Flygtningenævnets baggrundsmateriale

Bilagsnr.:	**49**
Land:	Elftenbenskysten
Kilde:	Amnesty International
Titel:	”Amnesty International Report: ”Côte Ivorire, Threats Hang heavy over the future””
Udgivet:	26. oktober 2005
Optaget på bag-grundsmaterialet:	16. januar 2006

Côte d'Ivoire
Threats hang heavy over the future

INTRODUCTION

On 9 September 2005 the United Nations (UN) Secretary-General, Kofi Annan, publicly announced that the presidential election in Côte d'Ivoire could not take place as scheduled on 30 October 2005. The indefinite postponement of the presidential election heralds an uncertain future for Côte d'Ivoire. Amnesty International fears that, if a political agreement on a new power structure in Côte d'Ivoire is not reached in the very near future, tensions which already exist will develop into renewed hostilities, leading in turn to a humanitarian crisis and serious human rights abuses which could destabilize Côte d'Ivoire and the entire sub-region.

At the beginning of October, fully aware of this danger, the international community and in particular the African Union (AU) reached a position in favour of Laurent Gbagbo remaining as president beyond 30 October 2005 and proposed the appointment of a prime minister who would be "acceptable to all", with a view to advancing towards a presidential election. This proposal, which was supported by the UN Security Council, was greeted immediately with diverging interpretations by the various sides in the Ivorian conflict. Supporters of Laurent Gbagbo see it as a victory for the incumbent president, whereas the opposition is focusing on the scope of the powers, which ought to be vested in the new prime minister. At the time of writing (that is, two weeks before President Gbagbo's mandate expires),[1] it was impossible to gauge whether the AU's proposal would provide a breakthrough to the political impasse in Côte d'Ivoire.

As Côte d'Ivoire confronts its worst crisis since the armed insurgency of September 2002, which resulted in the de facto partition of the country, Amnesty International is calling for all possible measures to be taken to avoid further serious human rights abuses. In this report, the organization identifies some of the main factors that could lead to a rapid deterioration in the situation: complete deadlock in the disarmament, demobilization and reintegration (DDR) process; violations of the ceasefire; inter-ethnic conflict in the west of the country; encouragement of xenophobia by some political figures and news media supporting President Gbagbo; disturbing reports of arms transfers despite the arms embargo imposed by the UN in

[1] The information in this report covers events up to 18 October 2005.

November 2004;[2] the use of child soldiers; and attacks on freedom of expression. This report aims to highlight these destabilizing factors and makes recommendations to the opposing sides in Côte d'Ivoire as well as to the international community in order to ensure that all necessary measures are taken to ensure respect and protection of human rights and to prevent further human rights abuses.

THREE YEARS OF SERIOUS HUMAN RIGHTS ABUSES

Since the beginning of the conflict in September 2002, all parties to the conflict have committed serious human rights abuses without any of the perpetrators being held accountable for their acts before either a national or an international court.

Government forces have been responsible for extrajudicial executions, "disappearances", torture and ill-treatment, and attacks on freedom of the press, targeting real or presumed supporters of the opposition. Such acts have been committed against a background of the encouragement of xenophobia readily relayed by some news media and political figures that support President Gbagbo. These pronouncements have in particular targeted the Dioulas – a generic term describing people of Muslim origin living in Côte d'Ivoire, whether originating from the north of the country or from other countries in the sub-region (Mali, Burkina Faso, Guinea, Senegal etc.).[3]

The armed elements who staged the insurgency in September 2002 have also committed human rights abuses, in particular in the west of the country where they have terrorized the civilian population, raped and forcibly conscripted civilians, including children under the age of 18. They have also been responsible for summary and arbitrary killings. For example, in October 2002, several dozen gendarmes and about 50 of their children detained in Bouaké, the stronghold of the main armed opposition group, were killed in their cells.[4] In addition, in June 2004,

[2] See UN Security Council Resolution 1572 of 15 November 2004 which provided for an embargo on the supply of arms to Côte d'Ivoire. This resolution also provided for the freezing of financial assets and restrictions on travel abroad of anyone who constitutes a threat to the peace and national reconciliation process in Côte d'Ivoire.

[3] See in particular, Amnesty International, *Côte d'Ivoire: The indiscriminate and disproportionate repression of a banned demonstration* (AI Index: AFR 31/004/2004), 8 April 2004. This report describes the human rights violations committed by the security forces in Abidjan following a demonstration by the opposition on 25 March 2004.

