), and the Rally of Republicans *(Rassemblement des Républicains* or RDR), told Human Rights Watch that although some laws had been passed and agreements drafted to address the key issues of the conflict— the identification of Ivorians and registration of voters, eligibility to contest elections, and the disarmament of rebel and militia forces in the west— pervasive distrust has prevented each side from taking the necessary steps to build confidence and begin the process of implementation.[7]

The failure of the parties to fully implement the Pretoria Agreement led the government in September 2005 to cancel the October election. To avert a constitutional crisis arising from the expiration of President Gbagbo's mandate on October 30, 2005, the African Union issued a communiqué on October 6 reaffirming that the Linas Marcoussis, Accra III, and Pretoria agreements were the "appropriate framework" for resolving the crisis in

[6] U.N. Security Council Resolution 1572, November 15, 2004, S/RES/1572 (2004).

[7] Human Rights Watch interviews, Abidjan, September-October 2005.

Côte d'Ivoire, and called for a one-year extension of Gbagbo's term as head of state, the creation of a new power-sharing government and appointment of a new prime minister who would have "full authority" over the cabinet, and the continuation of efforts to implement the provisions called for under the previous agreements.[8] The plan also called for the creation of an International Working Group (chaired by the Nigerian Foreign Minister) to monitor implementation of the plan through monthly meetings, and the creation of a mediation group (chaired by the Special Envoy of South Africa) to undertake mediation on a day-to-day basis. The U.N. Security Council formally endorsed the plan on October 21, 2005, and called for a credible election to be held no later than October 31, 2006.[9] However, the New Forces have rejected the legitimacy of the one-year extension of President Gbago's rule.

The end result is a stalemate where the rebels continue to refuse to disarm because they do not trust the government to manage credible elections in which Ivorians from the north will be allowed to vote in free and fair conditions. Diplomats, U.N. officials, and representatives from the main political parties told Human Rights Watch that much more intense international pressure must be put on the warring parties to overcome the lack of political will and to resolve the political crisis.[10]

Human Rights Violations by Government Security Forces: 2005 Trends

Since the onset of the rebellion in 2002, the government has steadily increased the number, size, and visibility of government security forces, and has encouraged the formation of local militia forces, particularly in the West and around the commercial capital Abidjan. The expansion within the military and the use of ill-trained or untrained militias has proved disastrous for the civilian population, which has suffered human rights abuses on a daily basis. According to credible reports from local and international human rights monitors, journalists and diplomats, members of the state security forces during 2005 have committed numerous extrajudicial killings, some of which appear to have targeted northerners, West African immigrants, and others perceived to be sympathetic to the New Forces. Many of these killings were reportedly committed under the guise of fighting common crime.[11] In addition, at the vast number of military

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[8] See African Union Peace and Security Council, "Communiqué of the 40th Meeting of the Peace and Security Council," PSC/AHG/Comm(XL), October 6, 2005.

[9] U.N. Security Council Resolution 1633, October 21, 2005, S/RES/1633 (2005).

[10] Human Rights Watch interviews, Abidjan, September-October 2005.

[11] Human Rights Watch interviews with human rights monitors, journalists, and diplomats, Abidjan, September-October 2005.

checkpoints throughout government controlled areas, members of the security forces abuse their power and systematically extort from and rob civilians. These official forces are supported by dozens of ill-disciplined pro-government militias, who regularly harass, intimidate, and often terrorize persons believed to be sympathetic to the rebels.

State Security Forces

The state security forces include the police, gendarmerie, army, and the newly formed Security Operations Command Center (*Centre de Commandement des Opérations de Sécurité* or CECOS). Established by presidential decree in July 2005, CECOS is led by Col. Georges Guiai Bi Point, who commanded the forces that violently repressed an opposition demonstration on March 25, 2004, as mentioned above.[12] CECOS has about 1,700 members recruited from the army, police, and gendarmerie. The unit is reported to be well-armed with new weapons, vehicles, and other equipment.[13] Although the government claims that it created CECOS to improve security in Abidjan, diplomats, military analysts, and journalists told Human Rights Watch that they believed CECOS was created to forestall any attempt at a coup d'état in Abidjan. According to many of the same sources, CECOS has perpetrated numerous serious violations of human rights in Abidjan, including extrajudicial execution, extortion at checkpoints, and theft from individuals living in the so-called *quartiers defavorisés* (slums) or other areas heavily populated by supporters of the political opposition.[14]

One human rights activist who regularly receives complaints from victims of extortion and theft described the actions of the security forces in Abidjan as follows:

> For example, the security forces go to Abobo and arrest people from the streets just because they feel like it. It is a common practice. They humiliate them and strip them and put them all together and steal the money from them. The security forces know the people in those areas are against the regime.[15]

The official security forces also include special smaller units such as the Anti-Riot Brigade (*Brigade Anti-Emeute* or BAE), the Presidential Guard (*Garde Présidentielle* or GP),

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[12] Christophe Boisbouvier, "Gbagbo et L'Armée: Qui Menace Qui?," *Jeune Afrique L'Intelligent*, August 14-27, 2005, p. 30.

[13] Human Rights Watch interviews with diplomatic, military, and UN CIVPOL sources, Abidjan, September-October 2005.

[14] Human Rights Watch interviews with diplomats, military analysts, and journalists, September-October 2005.

[15] Human Rights Watch interview with a human rights activist, Abidjan, September 26, 2005.

the Presidential Security Group (*Groupement de Securité Présidentielle* or GSP), and the Republican Guard (*Guarde Republicaine* or GR). These special forces—comprised mainly of Bété soldiers (the same ethnic group as the president), as well as the closely related Attie, Abey, and Dida ethnic groups—are considered to be extremely loyal to the president.[16]

Militia Forces

Since 2002 the government has increasingly relied on local militias to combat the rebellion. Western military and diplomatic sources speculated that the government relies on the militias because it lacks confidence in the loyalty of the state security forces.[17] Militia leaders interviewed by Human Rights Watch claim that they are at the vanguard of forces defending the government, compensating for an army that has been split along ethnic and regional lines since the 2002 rebellion.[18] Western diplomats and Ivorian government officials alike refer to the militias as "parallel security forces."[19] Most of the recruits are supporters of President Gbagbo's FPI party and, as with the special forces listed above, many come from the Bété, Attie, Abey, and Dida ethnic groups, or their allies in the west, the Wê and Krou tribes. These militias have been used by government officials to violently suppress opposition demonstrations and anti-government dissent, stifle the press, foment violent anti-foreigner sentiment, and attack rebel-held villages in the western cocoa and coffee producing areas.[20]

Key militias operating in Abidjan are the Young Patriots (*Congrès Panafricain des Jeunes Patriotes* or COJEP), headed by Charles Ble Goude; the Patriotic Group for Peace (*Groupe Patriotique pour la Paix* or GPP), led by Moussa "Zeguen" Toure; and Eugene Djue's Union for the Total Liberation of Côte d'Ivoire (*Union pour la Liberation Totale de la Côte d'Ivoire* or UPLTCI). Militia leaders in Abidjan deny that their organizations have weapons, and as such have not been included in the disarmament, demobilization and reintegration (DDR) program foreseen under the successive peace agreements. However, numerous journalists, diplomatic and military sources, and international aid workers claim that they have repeatedly observed militiamen in Abidjan with AK-47 assault rifles, Uzi submachine guns, and pistols.[21] In February 2005, the GPP's armed

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[16] Human Rights Watch interviews with diplomatic and military sources, Abidjan, September-October 2005.

[17] Ibid.

[18] Human Rights Watch interviews with militia leaders, Abidjan, February-March 2005. For more details see Human Rights Watch, "Country on a Precipice," pp. 16-17.

[19] Human Rights Watch interviews with Western diplomats and military analysts, Abidjan, September-October 2005; and International Crisis Group, "Côte d'Ivoire: No Peace in Sight," ICG Africa Report No. 82, July 12, 2004, p. 6.

[20] See Human Rights Watch, "Country on a Precipice."

