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Some military personnel believe they have impunity above the law

19 September 2000

SUMMARY

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Since the military coup on 24 December 1999 in Côte d'Ivoire, which overthrew the President, Henri Konan Bédié, numerous attacks on human rights have threatened the very basis of the rule of law, already weakened by violations committed under the previous government.

Groups of military personnel, believing themselves to be above the law, have set up a parallel system of justice which has marginalised the legal institutions of justice, by killing, sometimes in public, suspected offenders, using excessive force against lawyers and magistrates and arresting and ill-treating journalists. These military personnel have also carried out a number of raids in Douakro, the birthplace of former President Konan Bédié, where they beat up some of his relatives or their employees in order to recover goods and money that the new government considered had been obtained fraudulently.

These soldiers have been active both within the *Poste de commandement de crise* (PC-crise), Crisis Command Post, a unit set up by the new authorities as the official vehicle for combating banditry, and within unofficial gangs of soldiers, the self-proclaimed "La Camora" or "Red Brigades". These parallel structures have chosen as their headquarters the *Primature*, Office of the Prime Minister, where the new Head of State, General Robert Gueï is also based. After their arrest some people, journalists in particular, were taken to the *Primature* and beaten, which must give rise to doubts about the will of the political authorities to put a stop to such practices.

This report is published following a fact-finding visit to Côte d'Ivoire by Amnesty International in May 2000. The delegation met numerous witnesses and victims of abuses committed by certain military personnel. Led by the organization's Secretary General, Pierre Sané, Amnesty International's representatives also met some of the State's most senior representatives, including General Robert Gueï, to whom they expressed their concerns. The Head of State did

not deny the abuses committed by some members of the military and, in a dramatic gesture in front of the Amnesty International delegation, he summoned those members of the military responsible for these acts to the *Primature* and dissolved all the parallel units, prohibiting them henceforth from arresting civilians and administering justice themselves. This decision led to a reduction of violations against some civilians and lawyers, but did not prevent journalists from being harassed or stop summary executions of suspected offenders from being carried out with complete impunity.

On the eve of important elections, first presidential, followed by legislative and municipal, Amnesty International is appealing to the present political authorities and those soon to be elected to commit themselves to putting an end to the impunity enjoyed by members of the military who have committed human rights abuses since the December 1999 coup. Some abuses have been acknowledged by the authorities and in May 2000 General Gueï asked the population to "forget the abuses" carried out by the military. However, forgetting is no substitute for justice and above all does nothing to prevent future violations. Some soldiers have, indeed, been disciplined but many of them, including those who have behaved brutally towards journalists, continue to enjoy complete impunity.

For years, Amnesty International has been following the human rights situation in Côte d'Ivoire and has continued to call for an end to impunity for those members of the security forces responsible for human rights violations. Under the government of Henri Konan Bédié, it was particularly the police force and the *gendarmerie*, (para-military police force) who were responsible for such acts. Since the December 1999 coup, the rule of law has been most seriously undermined by certain groups of soldiers, who have refused to return to barracks and hand over their arms. But in spite of political changes at the highest levels of the State, impunity has and continues to hold sway in Côte d'Ivoire. It is this impunity for the security forces which compromises all efforts to improve respect for the fundamental rights of the Ivorian population. As long as this impunity lasts, there will be no hope of a serious basis for the establishment of genuine rule of law in Côte d'Ivoire.

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PHOTOGRAPHS /

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CÔTE D'IVOIRE

**Some military personnel
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CÔTE D'IVOIRE

Some military personnel believe they have impunity above the law

Introduction

Since the military coup on 24 December 1999 in Côte d'Ivoire, which overthrew the President, Henri Konan Bédié, numerous attacks on human rights have threatened the very basis of the rule of law, already weakened by violations committed under the previous government.

Groups of military personnel, believing themselves to be above the law, have set up a parallel system of justice which has marginalised the legal institutions of justice, by killing, sometimes in public, suspected offenders, using excessive force against lawyers and magistrates and arresting and ill-treating journalists. These military personnel have also carried out a number of raids in Douakro, the birthplace of former President Konan Bédié, where they beat up some of his relatives or their employees in order to recover goods and money that the new government considered had been obtained fraudulently.

These soldiers have been active both within *le Poste de commandement de crise* (PC-Crise), Crisis Command Post, a unit set up by the new authorities as the official vehicle for combatting banditry, and within unofficial gangs of soldiers, the self-proclaimed "La Camora" or "Red Brigades". These parallel structures have chosen as their headquarters the *Primature*, Office of the Prime Minister, where the new Head of State, General Robert Guéi is also based. After their arrest some people, journalists in particular, were taken to the *Primature* and beaten, which must give rise to doubts about the will of the political authorities to put a stop to such practices.