[4] See Amnesty International, *Côte d'Ivoire: A succession of unpunished crimes – from the massacre of gendarmes at Bouaké to the mass graves of Daloa, Monoko-Zohi and Man* (AI Index: AFR: 31/007/2003), 27 February 2003.

following a shoot-out between rival factions of the Forces nouvelles (FN), New Forces,[5] at least 100 people were arbitrarily killed at Korhogo in the north of the country. Their bodies, some of which were riddled with bullets, were discovered in July 2004 in three mass graves by a team of UN human rights monitors.[6]

Amnesty International is also particularly concerned about another phenomenon: the recruitment and use of child soldiers by all sides since the beginning of the conflict. Such recruitment, which has occurred especially in the west of the country, has particularly affected the Liberian refugee population.[7]

Furthermore, Amnesty International has undertaken investigations into the violent confrontations in Abidjan in November 2004 between demonstrators and French soldiers of the Force Licorne responsible for peacekeeping. Information obtained by Amnesty International indicates that French forces, in some instances, resorted to excessive and disproportionate use of lethal force when confronted by demonstrators who posed no direct threat to their lives or that of a third party.

A PEACE PROCESS IN DEADLOCK

Since the beginning of the conflict, a whole range of regional and international actors, including the Economic Community of West African States (ECOWAS), the AU, France and the UN, have intervened both militarily and diplomatically to resolve the crisis. France in particular sent troops to Côte d'Ivoire from 22 September 2002, that is, three days after the insurgency. This intervention resulted in a de facto halt in hostilities, securing the positions of the two sides along a line cutting through the middle of Côte d'Ivoire. Subsequently, at the beginning of 2003, ECOWAS soldiers were deployed in Côte d'Ivoire before the UN Security Council authorized a UN peacekeeping mission in Côte d'Ivoire.[8]

Alongside this military intervention, diplomatic initiatives were pursued to gather around the same table all the Ivorian sides involved (the government of

[5] The name assumed by the main armed opposition group which rose up against the government of President Laurent Gbagbo in September 2002.
[6] See press release issued by Amnesty International on 2 August 2004, *Côte d'Ivoire: The truth about alleged mass graves at Korhogo must be established* (AI Index: AFR 31/010/2004).
[7] For further information, see Amnesty International, *Côte d'Ivoire: Stop the use of child soldiers* (AI Index: AFR 31/003/2005), 18 March 2005.
[8] See UN Security Council Resolution 1528 of 27 February 2004 which authorized, in particular, the deployment of the UN Operation in Côte d'Ivoire (UNOCI). The mandate of the peacekeeping force was extended to 24 January 2006 by UN Security Council Resolution 1609 of 24 June 2005.

President Gbagbo, the armed elements who had instigated the insurgency in September 2002, as well as political parties). In January 2003 an agreement was signed in Paris (the Linas-Marcoussis Agreement). This agreement provided for, among other things, the formation of a government of national reconciliation, implementation of a DDR process, and the adoption of new legislation relating in particular to nationality, the electoral system, eligibility for the presidency of the Republic, and land ownership rights.

Following the serious confrontations between Ivorian civilians and French peacekeeping troops in November 2004, the AU appointed South African President Thabo Mbeki as a mediator. These mediation efforts resulted in the signature of an agreement in Pretoria on 6 April 2005 (Pretoria I) in which all sides declared in particular an end to the war. In addition, all sides committed themselves to adopting, at the very latest by the end of April 2005, the legislation anticipated in the Linas-Marcoussis Agreement. The Pretoria I agreement reverted to the issues of the DDR process, the creation of an Independent Electoral Commission, the organization of "free, fair and transparent" elections as well as the financing of political parties.

After an upsurge in tensions, and in particular the massacre in Duékoué in the west of the country at the beginning of June 2005, the mediator once again brought the parties to the conflict together in Pretoria. This meeting resulted in the Pretoria II agreement, signed on 29 June 2005, which reiterated the importance of the adoption of the legislative amendments included in previous agreements.

These amendments were finally adopted by decree by President Gbagbo on the day of the deadline – 15 July 2005 – but opposition political parties considered them as "not conforming" to the Pretoria II agreement. The situation deteriorated at the end of August 2005 when the Forces nouvelles officially declared that, from then on, they "systematically reject[ed] South African mediation", which they accused of being biased. To end this deadlock, some AU countries raised the possibility of ECOWAS again taking the situation in hand. This proposal, however, prompted dissent among all sides. In fact, while the opposition and the Forces nouvelles expressed support for such a solution, President Gbagbo for his part announced "his rejection, in advance, of any referral to ECOWAS because of the direct implication of some member states of this organization in the Ivorian conflict".[9] The Ivorian Head of State announced on 20 September 2005 that he considered mediation to be over and that it was now time to

[9] See letter from President Gbagbo to UN Secretary-General Kofi Annan of 19 September 2005.

implement the various agreements in order to achieve disarmament and advance towards elections.[10]