[21] Human Rights Watch interviews, Abidjan, February-March and September-October 2005.

capacity was evident when its militiamen fought a gun battle with police cadets outside the GPP's Adjame camp.[22]

In the west, the largest militia group is the Liberation Forces of the Far West (*Forces de Liberation du Grand Ouest* or FLGO), founded by Denis Glofiei Maho, an assistant to the mayor of Guiglo and a member of the Central Committee of the FPI. Other militias in the west include the Ivorian Movement for the Liberation of Western Ivory Coast (*Mouvement pour la Liberation de l'Ouest de la Côte d'Ivoire* or MILOCI), the Patriotic Alliance of the Wê (*Alliance Patriotique Wé* or AP-Wê), and the Union of Patriots for the Resistance of the Far West (*Union des Patriotes Pour la Résistance du Grand Ouest* or UPRGO).[23] Since July 2005, Maho has officially led and represented these four western militia groups, now known collectively as the Resistance Forces of the Far West.[24]

Intimidation, Harassment, and Attacks on Perceived Political Opponents and Supporters of the Rebellion

During 2005, usually unidentified perpetrators have intimidated, harassed, and sometimes attacked journalists, opposition party members, students, human rights activists, and others perceived to be "enemies of the state" or sympathetic to the rebels. Such activities have seriously undermined freedom of expression, association, and assembly in Côte d'Ivoire. The individuals most vulnerable to intimidation were those from northern Côte d'Ivoire and other West African countries. Human rights monitors believe those responsible to be members of the state security forces and militias.[25] UNOCI's Human Rights Division receives about twenty reports a month from northerners or foreigners who have received death threats (mainly by anonymous telephone call).[26]

Political Opposition Supporters

Throughout 2005, members of opposition political parties were regularly harassed, intimidated and sometimes attacked by known members of the security forces or

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[22] See Human Rights Watch, "Country on a Precipice," p. 18.

[23] "Côte d'Ivoire: How Dangerous are the Loyalist Militias in the Wild West?," U.N. Integrated Regional Information Networks (IRIN), April 13, 2005.

[24] Human Rights Watch interview with Denis Glofiei Maho, Guiglo, October 4, 2005.

[25] Human Rights Watch interview with U.N. and local human rights monitors, Abidjan, September-October 2005.

[26] Human Rights Watch interview with Simon Munzu, head of UNOCI Human Rights Division, Abidjan, September 24, 2005.

unidentified individuals suspected of working with the security forces.[27] These included a female member of a smaller opposition party called the Renaissance Party (*Partie de la Renaissance* or PR), who told Human Rights Watch that in late August 2005, while distributing brochures about a new government law on pensions in an Abidjan neighborhood, five CECOS officers approached her, accused her of supporting the rebels, and detained her for several hours at three different places of detention in succession.[28] Armed men have broken into the homes of several opposition party leaders, including Akoto Yao, the president of the Union for Peace and Democracy in Côte d'Ivoire (*Union pour la Démocratie et la Paix* or UDPCI), whose assailants in June were armed with AK-47 assault rifles.[29]

Journalists

Members of the government's official security forces and of the militias have regularly intimidated, threatened, and sometimes attacked journalists working for pro-opposition newspapers.[30] Incidents of this from 2005 include:

- On March 29, Fofana Mambé of *Soir Info* was attacked by police officers in Abidjan while covering a street demonstration.[31]
- On March 31, Okoué D. Laurent, the editor of *L'Intelligent d'Abidjan,* was kidnapped and verbally abused in the Police Academy.[32]
- On April 3, Firmin Koto, a journalist for *L'Intelligent d'Abidjan,* was beaten up by Republican Guards.[33]
- On May 9, Honoré Sepe of *Le Front* was harassed by three armed gendarmes who forced entry into his home at 4 a.m. Without presenting a warrant, they searched his house and computer and accused him of collaborating with the New Forces rebels.
- On July 24, about 100 members of the Young Patriots militia forced their way into the headquarters of the state television and radio broadcaster Radio Télévision Ivoirienne (RTI) to demand the broadcast of a speech by their leader,

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[27] Human Rights Watch interviews with local and international human rights monitors, Abidjan, September-October, 2005.

[28] Human Rights Watch interview, Abidjan, October 12, 2005.

[29] UNOCI Human Rights Division, "Report on the Human Rights Situation in Côte d'Ivoire: May, June, and July 2005," October 2005.

[30] Human Rights Watch interviews with national and international journalists, diplomats, U.N. officials and local and international human rights groups, Abidjan, September-October 2005.

[31] Committee to Protect Journalists, "Africa Cases 2005: Côte d'Ivoire," [online] www.cpj.org/cases.

[32] OLPED (*l'Observatoire de la liberté de la presse, de l'éthique et de la déontologie CI*), Declaration for the International Day of Freedom of Press, May 3, 2005.

[33] Ibid.

Charles Blé Goudé. The next day, groups of Young Patriots disrupted distribution of two pro-opposition newspapers, *Le Nouveau Réveil* and *Le Patriote*, and threatened staff.[34]

- On July 26, José Stéphane Koudou, a political reporter for *Le Jour Plus,* was severely beaten with iron bars by members of the Young Patriots while attending a press conference in Abidjan. Koudou sustained serious injuries to his skull, jaw, and back.[35]

Journalists working for pro-opposition newspapers told Human Rights Watch that they regularly receive death threats over the phone or by e-mail.[36] For example, in mid-August a journalist from *Le Nouveau Réveil* received several death threats by telephone at his home by an individual who accused him of supporting the rebels.[37]

Human Rights Activists

State security forces, militias and pro-government groups also regularly threaten and intimidate human rights activists.[38] The director of one such group explained:

> Some people look at us like the enemy, an opposition group. We have been targeted and threatened: our first President is in exile in Belgium; the second one in New York. I have been threatened and I had to sell my car, because they knew it and they knew the license number; I received calls, e-mails. Soldiers shot inside my house in 2004. There are many cases of intimidation. Even once I was in Canada and members of the security forces who were in the same conference came to me to threaten me and told me I should not talk about the situation in the country. The same thing happened in Dublin, Ireland.[39]

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[34] Committee to Protect Journalists, "Army Head Threatens Closure of Newpapers," Press Release, August 29, 2005.

[35] Committee to Protect Journalists, "Africa Cases 2005: Côte d'Ivoire" [online], www.cpj.org/cases.

[36] Human Rights Watch interviews with journalists including Eddy Pehe, *Le Nouveau Réveil*, Abidjan, October 12, 2005; Charles Sanga, *Le Patriote*, Abidjan, September 26, 2005; and Abdoulaye Sangare, *24 Heures*, Abidjan, September 29, 2005.

[37] Human Rights Watch interview with Eddy Pehe, *Le Nouveau Réveil*, Abidjan, October 12, 2005.

[38] Human Rights Watch interviews with local human rights monitors, Abidjan, September-October 2005.

[39] Human Rights Watch interview with an activist of the Ivorian Movement for Human Rights (*Mouvement Ivoirien des Droits Humains* or MIDH), Abidjan, September 26, 2005.

Students

During 2005 a student group called the Ivorian Students Federation (*Federation Etudiantine et Scolaire de Côte d'Ivoire* or FESCI), operating at the main university campus in Abidjan, regularly harassed, intimidated, and attacked students and teaching staff believed to support the opposition or rebels. [40] FESCI is fiercely loyal to the government, and was once led by the leader of the Young Patriots Blé Goudé (and also by Guillaume Soro, now a rebel leader). Diplomats, journalists, and human rights monitors told Human Rights Watch that in addition to sowing terror, FESCI has become a "mafia" that uses violence to control much of what goes on at the university, such as who receives campus accommodation and which merchants operate on campus.[41]

In 2004, Habib Dodo, a leader of a rival student union called the General Association of Students of Côte d'Ivoire (*Association Generale des Élèves et Étudiants de Côte d'Ivoire* or AGEECI) was murdered reportedly after being taken from his home by FESCI members.[42] On June 15, 2005, an AGEECI member was severely beaten while distributing pamphlets in the university library.[43] On June 23 a female member of AGEECI, Nathalie Soro, was sexually abused by several FESCI members who accused her of being a rebel. On July 14, FESCI members attacked several members of AGEECI while they were distributing brochures about the anniversary of Habib Dodo's death.[44]

AGEECI members told Human Rights Watch that although they regularly report incidents of harassment and abuse to the police, so far no one has been prosecuted or punished for these crimes. In a July 2005 interview, FESCI leader Serge Koffi Yao justified the attacks because "AGEECI is not a student organization and we cannot let them meet on campus. It is a rebel organization created in the rebel zone and seeking to spread its tentacles to the university."[45]

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[40] Human Rights Watch interviews with members of the General Association of Students of Côte d'Ivoire (*Association Generale des Élèves et Étudiants de Côte d'Ivoire* or AGEECI) and local journalists, Abidjan, September-October 2005.

[41] Human Rights Watch interviews with diplomats, journalists, and human rights monitors, Abidjan, September-October 2005.

[42] Human Rights Watch interviews with AGEECI members, Abidjan, September 25, 2005.

[43] Ibid.

[44] Ibid.

[45] "Côte d'Ivoire: University Campus Polarized by Political Violence," IRIN, July 29, 2005.