Amnesty International does not favour any particular type of government but it insists to those in power that human rights be respected throughout the world. During the presidency of Henri Konan Bédié, the organization denounced numerous violations committed by the authorities, including those directed at political opponents, students and journalists.¹

The new authorities, arising from the coup, adopted some positive measures like the April 2000 decision to repeal the so-called "*loi anti-casseurs*", Anti-riot law, which was adopted in 1992 and had led to the arrest of many prisoners of conscience. This law enshrined the concept of collective responsibility, which is contrary to all principles of justice. Similarly, the new constitution, adopted by popular referendum on 23 July 2000, contains certain provisions

¹ See in particular *Côte d'Ivoire: Freedom of expression and association threatened*, AI Index: AFR 31/03/94 and *Côte d'Ivoire: Government opponents are the target of systematic repression*, AI Index: AFR 31/01/96

designed to protect human rights, notably the abolition of the death penalty². For years, Amnesty International had been publicly appealing to Côte d'Ivoire to take these measures and it welcomes these decisions. However, the organization is concerned about violations ordered or at least tolerated by the new authorities, for which the majority of the military personnel responsible are not held accountable before a court.

This report is published following a fact-finding visit to Côte d'Ivoire by Amnesty International in May 2000. The delegation met numerous witnesses and victims of abuses committed by certain military personnel. Led by the organization's Secretary General, Pierre Sané, Amnesty International's representatives also met some of the State's most senior representatives, including General Robert Gueï, to whom they expressed their concerns. The Head of State did not deny the abuses committed by some members of the military and, in a dramatic gesture in front of the Amnesty International delegation, he summoned those members of the military responsible for these acts to the *Primature* and dissolved all the parallel units, prohibiting them henceforth from arresting civilians and administering justice themselves. This decision led to a reduction of violations against some civilians and lawyers, but did not prevent journalists from being harassed or stop summary executions of suspected offenders from being carried out with complete impunity.

On the eve of important elections, first presidential³, followed by legislative and municipal, Amnesty International is appealing to the present political authorities and those soon to be elected to commit themselves to putting an end to the impunity enjoyed by members of the military who have committed human rights abuses since the December 1999 coup. The government which came to power as a result of the coup has indeed had to confront several mutinies from soldiers, in particular those claiming greater financial rewards, and some soldiers charged with acts of pillage have been arrested and sentenced. But the parallel military units, who continue to summarily execute suspected offenders and who continue to harass journalists, have never had to answer for their actions before the courts.

More generally, the current problem in Côte d'Ivoire is the impunity enjoyed by military personnel who seized power in December 1999, some of whom have refused to return to barracks and to hand over their arms. Some abuses have been acknowledged by the authorities and in May 2000 General Gueï asked the population to "forget the abuses" carried out by the military. However, forgetting is no substitute for justice and above all does nothing to prevent future violations. Some soldiers have, indeed, been disciplined but many of them.

² Article 2 of the draft constitution states that "any punishment leading to the loss of human life is forbidden".

³ The first round of the presidential election, originally set for 17 September 2000, has been put back to 22 October 2000.

including those who have behaved brutally towards journalists, continue to enjoy complete impunity.

For years, Amnesty International has been following the human rights situation in Côte d'Ivoire and has continued to call for an end to impunity for those members of the security forces responsible for human rights violations. Under the government of Henri Konan Bédié, it was particularly the police force and the *gendarmerie*, (para-military police force) who were responsible for such acts. Since the December 1999 coup, the rule of law has been most seriously undermined by certain groups of soldiers, who have refused to return to barracks and hand over their arms. But in spite of political changes at the highest levels of the State, impunity has and continues to hold sway in Côte d'Ivoire. It is this impunity for the security forces which compromises all efforts to improve respect for the fundamental rights of the Ivorian population. As long as this impunity lasts, there will be no hope of a serious basis for the establishment of genuine rule of law in Côte d'Ivoire.

The first military coup in Côte d'Ivoire

On 24 December 1999, military personnel, apparently primarily motivated by the problem of unpaid wages, overthrew President Henri Konan Bédié, who had governed Côte d'Ivoire since the death, in 1993, of the country's first President, Félix Houphouët-Boigny. The deposed President was forced to leave for exile and, for the first time in the history of the country, the military took power by force of arms.

The fall of President Konan Bédié saw the setting up of a military council, which proclaimed itself the "*Comité national de salut public*" (CNSP), National Public Salvation Committee, and named General Robert Gueï, former army Chief of Staff, as Head of State. The Constitution was abolished and the National Assembly, the Constitutional Council and the Supreme Court were dissolved. The CNSP nominated a new government composed of both civilians and military personnel and including several representatives of the former opposition parties.

This apparent political normalisation did not prevent several mutinies against the new authorities by ordinary soldiers claiming increases in pay. The most serious of these mutinies took place on 4 and 5 July 2000, when soldiers took to the streets, firing in the air and commandeering private vehicles. The mutineers demanded a "spoils of war" payment of 6 million CFA francs (60,000 French francs) which it seems General Gueï had promised to each soldier. After some days of confusion, an agreement was reached between the discontented soldiers and the authorities, which meant each soldier would receive 1 million CFA francs.

Following this mutiny, on 9 July 2000, General Gueï promised "exemplary punishment" of soldiers responsible for looting and 35 soldiers, including eight officers, were brought to trial.

Proceedings against them began in August and around thirty soldiers, accused of looting, were given prison sentences of up to ten years. A month earlier, in July 2000, eleven other soldiers, accused of having taken part in a mutiny the previous March, in the Daloa region (in the west of the country), were given sentences of six to 18 months imprisonment.