Conditions required for holding the presidential election had never been less present. On 9 September 2005 the UN Secretary-General noted the practical impossibility of holding the election as scheduled on 30 October 2005, at the same time referring to consideration by the UN Security Council of possible sanctions against some Ivorian officials.[11] In Côte d'Ivoire, each side has maintained its position on the political future of the country after 30 October 2005. The Forces nouvelles as well as the G7 coalition, which brings together some of the main opposition political parties, have called for a political transition with a view to organizing the presidential election at a future date, while specifying that from 30 October 2005 they would no longer recognize Laurent Gbagbo as the "legitimate President" of Côte d'Ivoire.[12] President Gbagbo has rejected the idea of any transition that excluded him, pointing out that such a solution was not provided for in either the Constitution or the various peace agreements between the parties to the conflict and that he was determined to remain in power until a presidential election was held.[13]

In order to break through this political impasse – with all its threats and implications for the respect of human rights – the AU and ECOWAS have continued intense diplomatic efforts to resolve the crisis. On 6 October 2005 the Peace and Security Council of the AU, meeting in Addis Ababa, reached a position in favour of Laurent Gbagbo remaining as president beyond 30 October 2005 and proposed the appointment of a prime minister who would be "acceptable to all", with a view to moving towards a presidential election. This proposal was supported by the UN Security Council which, at a meeting in New York on 14 October 2005, also expressed "its intention to take rapidly the necessary measures to support as

[10] See the article published in the Ivorian daily newspaper *Fraternité Matin* on 22 September 2005: *Mediation – Laurent Gbagbo:* "*If the UN cannot assume its responsibilities, it should leave me to deal with the rebels*".

[11] Among the practical issues identified as currently making the holding of an election impossible were, in particular, the fact that electoral lists were not ready, the necessary equipment was not yet available, and serious disagreements remained on the establishment of an Independent Electoral Commission.

[12] In an interview given to the weekly journal *Jeune Afrique l'Intelligent* at the beginning of October 2005, former Ivorian President Henri Konan Bédié stated in particular: "*The Constitution clearly states that the mandate of the President of the Republic is for five years* […] *After 30 October, we enter a period where the President is no longer legitimate. Technically, therefore, the expiry of the mandate cannot be postponed. The Constitution does not provide for any extension. It would be illegal. Gbagbo would be a usurper*"; see *Jeune Afrique I'Intelligent*, No. 2335, 9 to 15 October 2005.

[13] In a "*Message to the nation*" televised on 27 September 2005, President Gbagbo pointed out that he had "*acquired power*" through elections and that: "*I will only cede that power to someone elected in accordance with the provisions of the Constitution*".

appropriate [the] implementation [of the plan proposed by the AU], in order to organize free, fair, open, transparent and credible elections as soon as possible and no later that 30 October 2006".[14]

At the time of writing, initial reactions to this new proposal by the AU, which has received the support of the UN,[15] indicated that supporters of President Gbagbo see this decision as conforming to the Constitution whereas the opposition, for its part, place the emphasis on the powers that ought to be vested in the new prime minister.[16]

A FUTURE UNDER THREAT

Several factors threaten to bring about a rapid deterioration in the situation in Côte d'Ivoire in the coming weeks if the international community does not act determinedly to ensure implementation of UN Security Council resolutions as well as the recommendations of the UN Secretary-General and the various UN commissions of inquiry on Côte d'Ivoire.

DDR process at a standstill

The stalling of the DDR process constitutes one of the most patently obvious failures of the peace negotiations between the parties to the conflict conducted for almost three years under the aegis of the international community. It also carries with it the principal threat of a resumption of hostilities since many reports point to a significant circulation of weapons both in the government-controlled part of the country and in the area held by the Forces nouvelles.

Despite the fact that all the peace agreements between the parties to the conflict since the Linas-Marcoussis Agreement have referred to the need to implement a DDR programme, it has been constantly postponed. Initially scheduled for 13 December 2003, the beginning of the process was put off several times because the Forces nouvelles declared that they would not disarm until the National Assembly had adopted certain key laws relating to nationality, land ownership rights and eligibility for the presidency of the Republic.

[14] Security Council Presidential Statement, UN Doc. SC/8524, 14 October 2005.

[15] On 14 October 2005, the UN Security Council formally approved the decisions of the AU concerning the political transition in Côte d'Ivoire after the expiry of President Gbagbo's mandate on 30 October 2005.

[16] In a letter addressed to Kofi Annan on 12 October 2005, Guillaume Soro, Secretary General of the Forces nouvelles, asserted that: "*The only possible solution is that the new prime minister assume all executive responsibilities from the date of 30 October 2005 when Laurent Gbagbo will no longer be the constitutionally elected president of Côte d'Ivoire*".