Extortion and Robbery of Civilians

Journalists, diplomats, U.N. officials, and witnesses told Human Rights Watch that throughout 2005 the state security forces—including the army, police, gendarmerie, and CECOS—regularly extorted money from civilian travelers at military checkpoints set up countrywide. They said that especially in Abidjan the extortion has steadily increased since 2002, and is so widespread it appears to be institutionalized.[46]

Cars, buses, and minivans are frequently stopped at checkpoints after which drivers and passengers are harassed or directly intimidated into giving money. Several members of a transporters trade union in Abidjan told Human Rights Watch that on a seven-kilometer stretch of road between the Abidjan neighborhoods of Abobo and Ndyama vehicles are routinely forced to pay 500 CFAs (about U.S.$1) to each of six different checkpoints.[47] According to a diplomatic source, a soldier in the south can make as much as 1,000,000 CFAs a month (about $2,000) from the checkpoint extortion.[48] If individuals refuse to give money, they are often subjected to verbal and physical harassment.[49]

Human rights monitors, journalists, transport union officials, and diplomats told Human Rights Watch that according to interviews done by them, the security forces act more aggressively towards or ask for more money from individuals from the north or other West African countries.[50] One leading human rights activist told us, "The racket is targeted. People from the north or other West African countries are more vulnerable. If your name is Kofie, or Gbagbo [typical Bété names], you don't have as many problems with the security forces on the roads."[51] The newly formed CECOS is reportedly particularly culpable of extortion at the checkpoints.[52]

In addition to the extortion at checkpoints, passengers are vulnerable to other abuses: a Malian woman told Human Rights Watch that on May 24, 2005, after being forced to disembark from the vehicle in which she was traveling at a checkpoint in Duékoué, she was forced into a police car, taken to a hotel, and raped at gunpoint by a police officer

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[46] Human Rights Watch interviews, Abidjan, September-October 2005. In Abidjan, Human Rights Watch researchers were stopped and asked for money on several occasions.

[47] Human Rights Watch interviews with members of a transporters trade union, Abidjan, October 10, 2005.

[48] Human Rights Watch interview, Abidjan, September 28, 2005.

[49] Human Rights Watch interviews, Abidjan, September-October 2005.

[50] Ibid.

[51] Human Rights Watch interview with MIDH President Amouriaye Toure, Abidjan, September 26, 2005.

[52] Human Rights Watch interviews with diplomatic and military sources, Abidjan, September-October 2005; Human Rights Watch interviews with members of a transporters trade union, Abidjan, October 10, 2005.

who accused her of supporting the rebellion.[53] After she filed a complaint the officer was suspended, but no criminal charges have been brought against him.

CECOS has also allegedly been involved in the outright theft of civilian property during supposed security operations, such as when several CECOS members raided a petty traders' market for mobile phones in the Anyama neighborhood of Abidjan in October 2005. When the vendors resisted, the CECOS members shot at the ground, wounding two vendors, one seriously.[54]

Reports of Extrajudicial Executions

Local and international human rights monitors, journalists and diplomats told Human Rights Watch that under the guise of fighting crime, members of the government's official security forces have reportedly committed numerous extrajudicial killings.[55] A report by the Human Rights Division of ONUCI alleged that 110 people were killed by the government's security forces in anti-crime operations between May and July 2005.[56] According to division head Simon Munzu, many of these killings occurred in suburbs which are heavily populated by ethnic groups perceived by the government to be sympathetic to the political opposition and New Forces rebels. This, according to Munzu, suggested that some could have been "ethnically targeted" extrajudicial killings.[57]

Hate Media Inciting Violence

Following the government military offensive against rebel-held positions and the subsequent destruction by French forces of Ivorian aircraft in November 2004 (see above), the government took over state television and radio broadcaster RTI and used it to broadcast virulent anti-foreigner rhetoric, while pro-government newspapers encouraged "patriotic" Ivorians to attack foreigners.[58] In the aftermath of these events, the U.N. Security Council demanded that "the Ivorian authorities stop all radio and

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[53] Human Rights Watch interview, Abidjan, October 12, 2005.

[54] Human Rights Watch interviews with Western military analyst, Abidjan, October 10, 2005, and with international aid worker, Dakar, Senegal, November 24, 2005.

[55] Human Rights Watch interviews with human rights monitors, journalists, and diplomats, Abidjan, September-October 2005.

[56] UNOCI Human Rights Division, "Report on the Human Rights Situation in Côte d'Ivoire: May, June, and July 2005," October 2005, p. 8.

[57] Human Rights Watch interview with Simon Munzu, head of UNOCI Human Rights division, Abidjan, September 24, 2005.

[58] For details on the government's use of hate speech to incite violence against northerners and foreigners, see Human Rights Watch, "Country on a Precipice," pp. 33-34.

television broadcasting inciting hatred, intolerance, and violence." The Security Council also requested that UNOCI "strengthen its monitoring role in this regard."[59]

In early 2005 UNOCI established a Media Monitoring Unit within the Public Affairs section to track the media for hate speech.[60] The unit has also trained journalists, established a U.N. radio station that is now broadcast throughout the country, and has participated in the establishment of community radio stations.[61] The unit also claims it has the capacity to drown out local radio frequencies if they are used to incite violence.

Despite the unit's efforts, the use of hate speech by both pro-government and pro-opposition media continues to pose a serious threat to human rights protection in Côte d'Ivoire. The Director of Information at UNOCI, Margherita Amodeo, told Human Rights Watch that while the use of hate speech had decreased in early 2005, her unit had by October 2005 noted a marked resurgence, a development she linked to the escalating political tensions associated with the breakdown of the most recent peace accord.[62]

Amodeo expressed serious concern about the continued vulnerability of RTI to a takeover by either the state security forces or militias. In her opinion, "The security of RTI's premises is critical to the U.N.'s ability to protect civilians in the event of violence."[63] The vulnerability of the station was demonstrated on July 27, 2005, when a group of armed soldiers from the Republican Guard stormed the Abidjan offices of RTI and instructed directors not to broadcast footage of opposition members.[64]

Recruitment and Use of Child Soldiers

The Ivorian government has since at least October 2004 recruited scores of recently demobilized child combatants in Liberia to fight alongside Ivorian government forces.[65]

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[59] United Nations Security Council Resolution 1572, November 15, 2005, S/RES/1572 (2004).

[60] The unit has only two full-time monitors who are supposed to monitor print, television, and radio broadcasts throughout the country. They collect information and produce monthly reports that are sent to the United Nations Security Council Sanctions Committee. Human Rights Watch interview with Margherita Amodeo, Director of Information, UNOCI, Abidjan, September 28, 2005.

[61] Human Rights Watch interview with Margherita Amodeo, Director of Information, UNOCI, Abidjan, September 28, 2005.

[62] Human Rights Watch interview, Abidjan, September 28, 2005.

[63] Ibid.

[64] Committee to Protect Journalists, "State Broadcaster Told to Stop Opposition Coverage," Press Release, July 28, 2005.

[65] The conscription or enlistment of children under the age of 15 or using them to participate actively in hostilities in either international or non-international armed conflicts is a war crime as defined in the Rome Statute of the International Criminal Court. In the 1977 Additional Protocols to the Geneva Conventions, which

According to Liberian children interviewed in villages along the Liberia-Côte d'Ivoire border, there have been three periods of intense recruitment of Liberians: in October 2004, just prior to a government offensive against the New Forces; in March 2005, before the parties met for peace talks in South Africa; and in September 2005, in the run-up to the end of President Gbagbo's official mandate. The children said that after crossing into Côte d'Ivoire they were taken to one of several militia bases in the west of the country, including those in Toulepleu, Blolequin, and Guiglo. They said each of these bases housed several hundred Liberians, most of whom, like them, had fought with Liberian rebel group the Movement for Democracy in Liberia (MODEL) during Liberia's civil war. The majority of those interviewed said they received food, uniforms, and, in some cases, weapons from Ivorian military and militia personnel at the bases. The children consistently identified an army colonel and a former army non-commissioned officer who was in July 2005 appointed as a regional sub-prefect as those organizing the recruitment.[66]

Human Rights Violations by the New Forces: 2005 Trends

New Forces rebels regularly arbitrarily detain and sometimes execute persons suspected of working as government infiltrators. They also exploit their power and systematically extort and rob civilians at military checkpoints and in the towns and villages under their control. The New Forces have not established functioning and effective governance institutions within the territory under their control; the peace agreements do not require them to do so. In practice, the rebels appear to exert authority through the use or threat of force, a situation which contributes to insecurity and serious human rights abuses against civilians. Moreover, the apparent fragmentation of authority within the New Forces exacerbates the sense of insecurity and impunity in the north.

The New Forces have divided the territory they control into ten zones, each of which is controlled by a Zone Commander. Several sources told Human Rights Watch that the Zone Commanders appear to have become the "absolute rulers" of their territory, and do not always follow the orders of their superiors.[67] Rebel units appear to act with little

govern internal armed conflicts, Article 4(3)(c)of Protocol II states that "children who have not attained the age of fifteen years shall neither be recruited in the armed forces or groups nor allowed to take part in hostilities." The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict requires states parties to set a minimum age of 18 for compulsory recruitment and participation in hostilities and to raise the minimum age for voluntary recruitment from that set out in article 38, paragraph 3, of the Convention on the Rights of the Child.