Four officials of the *Rassemblement des Républicains* (RDR), Republican Assembly, the party of Alassane Ouattara, the last Prime Minister of Félix Houphouët-Boigny, were also arrested, following the mutiny of July 2000, during an investigation into a possible coup attempt. The four men, including Amadou Gon Coulibaly, the Deputy Secretary General of the RDR, were released without charge some days later.

The arrest of these four RDR leaders took place in the context of a very violent argument around the eligibility conditions for the presidency of Côte d'Ivoire. These eligibility conditions, which are included in the new constitution approved by referendum in July 2000, stipulate, in particular, that any presidential candidate "must be of Ivorian origin, born of an Ivorian father and mother" and that the candidate "must not at any time have held another nationality". The debate turned specifically on the right of Alassane Ouattara, who had declared his candidacy for the presidential election of October 2000, to run for election. The opponents of Alassane Ouattara maintained that the regulations excluded his candidacy on the grounds that he had taken Burkina Faso nationality. Alassane Ouattara, on the other hand, asserted that he did fulfil the eligibility conditions. At the time of writing (early September 2000), no announcement has been made of the decision of the Constitutional Chamber of the Supreme Court which should, according to electoral law, pronounce on the eligibility of candidates fifteen days before the first round of presidential elections, whether they take place on 7 October or later.

Amnesty International takes no position on the proposed eligibility conditions for the presidency of the Republic, which have given rise to numerous debates between different political parties, because this would go beyond its mandate. However, it remains alert to possible abuses that may lead, from a tendentious interpretation of these eligibility conditions, to discrimination against certain sectors of the population, who originate from neighbouring countries. The underlying debate about the definition of "Ivorian" and about the extensive presence in certain economic sectors, of individuals originating from neighbouring countries is in danger of fuelling tension. This debate began in the last years of the presidency of Henri Konan Bédié and xenophobic remarks, sometimes made by individuals close to the government at that time and to the current government, were repeated in some newspapers. It is probably the fear of being victimised by this xenophobia that pushed the *Conseil national islamique* (CNI), National Islamic Council, the most significant Muslim association in Côte d'Ivoire, into publicly opposing the eligibility conditions, stating that they would "divide Ivorians more than they would bring them together".

Although this matter is not within its mandate either, because there is no question of politically-motivated human rights abuses, Amnesty International has also noted disturbing

tendencies towards the militarisation of daily life. By way of example, in February 2000 the Ivorian football team was retained in a military camp because it failed to qualify for the second round of the African Nations Cup.

Other measures that threaten public freedom have been taken by the new authorities, for example political demonstrations have been banned, and all officials of political parties must seek advance authorization to leave the country. These restrictions constitute a violation of the right to peaceful demonstration and the freedom to come and go, guaranteed under Articles 12 and 21 of the International Covenant on Civil and Political Rights and Articles 11 and 12 of the African Charter of Human and Peoples' Rights of 1981, both ratified by Côte d'Ivoire in 1992.

In the coming months, the country is facing significant elections. After the constitutional referendum of last July, presidential, legislative and municipal elections are due before the end of the year. The stability of the country depends on the capacity of the authorities to conduct these elections successfully while avoiding possible ethnic and religious tensions and resisting pressure from soldiers who still refuse to return to barracks.

The arrest of officials from the government of Henri Konan Bédié

During the hours and days that followed the 24 December 1999 coup, more than ten officials of the deposed former government were arrested, the majority at their own homes. Several of Henri Konan Bédié's ministers were detained, including Laurent Dona Fologo, Minister responsible for National Solidarity and Secretary General of the former ruling party, the *Parti démocratique de la Côte d'Ivoire* (PDCI), Côte d'Ivoire Democratic Party, Amara Essy, Minister for Foreign Affairs and Emile Constant Bombet, Minister for the Interior and Decentralisation. Officials of the security forces were also arrested including General Attoh Nangui, Director General of the Police and General Séverin Konan Kouamé, Senior Commander of the *gendarmérie*. Most of them were taken to the military camp at Akouedo, near Abidjan where they were detained for several days or weeks before being released without charge.

All these arrests were carried out by soldiers without arrest warrants and several Ministers were ill-treated at the time of their arrest. Laurent Dona Fologo was humiliated at the time of his arrest at home. His spectacles were deliberately broken and in the vehicle taking him to the military camp at Akouedo, a soldier put his gun to his head and demanded: "So, is Alassane Ouattara Ivorian or not?", an allusion to the political debate which had been raging for years about the nationality of the Prime Minister of Côte d'Ivoire from 1990 to 1993.

Emile Constant Bombet was also ill-treated at the time of his arrest. According to those close to him, who were questioned by Amnesty International, the soldiers who came to arrest

him on 25 December 1999 at his home humiliated him in front of them. They beat him, spat on him and forced him to crawl on the ground.