Following the Pretoria I and II agreements in April and June 2005, a timetable was finally adopted on 9 July 2005 by the chiefs of staff of the Forces armées nationales de Côte d'Ivoire (FANCI), National Armed Forces of Côte d'Ivoire, and of the Forces armées des Forces nouvelles (FAFN), Armed Forces of the Forces nouvelles. This DDR programme was to apply to all soldiers and armed militias enlisted since the armed insurgency of September 2002 and to incorporate more than 50,000 combatants, including women and child soldiers.[17] However, none of the measures anticipated in the timetable, and, in particular, the rehabilitation of sites designated to receive demobilized combatants, has been implemented. The main factor blocking progress appears to be a complete lack of mutual confidence, without which such a programme has no chance of getting off the ground.

Violations of the ceasefire

Despite repeated ceasefire agreements, both sides have launched several attacks, striking selectively. During the past year, the two main ceasefire violations occurred in November 2004 when aircraft of the government army shelled positions held by the Forces nouvelles at Bouaké, and in February 2005 when the Mouvement de Libération de l'Ouest de la Côte d'Ivoire (MILOCI), Movement for the Liberation of the West of Côte d'Ivoire, a pro-government militia, launched an attack on the town of Logoualé (450km northwest of Abidjan, not far from the ceasefire line). This attack, which prompted rapid intervention by forces of the UN Operation in Côte d'Ivoire (UNOCI), highlighted once again the role of pro-government militias who act with complete impunity, in particular in the west of the country, increasingly resorting to guerrilla tactics and calls for violence.[18] In addition, government security forces have described as a "ceasefire violation" by the Forces nouvelles the attack on two neighbourhoods in the vicinity of Abidjan, Anyama and Agboville, by unidentified armed men in July 2005.

An arms embargo difficult to control

In spite of an arms embargo imposed by the UN Security Council in November 2004, several reports, which Amnesty International has not been able to confirm, refer to the purchase and transfer of heavy weapons, both in areas under government control and

[17] Included in these some 50,000 combatants are: 40,500 combatants of the Forces nouvelles; some 5,000 militias; and between 3,000 and 12,000 people integrated into the FANCI since September 2002.
[18] For example, "Pasteur Gammi", leader of MILOCI, quoted in *Fraternité Matin* on 8 March 2005, was specific: "*Our sole objective is to return to our homes, but without the rebels being there. What we are preparing will be more serious. It is all-out guerilla war. At the start, it was an insurrection pursued with restraint, now we shall be better organized*".

in the northern part of the country held by the Forces nouvelles. In September 2005, Lieutenant-Colonel Khadir, UNOCI military spokesman, announced that UNOCI had undertaken 181 unannounced inspections of the arms embargo, in accordance with the principles of "impartiality, fairness and timeliness". One incident has, however, attracted the attention of UN inspectors: in June 2005 some 20 grey military vehicles, as well as several crates, were discovered at the fruit terminal in Abidjan. Questioned during a press conference about the contents of these crates, Pierre Schori, Special Representative of the UN Secretary-General for Côte d'Ivoire, indicated: "At any rate, the case is now in New York and there will be consequences".[19] The Ivorian army, for its part, clarified in a statement that the shipment consisted of 22 jeeps delivered to the Ministry of Defence by an Abidjan arms dealer at the request of the government. The Ivorian army added that the jeeps were a replacement shipment for an order for munitions that had been made and paid for before the arms embargo came into effect.[20]

Whatever the case, confronted with the barely concealed desire by both parties to fight it out militarily sooner or later, the resources available to the UN to effectively monitor the arms embargo appear to be inadequate. This is recognized in the sixth progress report of the UN Secretary-General on UNOCI, published on 26 September 2005. In this report, Kofi Annan indicated in particular that: "an arms embargo expert is being identified to advise UNOCI on how to improve the effectiveness of its arms embargo inspection teams".[21]

Inter-ethnic clashes

For more than a decade, Côte d'Ivoire has witnessed inter-ethnic clashes, especially in the west of the country, between "autochthon" (autochtone) villagers and the "allogenous" (allogène) population (the term used to describe people coming from other parts of Côte d'Ivoire and neighbouring countries, especially Burkina Faso, to work on cocoa and coffee plantations.) These clashes have been precipitated by disputes over land tenure, stemming from a policy that aims to confer the right to possess land only to Ivorian citizens. Antagonism has also been aggravated by xenophobic rhetoric fuelled by some political figures and news media, which have encouraged the "autochthon" population to claim land that had by custom been

[19] UNOCI, transcription of press briefing held on 30 June 2005.
[20] Statement quoted in IRIN dispatch, *Côte d'Ivoire: UN threatens action after finding 22 military vehicles at port*, 30 June 2005.
[21] Sixth progress report of the Secretary-General on the United Nations Operation in Côte d'Ivoire, UN Doc. S/2005/604, 26 September 2005, para. 24.

handed over – sometimes for decades – to cultivators from other regions of Côte d'Ivoire or neighbouring countries such as Burkina Faso.