[66] Human Rights Watch interviews, Liberia, March and October 2005.

[67] See also International Crisis Group, "Côte d'Ivoire: Les demi-mesures ne suffiront pas," October 12, 2005, p. 15.

fear of being disciplined for abuses committed against civilians. At some rebel checkpoints, Human Rights Watch researchers in addition to Ivorian civilians were aggressively asked for money. Soldiers at the checkpoints justified their acts by saying that their commanders were not paying them.

Patterns of Abuses during 2005 by the New Forces

Reports of Arbitrary Detention

During 2005 the New Forces rebels frequently arbitrarily detained persons.[68] As one local human rights monitor noted, "In the north there is no judiciary, no justice or no real governance. Instead there is a lot of 'private justice' imposed by the men with arms."[69] Usually detentions appear to be related to political circumstances, such as an internal power struggle between rebel leaders Guillame Soro and Ibrahim Coulibaly, which in 2004 led to the deaths of more than 100 rebels and civilians. In 2005 there were numerous arrests of alleged government supporters following the pro-government militia attack on the rebel-held town of Logoualé in February.[70] However, according to villagers, victims, human rights monitors, and aid workers in rebel-held Man and Bouaké, detentions are frequently arbitrary and appear to be used primarily as a method to extort money from civilians.[71] An aid worker with an international organization explained:

> The rebels arrest people for all kind of things: not paying at checkpoints, because you have something they want, political reasons, robbery… or just because someone accuses someone of whatever. Justice is like a menu, you pay to get freed. It is completely arbitrary. It is complex, because personal or family relations affect the amounts you have to pay, the length of your stay in the detention center and the way this pseudo-justice is administered.[72]

The U.N. human rights monitor in Bouaké told Human Rights Watch that once individuals are detained, they are then transferred to various types of detention facilities,

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[68] Human Rights Watch interviews with aid workers and monitors, Man, Bouaké, and Abidjan, September-October 2005. See also ONUCI Human Rights Division, "Report on the Human Rights Situation in Côte d'Ivoire: May, June, and July 2005," October 2005.

[69] Human Rights Watch interview with a human rights activist, Abidjan, September 26, 2005.

[70] Human Rights Watch interviews with human rights monitors and journalists in Bouaké and Abidjan, September-October 2005.

[71] Human Rights Watch interviews with U.N. and local human rights monitors and aid workers, Abidjan, Man, and Bouaké, September-October 2005.

[72] Human Rights Watch interview with humanitarian organization, Abidjan, September 29, 2005.

including rebel military camps and civilian prisons run by Ivorian police. These police have, since the country's de facto partition, operated without control or pay from any Ivorian police central authority. They are in effect policing on their own with few economic means, in coordination with the rebel authorities, administering arbitrary justice in place of the state's justice system.[73]

Extortion and Robbery of Civilians

Like the extortion in the government-controlled south, the extortion and robbery of civilians at checkpoints and in villages in the north is widespread and appears to be sanctioned by the command structure, which does nothing to stop it.[74]

Rebel commanders interviewed by Human Rights Watch maintain that the checkpoints are to provide security and stop government incursions. However, numerous aid workers, local businessmen, and ordinary civilians described how rebels regularly intimidate and harass travelers into giving them money. They described how groups of rebels—sometimes up to thirty or forty per checkpoint—frighten and intimidate people into paying bribes, and how U.N. personnel appear to be the only ones not subject to this form of abuse.[75] Human Rights Watch researchers witnessed several rebels, who were obviously intoxicated or under the influence of drugs, extorting money from people at checkpoints. At one checkpoint near Bouaké, an inebriated unarmed rebel threatened the researchers if they did not pay 1,000 CFAs (about U.S.$2), saying: "You have to pay. I don't care about my bosses. I am the only boss here."

Petty traders and market sellers appear to be particularly vulnerable to extortion. Several women in a rebel-held village near Man told Human Rights Watch that rebels routinely extorted money as the women enter and leave the market.[76] As explained by one woman, "When I go to the market to sell palm oil, the rebels force me to pay 100 CFAs. When I leave, since they know I have sold my oil, I also pay 100 CFAs. If I don't pay the money they take my oil and then I have to pay 500 CFAs to get it back. This has been going on since the rebellion began. Each time I go to the market it is the same."[77]

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[73] Human Rights Watch interview with Joel Mermet, UNOCI Human Rights monitor, Bouaké, October 7, 2005.

[74] Human Rights Watch interviews with victims and local and international aid and human rights workers, Man, Bouaké, and Abidjan, September-October 2005.

[75] Human Rights Watch interviews, northern Côte d'Ivoire, October 2005.

[76] Human Rights Watch interviews, villages close to Man, October 6, 2005.

[77] Ibid.

New Forces rebels also engage in the widespread theft of crops, livestock, and other property from villages under their control, sometimes robbing the same villages repeatedly.[78] One seventy-year-old man told Human Rights Watch that armed New Forces rebels wearing uniforms regularly come to his village to steal money, cigarettes, soap, and machetes from the shops; according to this man, groups of rebels have during 2005 raided his village on five different occasions. He said they usually came at night and often beat people during the raids.[79] Several residents of a village near Bouaké told Human Rights Watch how, throughout 2005, groups of armed rebels from a nearby military training camp raided and stole crops, livestock, and other food items from their fields. As one villager explained:

> When the crisis started, the rebels took our animals and crops but now it is better though we are very afraid. They still come and they take and harvest directly from the farmer's field because they are not paid or fed…Two weeks ago they came and killed a goat and a sheep, and took them away. They have heavy weapons that make kra-kra [automatic weapons].

In addition, villagers said that on four separate occasions in September 2005, armed rebels came to the village and forcefully took chickens and sheep.[80]

At another village north of Bouaké, a woman told Human Rights Watch that armed rebels regularly steal yams and cassava from the chief's fields nearby.[81] Two boys who live in the village told Human Rights Watch that rebels wearing uniforms and carrying AK-47s regularly come from a nearby military camp to steal sheep and other food items.[82] According to one of the boys, aged fourteen, "They come once a week, more or less…They also go to our fields and harvest directly. They take chickens and animals. If you are in the field, they ask you to harvest for them."[83] The other boy, aged sixteen, told the following to Human Rights Watch:

> They come and steal our animals. They come in small groups of two and three. They do not let us talk. They catch the sheep. Rebels come when

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[78] Human Rights Watch interview with Joel Mermet, U.N. human rights monitor, Bouaké, October 7, 2005, and Human Rights Watch interviews with residents in villages near Man and Bouaké, September-October 2005.

[79] Human Rights Watch interviews, villages close to Man, October 6, 2005.

[80] Human Rights Watch interviews, villages close to Bouaké, October 8, 2005.

[81] Ibid.

[82] Ibid.

[83] Ibid.

> the people are working on the fields, usually at 2:00 p.m. We are afraid. They are violent. They are crazy. They look like they have smoked drugs. Their eyes are red…They also steal the yams directly from the field. We do not report. We do not go to the police. We are afraid.[84]

Reports of Summary Executions

According to Ivorian human rights groups and the UNOCI Human Rights Division, in 2005 New Forces rebels committed numerous summary executions, primarily of individuals accused by the rebels of working with pro-government forces. In addition, these sources reported that several individuals have been "disappeared" and are presumed to have been executed. Cases documented included the "disappearance" or execution of several individuals believed to be pro-government infiltrators in the Man and Danané areas following the February 2005 attack on Logoualé. However, the sources noted that the number of executions has decreased since 2005 because of the resolution of the power struggle between New Forces leader Guillaume Soro and Ibrahim Coulibaly (as mentioned above).[85]

The Armed Conflict in Côte d'Ivoire and Applicable International Law

Under international humanitarian law (the laws of war), the armed conflict between the government of Côte d'Ivoire and rebel forces is considered a non-international or internal armed conflict. The participation of French and U.N. forces on the ground "internationalizes" this internal armed conflict. Despite the Linas-Marcoussis peace agreement of 2003 and the declaration of a "final" cessation of hostilities on April 6, 2005, international humanitarian law remains applicable because of the unstable military situation.

All parties to the conflict are bound by the applicable international humanitarian law. The applicable law includes article 3 common to the four Geneva Conventions of 1949, the 1977 Second Protocol Additional to the Geneva Conventions (Protocol II),[86] which Cote d'Ivoire ratified in 1989, and customary international humanitarian law.[87] The

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[84] Ibid.

[85] Human Rights Watch interviews with U.N. and local human rights monitors, Abidjan, September-October 2005.

[86] Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non- International Armed Conflicts (Protocol II).

