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Côte d'Ivoire: Ensure Security, Protect Expression, Movement

(Dakar) - President Laurent Gbagbo should ensure that authorities under his control fully respect the rights of all Ivorians, including opposition supporters, to security, freedom of movement, and free expression, Human Rights Watch said today. The Ivorian government closed the country's ground borders and air space, cut off broadcasts by the international media, and curtailed the movement of journalists and reporters just hours before the Ivorian Constitutional Council on December 3, 2010, controversially overturned the verdict of the Independent Election Commission and named Gbagbo the winner of a November 28 run-off election.

International observers have said that the commission's original announcement of victory for opposition leader Alassane Ouattara represented the expressed will of Ivorians during a largely free and fair vote. The UN secretary-general's office certified Ouattara as the president-elect of Côte d'Ivoire subsequent to the Constitutional Council's decision to overturn the vote, and the United States and European Union have both called on Gbagbo to respect that Ouattara won the run-off.

"If ever there was a time for cool heads to prevail in Côte d'Ivoire, this is it," said Corinne Dufka, senior West Africa researcher at Human Rights Watch. "The risk of violence between supporters of the two parties, as well as repression by Ivorian security forces against real or perceived supporters of Ouattara, is very high."

On the night of December 1, gendarmes and paramilitary forces raided Ouattara's political party offices in Abidjan, the financial capital, and opened fire, leaving at least four dead and many others wounded. During this tense post-election period, the UN and key states should make clear to Gbagbo that he will be held accountable if his security forces perpetrate violence or other human rights abuses, or fail to protect opposition supporters from violence by pro-Gbagbo paramilitary forces, Human Rights Watch said.

Human Rights Watch called on the thousands of UN peacekeepers, part of the United Nations Operation in Côte d'Ivoire (UNOCI) that has been in the country since 2004, to be prepared to take immediate action in accordance with its mandate "to protect civilians under imminent threat of physical violence, within its capabilities and its areas of deployment" and "to contribute to the promotion and protection of human rights in Côte d'Ivoire, with special attention to violence committed against children and women."

The security forces in Côte d'Ivoire, often working in tandem with pro-Gbagbo militia,

have on numerous occasions used excessive and lethal force, and engaged in widespread violations against civilians. Election violence in 2000 left over 200 dead, including scores killed in massacres by the army and gendarmes. Since then, pro-government militias, sometimes working with the security forces, have been involved in numerous politically motivated attacks on members and perceived supporters of the opposition, journalists, and United Nations peacekeepers.

In the event of violent protests, Human Rights Watch calls on the Ivorian security forces to abide by the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, which require law enforcement officials, in carrying out their duties, to use nonviolent means to the greatest extent possible before resorting to force. Whenever the lawful use of force is unavoidable, law enforcement officials must use restraint, minimize damage and injury at all times, and respect and preserve human life. Ivorian authorities are responsible for ensuring that commanding officers, up to the president himself, are held accountable if they know, or had reason to know, that law enforcement officials under their command resorted to the unlawful use of force and firearms, and if they failed to take all measures in their power to prevent, suppress, or report such abuse.

Human Rights Watch also called on the European Union, United States, African Union, Economic Community of West Africa States (ECOWAS), and United Nations to make it clear that authorities will be held accountable for any violence they instigate or tolerate. These entities also should press Ivorian authorities to lift restrictions immediately on movement and on radio and television broadcasts.

"The second round of Côte d'Ivoire's elections should have been a turning point for people long denied the right to elect their president freely," Dufka said. "Ivorian authorities and international partners should ensure that these elections don't repeat a pattern of voting improprieties and targeted post-election violence by those tasked with impartially protecting the population."

Background

After repeated postponements of presidential elections over the last five years, Ivorians finally went to the polls on October 31, and again for the run-off on November 28. The elections pitted Gbagbo, the incumbent from the Ivorian Popular Front (*Front populaire ivoirien*, FPI), against Ouattara, of the Houphouëtist Rally for Democracy and Peace (*Rassemblement des Houphouëtistes pour la démocratie et la paix*, RHDP). As a spokesperson from the Independent Electoral Commission (CEI) prepared to announce final results on November 30, a pro-Gbagbo official on the commission ripped the ballot papers from his hands.

On December 2, the commission president, Yousouf Bakayoko, declared Ouattara the victor, with over 54 percent of the vote. However, Paul Yao N'Dre, the president of the Constitutional Council, which has responsibility for adjudicating disputes, said the decision was invalid because the commission had not met a three-day deadline for announcing the results. He announced that the council would examine Gbagbo's demand to annul certain results due to alleged irregularities and intimidation.

International observers, including the European Union and the Carter Center, stated publicly that the irregularities and violence had not been of a degree to invalidate results, and that overall the election had been free and fair. Less than 24 hours later, however, the Constitutional Council overturned the Electoral Commission results and proclaimed Gbagbo the victor, with 51 percent of the vote. The Constitutional Council is widely seen by international observers as stacked with Gbagbo supporters, including N'Dre.

Ivorian politics have divided sharply along ethnic, regional, and religious lines since the country's first multi-party elections in 1995. In both 1995 and 2000, Ouattara was barred from running for president because of questions about his citizenship. Gbagbo was declared the winner of the 2000 election by the electoral commission, but General Robert Gueï, who had taken power in a 1999 coup and placed second in the 2000

elections, attempted to disregard the results and maintain power.

Massive popular protests ensued and, after Gueï lost his military support, he fled the country. Gbagbo became president a day later. Ouattara's RDR party immediately called for new elections, with their candidate allowed to run, and violence ensued between Gbagbo and Ouattara's supporters. The army and gendarmes frequently used excessive force against Ouattara supporters, including several massacres that left more than 200 dead.

Tension continued to rise between the north and south in the aftermath of the 2000 election. On September 19, 2002, rebels from the Patriotic Movement of Côte d'Ivoire (*Mouvement patriotique de Côte d'Ivoire*, MPCI), whose members were drawn largely from the country's Muslim north, attacked Abidjan and the northern towns of Bouaké and Korhogo. Several other rebel groups united with the MPCI and formed the *Forces Nouvelles*. Civil war continued until a ceasefire agreement put an end to active armed conflict between the government and the *Forces Nouvelles* in May 2003. For the last seven years, however, the country has remained effectively split in two, with the *Forces Nouvelles* controlling the north and the government the south.

France, ECOWAS, the African Union, and the United Nations have all tried to end the stalemate, culminating in the Ouagadougou Political Agreement in March 2007, which called for imminent elections and the reunification of the country. The Gbagbo government made little effort to redeploy state officials to the north, however, and the *Forces Nouvelles* often impeded the attempts that were made. Elections were delayed six times, leaving Gbagbo in power five years after his mandate expired and denying the Ivorian people the right to elect their leader.

The rule of law has crumbled over the last decade, leaving little faith in institutions mandated to maintain law and order, including the police and gendarmerie. In the south, the state forces are largely stacked with supporters of Gbagbo and the FPI, supplemented by pro-Gbagbo militias, including *Jeunes Patriotes* and FESCI. Seven years after the end of active hostilities, there has also been an almost complete failure to disarm the various fighting factions. Arms are easy to acquire, and possession of them is widespread.

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