With the insurgency of September 2002, these tensions heightened as everyone with a Dioula name could be accused of sympathies with the "rebellion" and thus at risk of being expelled from their land. The security forces and UNOCI troops have been unable to prevent confrontations – sometimes very violent – which constitute one of the main risks of inflaming the situation. The most serious confrontations this year occurred at the beginning of June 2005 when dozens of people from the Guéré ethnic group (originating from the west of the country) were killed in the villages of Guitrozon (5km from Duékoué) and Petit Duékoué by unidentified individuals armed with shotguns and knives. The following day, apparently in an act of reprisal, some 10 people with Dioula names were killed in the centre of Duékoué.

Above and beyond these confrontations is the whole question of co-existence between different ethnic groups in some regions of the west of the country. During the first six months of 2005 "allogenous" people were forced from their plantations in several villages, in particular Bloléquin and Guiglo. Representatives of both political and traditional authorities, as well as the Head of State himself, called on members of all communities to learn to live with each other again. During a visit to the region in June 2005 Laurent Gbagbo recommended the formation of reconciliation committees in villages in order to jointly find solutions to their problems. However, distrust remains. Some "autochthons" blame the "allogenous" population of not wanting to integrate, of "not wanting to undergo a census in order to establish their exact number, of encroaching on the property of landowners, of not respecting the habits and customs of the "tuteurs" [autochthon landowners] [and] of desecrating the forest with illicit burials".[22] In this atmosphere, any advocacy of hatred or disagreement, in particular over land, between members of the "autochthon" and "allogenous" communities could degenerate into massacres all the more bloody because they often occur in remote areas, far from the gaze of both political authorities and ONUCI forces.

To understand the origin and political reasons for these inter-ethnic clashes, the decisive role played over many years by the xenophobic rhetoric spread by some newspapers and politicians must be stressed: they have accused foreign nationals living in Côte d'Ivoire – and more widely all Ivorians originating from the north of

[22] *Fraternité Matin*, "No to *allogènes* returning to the plantations", 20 June 2005.

the country and of Muslim heritage – of being responsible for the economic and subsequent political crises experienced by the country for more than a decade.

Xenophobic rhetoric in the name of "ivoirité"

In the name of a theory known as "ivoirité" ("Ivorianness"), developed by some intellectuals closely associated with former President Henri Konan Bédié, some news media and politicians have for around a decade increasingly made pronouncements and published articles setting "true" Ivorians against the "allogenous" population, commonly known as Dioulas. This term has been used to describe, according to the prevailing situation, any person of Muslim background and originating from the north of Côte d'Ivoire or other countries in the sub-region (Mali, Burkina Faso, Guinea, Senegal etc.).

The theory of "ivoirité" was particularly developed during a conference that took place in Abidjan in March 1996 under the rubric "Ivoirité", or the spirit of the new social contract of President H.K. Bédié. One of the participants provided a definition of "ivoirité" that drew on an analysis of both economic and psychological factors:

"Several factors can be shown to justify the disquiet of Ivorians. First of all, the large number of foreigners in Côte d'Ivoire […] added to a high rate of immigration and a high birth rate […]. Foreigners […] occupy a dominant and sometimes overwhelming place in the Ivorian economy. This foreign presence therefore threatens to destroy the socio-economic balance of the country. Secondly, striving to understand what it is to be Ivorian goes back to the search for a national cultural identity. […] Finally, what it is to be Ivorian is an expression of the political claim to be in your own country. […] "Ivoirité" is, we believe, a requirement of sovereignty, identity, creativity. The Ivorian people must first of all assert their sovereignty, their authority in the face of dispossession and subjugation: whether it concerns immigration or economic and political power."[23]

These expressions of xenophobia found a fertile breeding ground in the economic crisis that had gripped the country since the beginning of the 1990s when the price of cocoa, the country's main commodity, collapsed. Tensions were

[23] Proceedings of the CURDIPHE Conference, 20 to 23 March 1996, published under the direction of Saliou Touré, in *Politique africaine*, No. 78, June 2000, Karthala, Paris, pp. 65-66.

exacerbated when former Prime Minister Alassane Ouattara declared his candidature in the presidential election of 2000 but was refused the right to take part on the grounds that he was Burkinabè, not Ivorian.

Following the armed insurgency of 19 September 2002, the Dioulas as a whole were considered "rebels" by some news media and political leaders close to the President. This resulted in serious abuses against the Dioulas, in particular extrajudicial executions and "disappearances".