[87] An authoritative study of customary international humanitarian law is the two-volume ICRC *Customary International Humanitarian Law* (2005). Important sources of customary international humanitarian law are the First and Second Additional Protocols of 1977 to the 1949 Geneva Conventions (respectively Protocol I and

objective of these standards, which apply during a ceasefire as well during active hostilities, is to minimize human suffering and protect civilians and other noncombatants.

Common article 3 covers armed conflicts "not of an international character," and expressly binds all parties, including rebel forces, even though they do not have the legal capacity to sign the Geneva Conventions. Protocol II applies when opposing forces in an internal armed conflict are under a responsible command, exercise enough control over territory to mount sustained and coordinated military operations, and have the capacity to implement Protocol II. Such circumstances currently exist in Côte d'Ivoire.

With regard to civilians and captured combatants, both government and rebel forces are prohibited from using violence to life and person, in particular murder, mutilation, cruel treatment and torture. The taking of hostages is forbidden, as is humiliating and degrading treatment. No party to the conflict may pass sentences or carry out executions without previous judgment by a regularly constituted court that has afforded the defendant all judicial guarantees.

Protocol II provides fundamental guarantees for the humane treatment and protection of civilians and other non-combatants in addition to what is found in common article 3. Expressly prohibited are rape and other forms of indecent assault, collective punishments, pillage, and threats to commit such acts.[88]

Customary international humanitarian law provides a more encompassing list of protections for civilians in internal armed conflicts. In addition to the above prohibitions, customary international law prohibits arbitrary deprivation of liberty,[89] enforced disappearance,[90] and the destruction or seizure of the property of an adversary unless required by imperative military necessity.[91]

Protocol II). Protocol I applies to international armed conflicts, but many provisions on the methods and means of warfare are recognized as reflective of customary law during internal armed conflicts. Protocol II applies during internal armed conflicts and virtually all of its provisions are considered indicative of customary law. See generally Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), of 8 June 1977, and Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non- International Armed Conflicts (Protocol II), of 8 June 1977.

[88] Protocol II, art. 4.

[89] ICRC, *Customary International Humanitarian Law*, rule 99. Arbitrary deprivation of liberty violates the right to humane treatment under common article 3 to the Geneva Conventions.

[90] ICRC, *Customary International Humanitarian Law*, rule 98.

[91] ICRC, *Customary International Humanitarian Law,* rule 50, citing Rome Statute of the ICC, article 8(2)(e)(xii).

Of special relevance to the current situation in Côte d'Ivoire are the requirements Protocol II imposes on all sides to an internal armed conflict to protect the civilian population. The civilian population shall enjoy general protection against dangers arising from military operations. Civilians shall not be the object of attack, and any acts or threats of violence the primary purpose of which is to spread terror among the civilian population are prohibited.[92] All parties must allow and facilitate rapid and unimpeded passage of humanitarian relief for civilians in need, and the freedom of movement of humanitarian relief workers must be ensured.[93] Should displacements of the civilian population be ordered for security or imperative military reasons, "all possible measures shall be taken in order that the civilian population may be received under satisfactory conditions of shelter, hygiene, health, safety and nutrition."[94] Parties, including rebel forces, are required to ensure that children are "provided with the care and aid they require." In particular children shall receive an education and be protected from recruitment into the armed forces.[95] Additionally, the elderly, disabled, and infirm affected by armed conflict are entitled to special respect and protection.[96]

International human rights law also applies during periods of armed conflict. Côte d'Ivoire is a party to the main human rights treaties, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the Convention against Torture, among others.

Accountability for Crimes by Pro-Government and Rebel Forces

The government has not taken meaningful steps to hold perpetrators of recent human rights violations accountable, let alone bring to justice those responsible for serious international crimes in the past. These include human rights abuses and war crimes committed during the 1999-2000 military junta, the 2000 elections, and the 2002-2003 civil war, as well as the most serious incidents since the end of the war, such as the violent crackdown on an opposition demonstration in Abidjan in March 2004. The leadership of the New Forces has not punished perpetrators of crimes who are within its ranks, nor has it set up any real legal system in the areas under its control. The failure to punish perpetrators has created a pervasive culture of impunity that has no doubt emboldened perpetrators to commit ever increasing acts of violence against civilians.

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[92] Protocol II, art. 13.

[93] Protocol II, art. 18.

[94] Protocol II, art. 17.

[95] Protocol II, art. 4(3).

[96] ICRC, *Customary International Humanitarian Law*, rule 138, citing provisions of the Third and Fourth Geneva Conventions.

Domestic Efforts

The government of Côte d'Ivoire remains primarily responsible for holding perpetrators of human rights violations and war crimes accountable. However, in none of the three different zones of Côte d'Ivoire—the government-controlled south, the rebel-held north, or the Zone of Confidence patrolled by international troops—are crimes in violation of international law regularly investigated or perpetrators regularly disciplined or held accountable through prosecutions.

In the government-controlled south, a military prosecutor is investigating some cases against military personnel accused of extrajudicial executions of civilians. However, ONOCI human rights division head Simon Munzu told Human Rights Watch that the number of cases under investigation is "the tip of the iceberg," and there have as yet been no arrests or prosecutions.[97] In September 2005 the head of CECOS, General Bi Point, announced that several soldiers accused of extortion had been detained, but there have as yet been no convictions. A Western military analyst pointed out that the names of those detained have yet to be made public, and suggested that Bi Point's actions were meant to deflect attention from the larger pattern of abuse.[98]

The failure to prosecute crimes in violation of international law is partly a result of growing institutional deficiencies within the justice system. Since the rebellion the Ivorian justice system as still functioning in the south has allegedly become increasingly politicized, thus undermining its ability to function independently. In both the rebel-held north and the Zone of Confidence the national judicial system has ceased to function, leaving a serious rule of law vacuum. In interviews with Human Rights Watch, the New Forces commandant in Man, Colonel Losseni, and the head of New Forces Civilian Affairs in Bouaké, Mamadou Togba, admitted that there is no functioning judicial system in the north and that it is the remnants of the civilian police and at times the New Forces military police who dispense and administer justice.[99] The head of UNOCI's Rule of Law Division told Human Rights Watch that when U.N. or French forces arrest suspected criminals in the Zone of Confidence, they turn them over to the authorities of either side, after asking them to whom they want to be handed over. However, authorities from both sides reportedly routinely release these suspects.[100]

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[97] Human Rights Watch interview with Simon Munzu, Abidjan, September 24, 2005.

[98] Human Rights Watch interview with Western military analyst, Abidjan, October 10, 2005.

[99] Human Rights Watch interviews, Man, October 5, 2005, and Bouaké, October 7, 2005.

[100] Human Rights Watch interviews with Western military analyst and U.N. officials, Abidjan, September-October, 2005.

In an interview with Human Rights Watch, Mamadou Togba justified checkpoint extortion by arguing that the rebels do not have public revenue to pay their soldiers. He also claimed that rebels who extorted larger sums or behaved inappropriately would be disciplined.[101] However, the UNOCI human rights officer in Bouake told Human Rights Watch that the New Forces have taken no meaningful steps to discipline rebels for extortion or robbery.[102]

The years of abuse and criminality on the part of both the government's security forces and the New Forces have created deep fear and suspicion among the Ivorian population. Villagers in the north told Human Rights Watch that they are scared of the New Forces and fearful of reporting cases of robbery to the authorities.[103] In the south, several victims of crimes told Human Rights Watch that either they were too fearful and distrustful to report crimes to the police, or that police stood by and witnessed crimes being committed.[104]

International Efforts

Given serious concerns about the ability and willingness of the Ivorian national courts to try serious crimes, justice for Ivorian victims requires significant support and engagement from the international community.[105]

Commissions of Inquiry

The United Nations, including the Secretary-General, Security Council, and the U.N. Office of the High Commissioner for Human Rights (OHCHR), have taken a proactive role in denouncing and investigating atrocities committed in Côte d'Ivoire. In response to the serious abuses of human rights in Côte d'Ivoire, OHCHR has dispatched three separate commissions of inquiry to the country: the first following the election violence in October 2000; the second following the violent crackdown on an opposition demonstration in March 2004; and the third following a request by all parties to the Linas-Marcoussis agreement to investigate all serious violations of human rights and humanitarian law perpetrated in Côte d'Ivoire since September 19, 2002.

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[101] Human Rights Watch interview with Mamadou Togba, Bouaké, October 7, 2005.

[102] Human Rights Watch interview with Joel Mermet, Bouaké, October 7, 2005.

[103] Human Rights Watch interviews, Man and Bouaké, September-October 2005.

[104] Human Rights Watch interviews, Abidjan, October 10, 2005.

[105] See discussion in "Côte d'Ivoire: Accountability for Serious Human Rights Crimes Key to Resolving Crisis," *A Human Rights Watch Briefing Paper*, October 2004.