Some detainees were taken to the military camp at Akouédo. Others were placed in Emile Constant Bombet's former official residence, while others were detained in unknown locations. These individuals were detained incommunicado for several days or weeks, when neither their families nor their lawyers had access to them. The *Ligue ivoirienne des droits de l'homme* (LIDHO), Ivorian Human Rights League, was also refused the right to visit the detainees, despite their repeated attempts. All these individuals were released without charge, either days, or in some cases weeks after the coup.

In an open letter to General Gueï on 21 January 2000, the Secretary General of Amnesty International expressed his concern at the detention outside of any legal framework of these civilians and military personnel since the December 1999 coup. The open letter emphasised that none of these civilians was held in an officially recognised place of detention and recalled that the Human Rights Committee had clearly indicated that States should make provision for "...detainees to be held in places officially recognized as places of detention and for their names and places of detention, as well as for the names of persons responsible for their detention, to be kept in registers readily available and accessible to those concerned, including relatives and friends." (General Comment 20, paragraph 11).

This practice of arresting political activists believed to be hostile to the new authorities continued sporadically well after the first days of the coup. On 8 January 2000, Mamadou Ben Soumahoro, a former member of parliament, was arrested at home by soldiers. This former member of parliament had left the RDR, the party of Alassane Ouattara and had supported the party of Henri Konan Bédié when the latter had challenged the Ivorian nationality of Alassane Ouattara. Mamadou Ben Soumahoro was suspected of being the author of a pamphlet sent to General Gueï which denounced the infiltration of the government by those close to Alassane Ouattara. The former member of parliament was released several days afterwards, without charge.

On 31 March 2000, three months after the coup, the former Minister of Defence under Henri Konan Bédié, Bandama N'Gatta was arrested on his return to the country along with the former Managing Director of the traditionally pro-government newspaper, *Fraternité Matin*, Michel Kouamé. The two men had accompanied the deposed President into exile in Paris and had decided to return to the country. At the time of their arrest, according to information received by Amnesty International, the head of the cabinet of the former Defence Minister, Kouamé Ndri Katchibo, who had come to meet them at the airport, was severely beaten by the military. Bandama N'Gatta and Michel Kouamé were taken to the Akouédo military camp, officially to "establish contact". Michel Kouamé was released the next day and the former Defence Minister three weeks later. Neither was charged. Amnesty International strongly protests at these arbitrary arrests carried out by military personnel who had no warrant to

undertake such arrests nor the authority to carry out inquiries into any possible crimes committed by these individuals.

Only one of the former government's officials, former Minister of the Interior, Emile Constant Bombet, was arrested several times. Released for the first time at the end of January 2000 after a month's detention, he was once again arrested at his home on 15 February. Soldiers arrived at his home without an arrest warrant and took him away without even giving him time to put on his shoes. He was held for 25 days at the *Maison d'Arrêt militaire d'Abidjan* (MAMA), military detention centre in Abidjan, where he was not ill-treated. He was apparently accused of "economic crimes" and "subversive meetings". He was provisionally released on 9 March. On 27 April, he was charged before a magistrate with "misappropriation of public funds". A misappropriation of 500 million CFA francs was mentioned. On this occasion, he was detained in a correct manner at the *Maison d'Arrêt et de correction d'Abidjan* (MACA), detention and punishment centre in Abidjan. He was provisionally released on 10 May 2000. In June 2000, General Gueï announced that judicial procedures against the former Minister of the Interior had been stopped and confirmed that "the file on Bombet in the context of 'operation clean hands' is void".

At the same time as these arrests of officials of the former government, military personnel made several raids on Daoukro, the birthplace of Henri Konan Bédié (250 km north of Abidjan), where they looted the belongings of the former President's family and ill-treated and tortured members of his entourage to make them reveal the whereabouts of supposed hidden riches.

Amnesty International's fact-finding mission visited Daoukro and was able to meet more than a dozen people and collect testimonies of the violence carried out by certain military personnel on the civilian population. Since the fall of Henri Konan Bédié, there have been at least five military raids on Daoukro from Abidjan. Soldiers arrived for the first time in the village on 18 January 2000. They asked the family of the former President if they owned any vehicles. The latter confirmed that they had deposited all state-owned vehicles in Abidjan, with a consignment note to verify this. The soldiers insisted that there must be vehicles hidden in the forest.

That same night, at about 2am, four all-terrain vehicles containing some twenty soldiers arrived at the compound of a close relative of Henri Konan Bédié. This individual, who has asked to remain anonymous for fear of reprisals, made the following statement to Amnesty International:

"Soldiers led by a member of the CNSP arrived at the compound and asked me to take them to the President's house where they had looted everything, the computers, the fridge. Then they stripped me to the waist and said that they were going to beat me. They demanded that I lift up the bedroom carpet to see if there was any money under

it, then they made me get up on a chair and threatened to set me on fire. "Everything here belongs to us", one soldier said, then I received a blow from a rifle butt above my left eyebrow, it felt like a sting and blood began to spurt out."