The role of these expressions of xenophobia in exacerbating existing tensions in Côte d'Ivoire was clearly demonstrated in March 2004 by Doudou Diène, the UN Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance:

"… Côte d'Ivoire seems to be caught up in a dynamic of xenophobia stemming, in his view, from a concatenation of several factors, which, if proper solutions are not found urgently, may lead to the emergence of real xenophobia. Firstly, the imposition of the multiparty system introduced in 1990 on the multi-ethnic situation literally triggered the latent ethnic and cultural tension. In addition, in this context, the instrumentalization of the ethnic group in politics and the media constituted a temptation which politicians were unable to resist. The emergence of the concept of 'ivoirité' ('Ivorianness') in 1995 was given an ethnicist interpretation and profoundly influenced the political debate. Lastly, the irruption of war, which took the form of manifestations of ethnic violence, had a radicalizing effect and constitutes a major factor in this dynamic of xenophobia".[24]

The decisive role played by some sectors of the media in inflaming xenophobic sentiments was further clearly emphasized by the UN Secretary-General in his sixth progress report on UNOCI published on 26 September 2005: "[D]uring the period under review [17 June to 26 September 2005] incitements to violence, exclusion and intolerance and calls for a resumption of the armed conflict continued uninterrupted by the Ivorian media, in particular those associated with the ruling party".[25]

[24] Report submitted on 4 March 2004 to the UN Commission on Human Rights (UN Doc. E/CN.4/2004/18/Add.4). Amnesty International has also on several occasions denounced the repercussions of this trend towards xenophobia on respect for human rights. See, in particular, the press release published on 9 November 2004 entitled *Renewed violence against civilians and incitement to xenophobia must stop immediately* (AI Index: AFR 31/012/2004).

[25] Sixth progress report of the Secretary-General on the United Nations Operation in Côte d'Ivoire, UN Doc. S/2005/604, 26 September 2005, para. 40.

Attacks on freedom of expression

Since the beginning of the armed insurgency in September 2002, several journalists and editorial staff have been victims of physical and verbal attacks and intimidation, and destruction of their premises, particularly in Abidjan but also in Bouaké, in the stronghold of the Forces nouvelles.

These attacks against freedom of expression have often occurred at the instigation of the "Jeunes Patriotes" (Young Patriots), a loosely defined movement professing support for President Gbagbo which claims to want to defend Côte d'Ivoire against both internal and external enemies and which resorts to blatantly xenophobic rhetoric. For example, on 24 July 2005, a few hours after the attack on two neighbourhoods to the north of Abidjan, about 100 "Jeunes Patriotes" forced their way into the headquarters of Radio-télévision ivoirienne (RTI) in order to demand the broadcast in full of a speech by their leader, Charles Blé Goudé. The following day, groups of "Jeunes Patriotes" destroyed editions of two opposition newspapers, Le Patriote (closely associated with the Rassemblement des Républicains (RDR), Rally of Republicans, the party of former Prime Minister Alassane Ouattara) and Le Nouveau réveil (closely associated with the Parti démocratique de Côte d'Ivoire (PDCI), Democratic Party of Côte d'Ivoire, of former President Henri Konan Bédié). These actions prompted protests from the Observatoire de la liberté de la presse, de l'éthique et la déontologie (OLPED), an Ivorian organization which monitors respect of the right to freedom of the press. In a statement published on 28 July 2005, OLPED denounced the fact that "for several days, the Ivorian news media have once again faced a wave of violence and attacks. Acts of intimidation are increasing. The RTI is under attack. Entire batches of newspaper copies are being torn up or burned after being taken from lorries delivering them to towns in the interior of the country."[26] For its part, the organization Reporters sans frontières, in a press release issued on 29 July 2005, denounced "an unacceptable deterioration in the safety of journalists in Abidjan as a result of a reign of terror imposed by a pro-government militia known as the Young Patriots".[27]

Government authorities, as well as some supporters of President Gbagbo, have also on many occasions attacked the international press, and especially journalists and installations of Radio France International (RFI).[28] RFI correspondent Jean Hélène

[26] 211th Communiqué by OLPED, 28 July 2005.
[27] Reporters sans frontières, "Young Patriots brutally impose law of the predators in Abidjan", 29 July 2005.
[28] In July 2005 the daily newspaper *Notre Voie*, official voice of the Front populaire ivoirien (FPI), Popular Ivorian Front, the party of President Gbagbo, described RFI as "*a propaganda radio for the*

was killed in cold blood on 21 October 2003 by an Ivorian police sergeant and RFI transmissions have on several occasions been cut off since the attempted coup in September 2002.[29] As recently as mid-July 2005, FM (frequency modulation) transmission by RFI was officially suspended on the grounds of, according to an official statement by the Ivorian authorities, "non-professional treatment" of the news by RFI.[30]

Furthermore, since the beginning of the armed conflict in September 2002, some news media, which have proclaimed themselves to be "nationalist", have regularly encouraged hatred against certain foreign journalists, and have, for example, provided the address and telephone numbers of journalists accused of systematically criticizing the government or security forces.