However, the U.N. Security Council has yet to make public or discuss the findings of the last commission of inquiry report, which was handed to the U.N. Secretary-General in November 2004 and transmitted to the Security Council on December 23, 2004.

Failure to Impose Sanctions or Pursue Accountability

The November 2004 commission of inquiry report contained an annex listing people accused of human rights abuses that could eventually stand trial. Radio France Internationale (RFI), which obtained a draft of the report, reported in January 2005 that the list contained ninety-five names including the president's wife, Simone Gbagbo (who is also the parliamentary leader of the FPI), former defense minister Kadet Bertin, and New Forces leader Guillaume Soro.[106]

The U.N. Security Council has refrained from the imposition of financial and economic sanctions on individuals alleged to have perpetrated human rights violations, although in November 2004 the Security Council authorized the use of sanctions against Ivorians who violated human rights, broke the arms embargo, indulged in hate speech, or blocked the peace process.[107] Those sanctions include travel bans and the freezing of assets. The reluctance of the international community to take concrete steps to restrain persons alleged to have committed human rights atrocities through sanctions, or to pursue efforts to hold them accountable through a judicial process, has been driven by fears of undermining efforts to achieve an end to the political and military stalemate.[108]

Diplomats and UNOCI officials told Human Rights Watch that for the past year South African President Thabo Mbeki, who has served as the mediator to the conflict, has suppressed discussion of the November 2004 commission of inquiry report and serious consideration of the use of sanctions, because he felt that that such steps would disrupt the peace process by alienating leading political figures deemed necessary for the implementation of the Pretoria Agreement.[109]

Although the U.N. Security Council "reaffirmed its readiness" to impose sanctions in its most recent resolution on Côte d'Ivoire in late October, it does not appear that the recent visit of the chairman of the Security Council's sanctions committee is a bellwether of concrete action in the near future. Diplomats and U.N. officials told Human Rights

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[106] See Human Rights Watch, "Country on a Precipice," p. 37.

[107] U.N. Security Council Resolution 1572, November 15, 2004, S/RES/1572.

[108] Human Rights Watch interviews with diplomats, journalists, and U.N. officials in Abidjan, September-October 2005, and in New York, November 2005.

[109] Human Rights Watch interviews, Abidjan, September-October 2005.

Watch that no member of the Security Council appears willing to initiate the application of sanctions under Resolution 1572.[110]

ICC Investigation

While the International Criminal Court could pursue investigations of serious international crimes committed in Côte d'Ivoire since 2002, it has yet to do so. Côte d'Ivoire is not a state party to the ICC, but in September 2003 the Ivorian government made a declaration to the ICC accepting the court's jurisdiction, with the objective of bringing the rebels to justice. However, this declaration gives the ICC the authority to investigate serious crimes by all parties committed in Côte d'Ivoire.[111] Although the ICC prosecutor said in January 2005 that he would send a delegation to Côte d'Ivoire to lay the groundwork for a possible ICC investigation, as of this writing such a visit had not occurred. The head of the UNOCI Human Rights Division, Simon Munzu, told Human Rights Watch that although there were signs that the visit would occur, "we are a long way from the ICC being used as an instrument to combat impunity in Côte d'Ivoire."[112] On November 28, 2005, the ICC prosecutor indicated that his office is planning a mission to Côte d'Ivoire for early 2006.[113]

Humanitarian Consequences of the "No War No Peace" Impasse

As the political crisis deepens, government services that were once provided to ordinary Ivorians, particularly healthcare, public education, and water and sanitation, are steadily deteriorating, with the result that basic social and economic rights of Ivorians are being undermined. The decline is most acute in the rebel-held north, where the delivery of basic services has been crippled by the absence of qualified personnel and resources—after the rebellion started in September 2002, the bulk of civil servants fled to the government-controlled south.

Lack of Health Care

After three years of political and economic instability many Ivorians are unable to access or afford adequate health care. Ivorians have the sixth highest infant mortality rate in the

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[110] Human Rights Watch interviews, Abidjan and New York, September-October, 2005.

[111] International Criminal Court, "Registrar confirms that the Republic of Côte d'Ivoire has accepted the jurisdiction of the Court," ICC Press Release, February 15, 2005.

[112] Human Rights Watch interview, Abidjan, September 24, 2005.

[113] Statement by Luis Moreno-Ocampo, Prosecutor of the International Criminal Court, Fourth Session of the Assembly of State Parties, 28 November – 3 December 2005, The Hague, November 28, 2005.

world, and average life expectancy is only 41 years, both phenomena almost certainly reflecting the negative impact of decreased access to health services.[114]

Most hospitals and clinics in the north remain cut off from government funding, and a majority of the northern health sector workers fled to the south. In 2003 the International Committee of the Red Cross (ICRC) estimated only 25 percent of hospitals and health centers to be operational in the northern half of the country.[115] Throughout the country, the high cost of transportation, medical appointments, and drugs exceeds the means of most families.[116] This has led to an increased prevalence of such diseases as cholera, yellow fever, meningitis, measles, and poliomyelitis. U.N. and international humanitarian agencies have been active in the health sector, battling the soaring national rates of malnutrition and disease. According to the United Nations Children's Fund (UNICEF) and other international aid organizations, up to 15 percent of children in the rebel-held north and government-controlled west suffered from malnutrition in 2005.[117]

Also of serious concern is the stalemate's impact on HIV/AIDS prevalence in Côte d'Ivoire. HIV/AIDS has flourished amidst the Ivorian conflict, fueled by instability, widespread displacement, and deteriorating health standards. With the highest rate of HIV prevalence in West Africa (conservatively estimated at 7 percent), HIV/AIDS has become the main cause of death in Côte d'Ivoire.[118] A 2004 UNAIDS report detailed rising HIV infection rates, listing widespread increases among populations affected by malnutrition and food insecurity.[119] In the northern town of Korhogo, over 10 percent of residents were found to be infected with the virus in 2001, before the conflict began, and a recent informal investigation suggested that this already high infection rate has risen dramatically since the rebellion: in January 2005, when a local doctor tested 60 patients for HIV/AIDS at the Korhogo hospital, 35 were found to be positive for the virus.[120] As updated estimates become available, three years of continued displacement, sexual violence, and limited prevention campaigns throughout the entire country almost certainly will have led to a notable rise in infection rates. [121]

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[114] Côte d'Ivoire Country Profile, IRIN PlusNews [online], http://www.plusnews.org/AIDS/cote-d-Ivoire.asp

[115] "Côte d'Ivoire: Struggle to revive health services in rebel-held north," IRIN PlusNews, May 8, 2005.

[116] European Union/UNICEF project: Support with the health facilities affected by crisis, 2005.

[117] Ibid.

[118] "Côte d'Ivoire: Roadmap against AIDS needs re-think due to war, poverty," IRIN PlusNews, February 14, 2005.

[119] Annual activity report, *Direction de Coordination du Programme Elargi de Vaccination* (DCPEV), 2004.

[120] "Côte d'Ivoire: More than half of the patients tested in rebel hospital HIV positive," IRIN PlusNews, January 27, 2005.

[121] "Côte d'Ivoire: Doctor concerned by high HIV prevalence rate in forgotten northeast," IRIN PlusNews, March 15, 2005.

Education

The availability and quality of education in the north has severely deteriorated since the start of the rebellion in 2002. Due to the ongoing conflict and regional instability, tens of thousands of Ivorian children will likely become permanently excluded from the nation's education system, leaving them with limited career options and thus at very serious risk for recruitment and abuse by the armed groups operating in West Africa.[122]

Humanitarian workers told Human Rights Watch that because thousands of government employees, including teachers, fled the north—some under instruction by the government—schools have been forced to function with the help of unpaid volunteer teachers.[123] In addition to widespread looting and destruction of schools in the north and west, UNICEF reported the closure of numerous schools.[124] As a result, an estimated 700,000 children were out of school in 2005. Girls without access to schooling in particular were extremely vulnerable to sexual abuse and exploitation. An example was reported by a community leader in rebel-controlled Man, where 2,000 girls between the ages of twelve and fifteen engaged in prostitution following the closing of local schools in this part of western Côte d'Ivoire.[125]

Since the rebellion in 2002, thousands of students in rebel-controlled areas have also been unable to sit annual school examinations. UNICEF estimates that 60,000 students were affected by the postponement of exams in the north during 2005.[126] If children do not take end-of-year exams, they cannot progress from primary to secondary education, and at the age of fifteen, if secondary school exams are not completed, children are considered too old to continue in the education system. Education Minister Amani N'Guessan presented several reasons for the failure to hold exams, including the lack of security and of adequate financing and oversight of the examination process. In response to the minister's concerns U.N. and humanitarian agencies offered their concrete logistical and financial support to ensure examinations took place. However, at this writing the Education Ministry had yet to take concrete steps (either alone or in partnership) to move the examinations forward.