According to several testimonies collected in Daoukro by the Amnesty International delegation, on that night almost all able-bodied people were beaten and the soldiers did not leave until 5am. The soldiers also reportedly took away jewellery, gold watches and canes and Baoulé works of art. In all, the soldiers wounded 18 individuals including a young employee, Kouacou Brou Michel who received a knife wound in the cheek. Another individual, Kouamé Jean-Noel was hit with a gun on the shoulder, which broke his collar bone. The soldiers then demanded that he "*faire des pompes*"⁴ do press-ups, which he could obviously not do. His hands and feet were then tied together and he was given a kick in the stomach.

On 18 January 2000, other soldiers went to Kongoti, a village near Daoukro where the family of the former Finance Minister, Niamen N'Goran, lives. The soldiers arrived at 10pm when the family was about to go to bed. The soldiers, who were clearly looking for the former Finance Minister, are alleged to have violently struck the person who opened the door to them without even asking any questions. After being struck, this person was put in the boot of a car. Then the soldiers reportedly forced their way into the bedroom of the Minister's mother, a woman of nearly 80. They searched the whole room and broke the cupboard, but did not molest the old woman.

The Amnesty International delegation collected the following testimony from Kouadio Ahou, one of the younger sisters of the former Finance Minister:

"They slapped me, asking where the Minister was. Then, with my back to the wall, I was kicked in the ribs and fell to the ground. They demanded the keys of the car. I told them that I did not have a car and they told me that I must choose between life or death. I replied that I chose to die and they told me to kneel and stretch out my arms. One soldier loaded his rifle but another stopped him, saying: "After all, it's only a woman".

This witness added that another soldier demanded that she crawl on all fours on the ground, she was struck on her body, her chest and her stomach. She begged the superior officer to stop this, but he replied that they were hitting her because she was lying. Then, according to this witness, a soldier lifted a pickaxe to kill her, but he dropped it while he was bringing it down and ended up striking her only with stick on the back and buttocks.

When the Amnesty International delegation met this young woman, she was still complaining of pain and said that she had a swollen foot which meant she could not put her shoes on. A medical certificate issued the day after this attack indicated that this woman was

⁴ (See photo 5)

suffering from "contusions from injuries to the back of the right hand with abrasion and surrounding oedema and contusion of the back with five haematomas and bruising". The daughters of another sister of the same Finance Minister, Kra N'Gatta Adele, were allegedly also slapped and ill-treated by soldiers during that night in their home.

During another raid, on 14 March 2000, carried out on the compound in Daoukro of the older sister of former President Bédié, soldiers allegedly injured three labourers and particularly tortured one by pouring melted plastic on his hand to make him reveal where the former President had hidden his money. According to a witness interviewed by the Amnesty International delegation, the soldiers threatened this labourer they would "slit his throat like a sheep" if he refused to reveal the hiding place of the riches. The soldiers also slashed at his body with a knife and he finally agreed to dig a hole in the ground, where the soldiers found nothing.

Some days later, General Gueï publicly admitted having sent soldiers to Daoukro with a mission to discover whether any money was hidden in the village, but the Head of State denied that the soldiers had used violence against the family of the former President. In May 2000, when they met with the Head of State, the Amnesty International delegation handed over these testimonies from the family of former President Bédié. On this occasion, General Gueï did not seek to deny the facts, but confined himself to saying that the population of Côte d'Ivoire was very angry with the family of the former President who "had looted the State and built sumptuous palaces in his birthplace".

All the relatives and those close to Henri Konan Bédié who met the Amnesty International delegation confided that they were living in fear of fresh military raids and that they did not dare say that they were from this village for fear of threats or reprisals. This fear stems from the arbitrary manner in which they were treated and from the violence they suffered. Amnesty International believes that if sums of money were fraudulently appropriated by family members or those close to the former President, there are legal processes for attempting to recover such sums. However the organization strongly condemns these violent military raids against defenceless civilians, including women. Amnesty International urges that the soldiers responsible for these acts be identified and brought to justice so that such acts do not take place with impunity in future.

Since the coup of December 1999, groups of soldiers have also acted brutally towards individuals suspected of trying to facilitate the return of the former President. On the basis of a simple denunciation, the military have on several occasions arrested civilians who have sometimes been beaten even before any investigation into the truth of the information received has been carried out. On 19 April 2000, members of the PC-crise, led by a member of the CNSP, visited a Christian community at Duékoué (500 km west of Abidjan). They claimed to have received information that young people were organising a training camp to destabilize the current authorities. In fact, according to information received by Amnesty International, they

were simply a group of scouts called *Flambeaux et Lumières*, Flames and Lights, who were organizing camping and get-togethers. Instead of initiating interrogations and investigations as soon as they arrived the soldiers beat up numerous members of this community which consists largely of Baoulés, the ethnic group of former President Konan Bédié.

The Amnesty International delegation was able to collect testimonies following the acts perpetrated by these soldiers in this village:

"The soldiers set about beating and torturing everyone they found. A young man was threatened with death if he did not speak the truth, they trampled on his stomach and he defecated with the pain. They removed people's amulets and burned them and put the burning remains on their backs."

Other individuals met by Amnesty International confirmed this story. On 19 April 2000, the military arrested six people, then they went to the home of the head of the Baoulé community, whom they beat and arrested along with the pastor of the church, Dje Konan Joseph. In all nine people were taken the next day to the military camp at Akouedo where they were detained incommunicado for 15 days. Members of the community who went to take them food were denied the right to see them.