With the exception of the murder of Jean Hélène, no legal proceedings have taken place in respect of these serious acts of intimidation against both Ivorian and foreign journalists, leading to the conclusion that such acts are tolerated, if not even encouraged, by certain political milieux close to the "Jeunes Patriotes". Even more seriously, military officials have openly warned Ivorian journalists against any semblance of independence. For example, in August 2005, the chief of staff of loyalist Ivorian forces, General Philippe Mangou, threatened to "prohibit" the publication of newspapers, which "would not work in the interests of the nation".[31]

Need for international peacekeeping troops to avoid excessive use of force within the scope of their mandate

In November 2004 fours days of confrontations between Ivorian civilians and French soldiers of the Force Licorne resulted in dozens of dead and injured. Having visited Côte d'Ivoire to investigate these incidents, Amnesty International obtained information indicating that French forces had, in some instances, resorted to excessive

neo-colonialist ambitions of Chirac's France in Côte d'Ivoire", *Notre Voie*, "The reawakening of the martyred State", 18 July 2005.

[29] The murderer of Jean Hélène was sentenced to 17 years' imprisonment in January 2004 but Amnesty International publicly expressed its concern that the military tribunal which tried the police officer accepted "*extenuating circumstances*" for a crime provoked by a campaign of xenophobia and hatred against both Ivorian and foreign journalists who pursued their profession with independence. See the press release published by Amnesty International on 26 January 2004, *Côte d'Ivoire: One year after Marcoussis, the victims are still waiting for justice* (AI Index: AFR 31/001/2004).

[30] As of 9 October 2005, FM transmission of RFI in Côte d'Ivoire was still suspended.

[31] This warning was given during a meeting with journalists from all Ivorian newspapers on 24 August 2005.

and disproportionate use of force when confronted by demonstrators who posed no direct threat to either their lives or that of a third party.

In order to prevent a recurrence of such incidents, in the event of further confrontations between Ivorians and international peacekeeping troops, it is essential that peacekeeping troops respect at all times international human rights and humanitarian law, and notably the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials[32], and that they are trained and equipped in order to be able to conform to these standards.

CONCLUSION

There have been intense diplomatic efforts to resolve the crisis in Côte d'Ivoire. ECOWAS, France, the AU, as well as the UN, have increasingly made attempts to mediate which have resulted in several agreements signed by all parties to the conflict. However, three years after this crisis began and a few days before mandate of the current head of state expires, none of these agreements has forged any real progress towards a peaceful resolution to the conflict. What is more, calls for dissent and insurgency by two senior officials of the Ivorian army have fostered, particularly in Abidjan, a pervasive climate of suspicion, which could at any time result in serious human rights abuses.[33]

Not since Côte d'Ivoire gained independence have so many uncertainties hung over its future. What will happen after 30 October 2005 when President Gbagbo's mandate expires? The current head of state has repeatedly asserted his intention to remain in power until a presidential election takes place; the prevailing situation, however, appears to make such an election highly unlikely in the near future. Opposition political parties, as well as the Forces nouvelles, have on several occasions publicly opposed any extension of Laurent Gbagbo's mandate and have called for the immediate establishment of a transitional government. At the time of writing, it was

[32] Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990.

[33] These calls were made in August 2005 by two senior officials of the army, Lieutenant Colonel Jules Yao Yao and the former chief of staff of loyalist forces, General Mathias Doué, who have broken away from the army. In an open letter published in several national daily newspapers, Lieutenant Colonel Jules Yao Yao implicated "*close associates*" of President Gbagbo, whom he portrayed as belonging to "*death squads*". General Doué, for his part, warned in an interview given to RFI on 19 August 2005: "*If the international community does not want to commit itself to making* [President Gbagbo] *go quietly, I shall do it by fair means or foul*".

not possible to gauge if the proposal by the AU, approved by the UN Security Council, – that is, Laurent Gbagbo remaining as president of Côte d'Ivoire after 30 October 2005 and the appointment of a prime minister who would be "acceptable to all" – would allow Côte d'Ivoire to emerge from political impasse.

Confronted by this situation, the international community – which has already made significant efforts to the resolve the Ivorian conflict and has deployed a 10,000-strong peacekeeping force – must assume its responsibilities and do everything possible to enforce and ensure implementation of UN Security Council resolutions so as to prevent a resumption of the conflict which would inevitably result in serious human rights abuses.[34]

RECOMMENDATIONS

In order to prevent further serious human rights abuses, Amnesty International is making a series of recommendations to the parties to the conflict and also to the international community.