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[122] "Children's Rights Not Respected in Côte d'Ivoire's Ongoing Military and Political Crisis," UNICEF Press Release, November 21, 2005.

[123] Human Rights Watch interviews with humanitarian aid workers, Abidjan and Bouaké, September-October 2005.

[124] "UNICEF Urges Côte d'Ivoire Government to Hold Annual School Exam Throughout the Country," UNICEF Press Release, October 5, 2005.

[125] "Côte d'Ivoire: More than half of the patients tested in rebel hospital HIV positive," IRIN PlusNews, January 27, 2005.

[126] "Children's Rights Not Respected in Côte d'Ivoire's Ongoing Military and Political Crisis," UNICEF Press Release, November 21, 2005.

Water Shortages and Poor Sanitation

Several towns in the rebel-held north, such as Man and Korhogo, experienced acute water shortages during 2005.[127] A 2005 study by the ICRC found that a considerable percentage of water samples analyzed in several towns were deemed unsuitable for human consumption, and that 7 percent of those same samples were seriously contaminated by agents responsible for typhoid fever and dysentery.[128] This is primarily due to the lack of maintenance of water pumps and installations caused by the absence of qualified personnel.

Scenarios of Renewed Violence and its Impact on Civilians

The failure of the parties to resolve the contentious and complicated issues underlying the armed conflict increases the likelihood of future violence. Such violence could take many forms, including a resumption of active hostilities between the government and New Forces, a military coup, or localized clashes between militias and opposition parties in Abidjan or between rival ethnic groups in the restive cocoa and coffee-producing areas of the west. Of particular concern is the prospect of localized clashes around Abidjan or in the west that spiral out of control.[129] Exacerbated by the widespread availability of small weapons in the country, each scenario brings with it risks to the general population.

Military Coup

Diplomats and military analysts told Human Rights Watch that the army is extremely fractured and that a risk of a military coup d'état exists.[130] One of the causes of the army's division is that since 2002 President Gbagbo has systematically been recruiting soldiers and promoting officers he considers loyal to him—primarily drawn from the Bété, Attie, Abey, and Dida ethnic groups—while marginalizing others.[131] This strategy has created serious internal divisions within and fractured the army, as senior officers are

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[127] Human Rights Watch interviews with humanitarian aid workers, Abidjan and Bouaké, September-October 2005.

[128] "Sixth Progress report of the Secretary-General on the United Nations Operation in Côte d'Ivoire," September 26, 2005, S/2005/604, p. 11.

[129] Human Rights Watch interviews with diplomats, military analysts, journalists, UNOCI staff, and NGO staff, Abidjan, Guiglo, and Bouaké, September-October 2005.

[130] Human Rights Watch interviews, Abidjan, September-October 2005.

[131] Human Rights Watch interviews with military sources, Abidjan, September-October 2005. In 2002 alone Gbagbo recruited 3,500 new recruits into the army, mainly drawn from pro-government student and youth groups.

increasingly frustrated at the promotion of lower ranking officers or indeed new recruits who are less qualified. [132]

One notable example of the army's division was the August 2005 statement of Mathias Doué, whom President Gbagbo had replaced as army chief of staff the previous November with Gen. Phillippe Mangou (military sources in Abidjan said that Gbagbo promoted Mangou as a show of support because he organized the attack on the rebel-held north in November 2004).[133] On August 20, 2005, Doué publicly called for the departure of President Gbagbo, and threatened to resort to "all necessary means" if the international community failed to ensure his departure. [134]

Doué is not the only senior officer to have publicly expressed his dissatisfaction. In June 2005 Col. Jules Yao Yao, the former Army spokesman, was dismissed, and a few days later arrested, interrogated, and tortured along with Col.-Maj. Désiré Bakassa Traoré, the commander of the National Office for Civil Protection, and retired Gen. Laurent M'Bahia. [135] General Traoré died from injuries sustained under torture on July 3, 2005.[136] Colonel Yao Yao went into hiding after he was freed, and has openly challenged Gbagbo's presidency, for example when he and Doué recently threatened to return to "assume their responsibilities."[137]

Several diplomatic and military sources told Human Rights Watch that President Gbagbo is deeply concerned about the state of the army and the risk of a coup d'état.[138] Military analysts and diplomats based in Abidjan told Human Rights Watch that since shortly after Doué's August 2005 statement, those soldiers and officers not belonging to "loyalist" ethnic groups are required to turn in their weapons when they leave the barracks at night. [139] In 2005 there have also been several disappearances and detentions of officers suspected of disloyalty, such as the popular Sergeant Abou Negue, a close associate of General Doué's, who "disappeared" in September 2005 and has not been

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[132] Human Rights Watch interviews with military sources, Abidjan, September-October 2005.

[133] Human Rights Watch interviews with military sources, Abidjan, September-October 2005.

[134] For the full statement, see International Crisis Group, "Half Measures Will Not Suffice," Africa Briefing No. 33, October 12, 2005, p. 12.

[135] Western diplomats told Human Rights Watch that the arrests occurred after they attended a farewell dinner for the exiting commander of the French forces at the French Ambassador's residence. Human Rights Watch interview, Abidjan, October 13, 2005.

[136] Christophe Boisbouvier, "Gbagbo et l'armee: Qui menace qui?," *Jeune Afrique L'Intelligent*, August 14-27, 2005, p. 26-32.

[137] Ibid.

[138] Human Rights Watch interviews with diplomatic and military sources, Abidjan, September-October 2005.

[139] Human Rights Watch interviews with military analysts and diplomats, Abidjan, October 2005.

heard from since entering army national headquarters reportedly for a meeting with General Mangou.[140]

Resumption of Armed Conflict

The likelihood of a resumption of armed conflict between the government and New Forces is considered by military analysts to be low because neither side is believed to have heavy weaponry sufficient to mobilize across the U.N.-controlled Zone of Confidence.[141] Several diplomats and military sources based in Abidjan told Human Rights Watch that the arms embargo has been effective in curtailing the flow of heavy weapons to Côte d'Ivoire.[142] These sources explained that while small arms are readily available, a military victory for either side is unlikely without larger weapons as well as air power, such as attack helicopters. However, Liberian former combatants and aid agencies interviewed by Human Rights Watch in Liberia in October 2005 said both the Ivorian militias and rebels have since at least August 2005 stepped up the cross-border recruitment of Liberians in anticipation, they said, of renewed fighting in Côte d'Ivoire.[143]

Localized Clashes in Abidjan

According to diplomats, military sources, and journalists, one of the most likely scenarios of renewed violence in Côte d'Ivoire is localized clashes in and around Abidjan.[144] If the opposition launches street protests—with or without violence—there are concerns that the government would respond with excessive force, as it did in March 2004 when government security forces violently repressed an opposition demonstration.[145]

Communal Conflict in the West

In addition to violence in Abidjan, there is also a high risk of violent clashes between indigenous groups and immigrant farm workers in the cocoa and coffee producing areas of the west. Since even before the rebellion, this region has been the site of conflict

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[140] Human Rights Watch interview with a military analyst, and journalist, Abidjan, September 28, 2005.

[141] Human Rights Watch interviews with diplomats, military analysts, and journalists, Abidjan, September-October 2005.

[142] Human Rights Watch interviews, Abidjan, September-October 2005.

[143] Human Rights Watch interviews, Liberia, October 10-14, 2005.

[144] Human Rights Watch interviews, Abidjan, September-October 2005.

[145] See Human Rights Watch, "Côte d'Ivoire: Human Rights Violations in Abidjan during an Opposition Demonstration, March 2004" and Human Rights Watch, "The New Racism: The Political Manipulation of Ethnicity in Côte d'Ivoire," Vol. 13, No. 6(A), August 2001.

between indigenous tribes, such as the Guéré and Wê, and immigrant farm workers from the north, such as the Dioulas, or from other West African countries, primarily Burkinabes. During 2005 there were several spasms of communal violence which resulted in at least seventy dead, the displacement of tens of thousands, and considerable destruction of property.

Tensions over the valuable agricultural land in the west have existed for decades, and although the violence manifests itself as ethnic conflict, its causes are multifaceted and involve a complex interplay of economic factors, disputes over land rights, the existence of armed militias, and the kind of political manipulation of ethnicity that is seen in the FPI's adoption of an anti-foreigner rhetoric. The government strategy—together with the proliferation and recruitment of armed militias in the west since the rebellion—has fanned the flames of ethnic rivalry and spawned a series of attacks and counterattacks between indigenous and immigrant groups.[146] Meanwhile, the resolution of disputes over rural land tenure is one of the principle demands of the New Forces rebels.