Finally, the military realised that the accusation against these people was without substance and all those detained were released after fifteen days of detention, without charge, but the soldiers offered no apology and, as far as Amnesty International is aware, no proceedings have been initiated against any of the military responsible for these acts.

Cases of extrajudicial execution

Some hours after the military coup of 24 December 1999, the mutineers went to the MACA to release the 16 party leaders of the opposition RDR, including the Secretary General of the party, Madame Henriette Diabaté, who had been sentenced to terms of imprisonment the preceding 12 November under the *loi anti-casseur*. On 14 December 1999, in an open letter addressed to President Henri Konan Bédié, the Secretary General of Amnesty International, Pierre Sané, called on the Head of State to immediately and unconditionally release these opposition leaders, whom the organization believed to be prisoners of conscience.

In the general disorder that followed the arrival of these soldiers at the MACA, the 6,000 common law detainees also escaped, which noticeably increased the level of criminal behaviour in Abidjan, a town which traditionally suffers from security problems. In order to counter the risk of an increase in lawlessness and to reassure the population, the CNSP set up a PC-crise, based mainly at the military camp at Akouedo (near Abidjan) and made up of military personnel who were given responsibility to pursue offenders and hand them over to the

police and the justice system (See photo 1). A telephone number was widely publicised to encourage members of the public to contact the PC-crise in case of danger. Military personnel were thus entrusted with policing activities without any legal basis and without adequate training, contrary to the Code of Conduct for Law Enforcement Officials, adopted by the United Nations General Assembly in resolution 34/169 of 17 December 1979.



1. The PC-crise at Akouedo © Amnesty International

The sole official task of the PC-crise was to pursue criminals, particularly those who had escaped from the MACA in December 1999 and to bring them before the police and the justice system. In fact the soldiers of the PC-crise had no hesitation on numerous occasions in killing supposed criminals at their point of arrest. This practice of summary executions, which already occurred under the government of President Konan Bédié, has dramatically increased since the coup of December 1999. Under the previous government, it was police officers and *gendarmes* who were, for the most part, responsible for these extrajudicial executions. With the arrival of the new authorities after the coup, this task has been confined largely to the military of the PC-crise.

These extrajudicial executions have taken place in public, at times spurred on by the crowd. Criminals, real or supposed, have been killed even though they were disarmed and in some cases after having been stripped naked. None of these extrajudicial executions has been investigated, contrary to the provisions of international standards, in particular, the Principles

on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions.



2. "Alasko" at the moment when he is about to be publicly killed by the military

© Amnesty International

The Amnesty International delegation received specific information on the case of a man known as "Alasko de Paris", who was publicly executed in front of the town hall of Youpougou (a district of Abidjan), on 15 February 2000. The military had been summoned to the rescue because "Alasko" was beating up his concubine, who had received serious head injuries. "Alasko", who was one of thousands of common law detainees who had escaped from the MACA on 24 December 1999, was apprehended by the military, stripped to the waist (see photo 2) seconds before being killed in front of dozens of witnesses in the open street. No inquiry has ever been held into the circumstances of this summary execution.

In another case in February 2000, two individuals whose names were not made available to Amnesty International and who were accused of the apparently minor crime of having stolen some electric extension leads, were stripped naked by troops at the place of their arrest, the market at Selmer, to the west of Abidjan, before being killed in the street. The photograph on page 13 shows them kneeling at the moment of their execution (photo 3). These two

summary executions were not followed by any independent inquiry into the circumstances which caused the troops to act in this manner.

These summary executions were carried out by the PC-crise on the basis of a simple denunciation, and usually, without any attempt at an investigation. This was also the case with Kouassi Loukou Raymond who, on 12 May 2000, was arrested in a *maquis* (small restaurant) in Bouaké (in the centre of the country) by military personnel. What was the reason for his arrest? A police lieutenant visiting the restaurant had been alerted by the fact that the man had money and was offering rounds of drinks to his friends. It was later confirmed that Kouassi Loukou Raymond had just been paid and had gone to the café to celebrate with his friends. He was not armed, nor was he threatening anyone. The soldiers took him to an unknown destination. Some days later, his body was recovered, riddled with eight bullets in the back, near the Benedictine monastery, 12 kms from the place where he was arrested. An inquiry was instigated and a police lieutenant and two members of the PC-crise were arrested.

In another case, on the outskirts of Abidjan, a teacher at the *Ecole Supérieure* (School of Higher Education), at Yamoussoukro, Lago Z. Raymond, was killed on 14 April 2000, by soldiers who were searching a car containing suspected offenders. The teacher was apparently hitching a lift when the soldiers arrived. He introduced himself, explaining that he was a teacher and he was killed along with the other four suspected offenders. As far as Amnesty International is aware, no inquiry has ever been held into these events.



3. Two men accused of having stolen electric extension leads just before their public execution by PC-crise troops
© Amnesty International

This practice of extrajudicial executions committed by troops of the PC-crise was publicly acknowledged on 23 May 2000 by Captain Paulin Katet, who, in an interview with the daily paper, "*Le Jour*", confirmed: "Not everyone is bumped off. There are some people that we arrest and send to the inquiry brigade. But as for gangsters – and I've said this to General Gueï – we finish them off."