Amnesty International urges:

The Ivorian government and the Forces nouvelles:

- to respect common article 3 of the Geneva Conventions and the provisions of additional Protocol II to the Geneva Conventions, ratified by Côte d'Ivoire in1989, which stipulate the obligation to treat humanely civilians and wounded or other combatants placed hors de combat, both in international and non-international conflicts. These provisions include the prohibition of ill-treatment and torture of those in detention;

- to immediately end the recruitment of refugees, including children under the age of 18, and to declare publicly and unequivocally that such practices must

[34] In his sixth progress report, the UN Secretary-General concluded that: "*the Security Council may wish to consider taking firm action against those who attempt to obstruct the implementation of these and other key provisions of the Pretoria Agreement, notably through the imposition of the targeted sanctions envisaged under Security Council resolution 1572 (2004). The time has come for the Ivorian parties to clearly assume their respective responsibilities*". Kofi Annan further welcomed the decision of the Chairman of the UN Sanctions Committee to visit Côte d'Ivoire (this visit was scheduled to take place on 18 October 2005). See Sixth progress report of the Secretary-General on the United Nations Operation in Côte d'Ivoire, UN Doc. S/2005/604, 26 September 2005, para. 63.

end. Amnesty International reiterates that this requirement applies equally to armed groups who are distinct from state armed forces;

- to set the DDR into motion. The disarmament process must accord particular attention to the problem of child soldiers in Côte d'Ivoire. Amnesty International reiterates that, under international law, the recruitment and use of child soldiers constitutes a violation of the rights of the child and a war crime if the child is under 15. Any DDR programme must include specific provisions for children which ensure medical care, education, professional training, family tracing and reunification, and which also meet the specific needs of girls.

The Ivorian government:

- to give clear and strict instructions to the security forces to respect and protect human rights and to bring to justice alleged perpetrators of human rights abuses;

- to remind the security forces of their obligation to adhere to proportional use of force as set out in particular in the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials;

- to end support – implicit and explicit – to both independent and state-controlled media that convey xenophobic sentiments targeting in particular foreign nationals and Ivorians originating from the north of the country;

- to enact legislation prohibiting all advocacy of national, racial or religious hatred that constitutes incitement to discrimination. Such legislation must conform to the government's obligations under the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) and the International Covenant on Civil and Political Rights (ICCPR);

- to establish a code of conduct and professional ethics for the media in order to prevent advocacy of hatred and to encourage pluralist reporting;

- to ratify as soon as possible the Statute of the International Criminal Court, without taking advantage of Article 124 of the Statute which allows a state, on becoming a party to the Statute, to declare that, for a period of seven years after the entry into force of the Statute for the state concerned, it does not

accept the jurisdiction of the International Criminal Court with respect to war crimes alleged to have been committed by its nationals;

- to ratify the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, which entered into force in February 2002, as well as the African Charter on the Rights and Welfare of the Child, which entered into force on 29 November 1999;

- to ensure that the movements of observers, especially UN personnel, non-governmental organizations, in particular those protecting human rights, journalists and other representatives of civil society are not unnecessarily restricted.

The authorities and personnel of the Forces nouvelles:

- to give clear instructions to their armed combatants to respect human rights and refrain from committing abuses, in particular deliberate and arbitrary killings;

- to remove immediately from their duties anyone implicated in abuses so that they are prevented from committing further abuses;

- to exercise strict control over their troops and ensure that abuses, including ill-treatment, torture and summary executions, are no longer committed by members of the Forces nouvelles anywhere in the country;

- to refrain from resorting to any physical or verbal threats towards journalists and those who express divergent opinions in the territory under their control;

- to ensure that the movements of observers, especially UN personnel, non-governmental organizations, in particular those protecting human rights, journalists and other representatives of civil society are not unnecessarily restricted.

The international community and, in particular, foreign troops serving under UN mandate as well as French troops of the Force Licorne to take measures:

- to ensure the protection of the civilian population as provided in UN Security Council Resolutions 1464 and 1528, adopted respectively on 5 February 2003 and 27 February 2004;

- to implement fully its mandate to protect human rights and, in particular, as specified in UN Security Council Resolution 1528: "[t]o contribute to the promotion and protection of human rights in Côte d'Ivoire with special attention to violence committed against women and girls, and to help investigate human rights violations with a view to help ending impunity";

- to ensure that the methods employed by peacekeeping forces, including the Force Licorne, to maintain order during demonstrations in Côte d'Ivoire conform to international human rights standards for managing protest movements, and to ensure in particular that they are able to control demonstrations without resorting to the use of lethal weapons unless there is a clear danger to the lives of their soldiers or a third party.