Widespread Availability of Weapons

In the event of renewed violence, the risk to civilians is exacerbated by the continued widespread availability of small weapons. Weapons are available because none of the government or rebel forces have been disarmed, and the arms embargo imposed by the U.N. Security Council in November 2004 has apparently not prevented the flow of small weapons into Côte d'Ivoire.[147]

According to the head of UNOCI's disarmament, demobilization and reintegration (DDR) division, Jean Luc Stalon, the U.N.-backed disarmament process will include about 50,000 combatants, including members of the New Forces, recent recruits to the government's security forces, and armed militias in the west. However, because the disarmament process remains a "hostage of the political crisis," thus far no meaningful progress has been made in disarming the various armed groups in the country.[148]

In addition, Western diplomats and military sources contend that although the arms embargo imposed by the U.N. Security Council in November 2004 has reduced the transfer of heavy weapons, small weapons—such as AK-47s and pistols—are easily

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[146] For a discussion of the roots of the conflict in the west see International Crisis Group, "Côte d'Ivoire: No Peace In Sight," Africa Report, No. 82, July 12, 2004, p. 14-18.

[147] Human Rights Watch interview with military analysts and diplomats, Abidjan, October 2005.

[148] Human Rights Watch interview with Jean Luc Stalon, head of UNOCI DDR Division, Abidjan, October 14, 2005.

purchased.[149] The arms embargo is difficult to enforce because of porous borders and, according to Western diplomats, U.N. sources, and military analysts, limited United Nations staff resources.[150] This issue was one of several identified by U.N. Secretary-General Kofi Annan in a June 2005 report to the Security Council. In the report he said that UNOCI's ability to enforce the arms embargo "is limited by a lack of dedicated expertise and resources, insufficient intelligence, and the continued failure of FANCI [the Armed Forces of Cote d' Ivoire] and the New Forces to provide UNOCI with a comprehensive list of their armaments."[151]

Concerns about Inadequate Civilian Protection

In the event of an eruption of violence, the potential for human rights abuses against civilians remains high because of the limited ability of 6,000 U.N. troops and 4,000 French troops to provide robust protection to civilians in imminent danger of attack. As stipulated in U.N. Security Council resolution 1609, the U.N. peacekeepers are mandated to "protect civilians under imminent threat of physical violence" within their areas of deployment.[152]

On June 24, 2005, the Security Council authorized an 850-person increase in UNOCI's military personnel.[153] However, diplomats and military analysts interviewed by Human Rights Watch did not believe that the increase was sufficient to enable UNOCI to offer civilians robust protection, especially if violence erupted in more than one location.[154]

In September 2005, in his most recent report to the Security Council concerning Côte D'Ivoire, U.N. Secretary-General Kofi Annan pointed to the limited capacity of UNOCI to intervene to protect civilians. According to the report, the ability of UNOCI to maintain security "has been severely hampered by a dramatic increase in instances of deliberate obstruction of Mission movement and operations in various parts of the country."[155] One example occurred on July 24, 2005, when members of the Young

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[149] Human Rights Watch interviews with Western diplomatic and military sources, Abidjan, September-October 2005.

[150] Ibid.

[151] "Fifth Progress Report of the Secretary General on the United Nations Operation in Côte d'Ivoire," June 17, 2005, S/2005/398, p. 8.

[152] U.N. Security Council Resolution 1609, June 24, 2005. S/RES/1609 (2005).

[153] Ibid.

[154] Human Rights Watch interviews with Western diplomats and military sources, Abidjan, September-October 2005.

[155] "Sixth Progress Report of the United Nations Operation in Côte d'Ivoire," September 26, 2005, S/2005/604, p. 5.

Patriots and state security forces denied UNOCI troops access to Agboville, north of Abidjan. The troops were attempting to investigate attacks on two police stations in Anyama and Agboville.[156]

Conclusion

Key international actors working to resolve the crisis in Côte d'Ivoire—the United Nations, the African Union, and the Economic Community of West African States (ECOWAS)—must reflect on the risks of allowing impunity to flourish in the name of fomenting peace, and how this has served to complicate instead of facilitate their efforts to bring about a return to political stability in Côte d'Ivoire. They must develop a concrete strategy to combat the current crisis of impunity. They must demonstrate their leadership by taking immediate and concrete steps to pursue justice for past and ongoing violations in Côte d'Ivoire, and in so doing send a signal to perpetrators—and the political leaders who condone their actions with inaction—that the continued abuses of human rights of ordinary Ivorians will no longer be tolerated.

Sequencing the pursuit of peace and justice must be carefully done. However, delaying justice has served to deepen the culture of impunity, embolden perpetrators, and make the quest for political stability ever more elusive. In the meantime, the human rights and humanitarian situation for millions of ordinary Ivorians has dramatically deteriorated. Once-strong institutions meant to protect them—the police, the judiciary—instead now prey on or ignore them. Government services which once benefited them are steadily deteriorating, with often lethal consequences.

Once the bedrock of stability and an economic engine for regional development, Côte d'Ivoire risks becoming the fulcrum of regional instability. Unless the international community takes strong and unified steps to resolve the crisis, and the Ivorian leaders embrace them, the whole region, including the nascent peace in Sierra Leone and Liberia, could be affected.

[156] Ibid., p. 6.

Recommendations

To the Government of Côte d'Ivoire

- Issue clear public instructions to all security forces, including militias, to respect international humanitarian and human rights law.
- Issue clear public orders to security forces to ensure that all militias are brought within the scope of the law and cannot act with impunity.
- Immediately stop recruiting children, including Liberians, to be soldiers, and demobilize and hand over to UNICEF or a registered child protection agency all child soldiers under the age of 18 currently serving with the state security forces, or older soldiers who were recruited before age 18.
- Acknowledge and condemn unlawful killings committed by state security and militia forces since September 2002.
- Investigate and punish in accordance with international standards those responsible for crimes in violation of international law committed by state security forces, including extrajudicial execution, and harassment and extortion of civilians, and the recruitment of child soldiers.
- End incitement of hatred, intolerance, and violence by state-run broadcasters and print journalists, and punish them as appropriate in accordance with international fair trial principles. Respect freedom of expression and create a climate in which journalists may work freely.
- Cooperate fully with any investigation taken by the International Criminal Court.
- Expedite the annual school examinations for 60,000 children living in the rebel-controlled areas of Côte d'Ivoire.

To the New Forces

- Issue clear public instructions to all members of rebel forces to respect international humanitarian and human rights law. In particular, ensure compliance with the civilian protection provisions of Protocol II in areas under rebel control.
- Ensure combatants receive appropriate training in international human rights and humanitarian law.
- Cooperate fully with any investigation taken by the International Criminal Court.
- Acknowledge and condemn unlawful killings committed by rebel forces since September 2002.

- Investigate and hold accountable in accordance with international standards those responsible for crimes in violation of international law committed by rebel forces, including extrajudicial execution, extortion and robbery of civilians and civilian property, and the harassment and extortion of traders and travelers.
- Immediately demobilize and hand over to UNICEF or a registered child protection agency any child soldiers under the age of 18 currently serving with the rebel forces, or older soldiers who were recruited before age 18.
- Allow the International Committee for the Red Cross and UNOCI human rights monitors full access to detainees at all rebel-administered and -run detention centers.

To the United Nations Security Council

- Expedite the work of the U.N. Sanctions Committee and immediately activate travel and economic sanctions against individuals identified as responsible for serious violations of international human rights and humanitarian law, who break the U.N. arms embargo, or who incite publicly hatred and violence.
- Expedite the publication of the report of the U.N. Commission of Inquiry into human rights violations committed since 2002, and meet to discuss its findings and recommendations.
- Increase resources to UNOCI for monitoring of radio and television broadcasts that incite hatred, intolerance, or violence.
- In the event that deterioration in the security situation in Côte d'Ivoire is accompanied by persistent radio and television transmissions intended to incite hatred, intolerance, or violence against civilian populations, pass a resolution or include a provision in an existing resolution that calls for the blocking of such transmissions.

To the United Nations Mission in Côte d'Ivoire

- Ensure that UNOCI forces can provide protection to all civilians whose security is at risk because of communal tension or threats from abusive armed forces.

To the African Union

- Consider the imposition of sanctions—including arms embargos, travel bans, and economic sanctions—against the Ivorian government or other African governments that sponsor groups responsible for widespread and serious human rights abuses, including the use and recruitment of child soldiers.

To the Prosecutor of the International Criminal Court

- Promptly dispatch a mission to Côte d'Ivoire and take other steps to investigate with a view to prosecution those suspected of bearing the greatest responsibility for serious crimes by both pro-government and rebel forces.

To the United States, the European Union and other international donors

- Call publicly and privately on both the Ivorian government and New Forces leadership to investigate and, where applicable, prosecute violators of international human rights and humanitarian law.
- Condition military or police assistance to the Ivorian government, with the exception of human rights training, on the investigation and prosecution of those accused of such abuses.
- Give political, financial, and other support to any judicial mechanisms meeting international fair trial standards set up to ensure accountability for perpetrators of serious crimes under international law.