Not only have the political authorities not tried to prevent this wave of extrajudicial executions, but the Head of State himself even boasted publicly in April 2000, before the members of the dissolved National Assembly, in the context of the new government's success

in combatting banditry, pointing out that 66 offenders had been killed between January and March 2000, as opposed only 33 in the previous quarter.

This attitude of the official authorities aroused the indignation of the LIDHO which has continued to denounce the practice of summary executions and which responded to the Head of State's declaration by pointing out that there was nothing to be proud of in this sad record of executions "especially since it has not yet been proven that these soldiers were in a situation of legitimate defence, or that the measures used against the suspected offenders have been proportionate to the threat on each occasion"⁵.

Amnesty International is concerned by this practice of extrajudicial executions carried out with complete impunity by military personnel, and calls on the authorities to put a stop to this activity by strongly condemning such acts, and bringing to justice those soldiers responsible. At a time when the Ivorian people have just approved a Constitution which abolishes the death penalty, it is not acceptable that it is carried out in an uncontrolled manner in the form of extrajudicial executions, under the guise of actions to combat banditry.

The machinery of justice undermined by certain military personnel

Not content with believing themselves to be above the law by killing suspected criminals on the spot without seeking, on most occasions, to arrest them and take them to the police for investigation, the soldiers of the PC-crise, have even put themselves in place of the law by setting up a parallel system of justice which has marginalised the legal institutions of justice and completely undermined the basis for the rule of law.

Certain soldiers were very quickly seized on by friends, relatives or simply by individuals who bought their services to resolve personal problems, whether conflicts at work, the recovery of debts or even conjugal disputes, problems where the military have neither competence nor jurisdiction. The soldiers of the PC-crise therefore acted as a special tribunal, summoning civilians by force to the military camp at Akouedo, confronting them and acting as a jurisdiction of first and last resort, and certainly without any right of appeal against decisions taken. At the PC-crise, none of the most elementary legal rules were respected by the soldiers. Not only did those summoned by force have no right to the assistance of a lawyer, but on one occasion a lawyer who had come to try and assist a client despite intimidation from the military, was struck by soldiers.

The conflicts resolved by force by the soldiers of the PC-crise are not of a political nature and do not, therefore, come within the mandate of Amnesty International. Nonetheless, the excessive use of force and the cruel, inhuman and degrading treatment inflicted by certain

⁵Open letter from LIDHO to members of the CNSP and the Government, 19 April 2000.

military personnel on civilians and lawyers particularly concerns the organization, especially as these acts have been committed before crowds of spectators and, usually, with complete impunity.

On the basis of a simple complaint from a private individual, civilians, including lawyers, have been arrested, often violently, outside of any judicial supervision and without the military having any jurisdiction to carry out such arrests. Several of these individuals have been beaten or intimidated, which amounts to the illegal and excessive use of force, contrary to the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

For example, in January 2000, a company director summoned to the military camp, following a workplace dispute, was insulted and physically abused. The lawyer who accompanied him, Maître François Abondio, was also struck.

Several lawyers, whose clients have made complaints against the military, were apprehended without warrant in their offices or homes by soldiers who had no legal authority to act in this way. For example, on 10 May 2000, three soldiers took Maître Thomas N'Dri from his office to the PC-crise at Akouedo.

Maître Thomas N'Dri described to Amnesty International how he was arrested at his office.

"At around 5pm, armed soldiers entered my office, each positioning himself in a corner of the room as though taking up battle stations."

Taken by force to the camp at Akouedo, the lawyer was confronted with his client who demanded money from him. Maître N'Dri immediately informed the President of the Abidjan Bar, Maître Luc Adjé who asked him not to respond to this summons. Since then, Maître N'Dri has not been contacted again by the soldiers of the PC-crise.

In a rather similar case, another lawyer, Maître Abou Soumahourou was arrested at his home by soldiers. Maître Soumahourou described the manner of his arrest to the Amnesty International delegation:

"On 2 May 2000, five soldiers arrived at my home, they kicked in the door. One of the soldiers who stood in the doorway, pointed a machine-gun at me and said "Open up, or I'll fire". My children were crying and the soldiers told me to follow them. A soldier followed me into my bedroom to prevent me telephoning. I got dressed in front of him and the whole time, the soldier held a gun pointed at me."

The lawyer was released some hours later without having been physically ill-treated.

In certain cases, arrests have been followed by cruel, inhuman and degrading treatment. For example, on 11 May 2000, a company director accused by someone of having borrowed money was arrested by a PC-crise brigade. This company director's lawyer, Maître Abondio described the circumstances of his client's arrest by the PC-crise soldiers to the Amnesty International delegation:

"The soldiers demanded that my client climb into the back boot of the car where there was a tyre. I protested, as my client is corpulent, but the soldiers said to me: "Maître, you can have your say at the tribunal, not here". The soldiers forced my client into the boot, the man was terrified, an assistant gendarme officer (who was not part of the PC-crise) then intervened and the soldiers gave way."

At the military camp at Akouedo, the PC-crise headquarters, individuals under arrest have frequently been intimidated and hit. The Amnesty International delegation visited this military camp in May 2000, and was able to see students from the *Fédération estudiantine et scolaire de Cote d'Ivoire* (FESCI), Ivorian Federation of Students and School Pupils, who were detained there and who confirmed that they had been ill-treated. These students had been arrested following serious conflict between students, in which activists of two opposing branches of the FESCI attacked each other with machetes and other small arms.

Certain military personnel also have attempted to intimidate lawyers who defended officials of President Konan Bédié's government. For example, Maître Dirabou, one of the lawyers of the former Minister of the Interior, Emile Constant Bombet, was the target of individuals claiming to be members of the "Red Brigades". On 17 March 2000, when Maître Dirabou was traveling outside the capital, six armed individuals arrived at his office in Abidjan. Three soldiers entered the office, threatened those present and, according to testimonies collected by Amnesty International, they said: "This is the man who defends thieves". The soldiers refused to believe that the lawyer was out of town and wanted to go to his home. They seized his clerk by the collar took some files from an office. According to eye witnesses, they left saying: "We're the Red Brigades and we'll be back".

On Monday 20 March, some soldiers returned to the office of Maître Dirabou and, according to witnesses, shouted: "We'll break his limbs, and drag him in the street to stop him defending thieves". Maître Dirabou who was in his office, managed to call the Solicitor General and some ten lawyers arrived immediately as a sign of support. It was finally a government official, a soldier who plays the role of Public Prosecutor under military law, who put an end to the harassment of Maître Dirabou by the military.

All these abuses were carried out without the political authorities doing anything to put bring about an end to this parallel and arbitrary system of justice. The President of the Bar, along with certain magistrates' associations have on several occasions made representations to the Minister of Justice and the Head of State. Whenever he has been apprised of the details of a particular case, the Head of State has condemned the abuses and sometimes penalized those

responsible. But such penalties have usually been carried out discreetly, probably so as not to alienate the groups of soldiers who have chosen to defy the law. Thus, at least until the disbandment of all these units, in the presence of the Amnesty International delegation in May 2000, the political authorities had taken no adequate measures to put an end to this challenge by the military to the rule of law.

After General Gueï dissolved these units in May 2000, it would appear that cases of illegal and excessive use of force to settle civilian disputes have reduced significantly. In particular, lawyers have ceased to be targeted by the military. However, Amnesty International is concerned by the dangerous precedent set by certain military personnel using abusive and illegal force with complete impunity and without any mandate or training to carry out these police and judicial functions. Amnesty International urges that the soldiers responsible for these acts be called to account and that the authorities issue a strong reminder that the duties of the police and the judicial system must be exercised only by those individuals legally qualified to apply the law.

The intimidation of journalists

When he came to power, in December 1999, General Gueï undertook to respect the freedom of the press. However, his government has not taken adequate measures to prevent parallel units, based at the *Primature*, from carrying out raids on the offices of several newspapers and ill-treating certain journalists whose articles had the misfortune to displease them.

Staff of at least five publications were subjected to intimidation and physical brutality. These papers belong to different political tendencies, some seen as close to former President Konan Bédié, others accused of supporting Alassane Ouattara. The diversity of journalistic targets shows that the soldiers in question, who for the most part claim to be members of "La Camora" or the "Red Brigades", have diverse political sympathies or at least that their political sympathies have evolved.

The physical attacks on journalists are all the more worrying since they stem from informal parallel organizations of soldiers who have named themselves "La Camora" or "Red Brigades". These parallel organizations have chosen as their headquarters the *Primature*, where the Head of State is also based, and it is to the *Primature* that certain journalists have been taken after their arrest to be beaten, which can only cast doubt on the will of the political authorities to put a stop to such practices.

All these violent attacks against journalists have remained unpunished despite repeated public protestations by freedom of expression organizations such as *Reporters sans frontières*, Reporters without borders, and the *Committee to Protect Journalists* of New York.

The first newspaper to be punished by the military forces in power just after the coup, was *Fraternité Matin*, the traditionally pro-government paper which had supported the views of President Konan Bédié, in particular in relation to the non-Ivorian identity of Alassane Ouattara. Two journalists from this daily paper, Jean-Baptiste Adrou and Gaoussou Kamissoko were arrested on 27 December 1999 by armed individuals at the newspaper's offices. They were released without charge several hours later. Officially, their arrest was attributed to elements who were out of control.

On 5 February 2000, a dozen soldiers raided the offices of the independent daily, *Le Jeune Démocrate*. The soldiers occupied the premises for several hours. This raid appears to have taken place following an article by Laurent Nahounou, which cited Mouassi Gréna, an officer of the CNSP, who had publicly accused three important opposition members of conspiring with the family of deposed former President Henri Konan Bédié against General

Gueï. The journalists from this paper, who met with the Amnesty International delegation in May 2000, said that they were taken by soldiers to one of President Gueï's legal advisers. This man told them that there was "information that it would not be useful to publicize because it would tend to disturb the tranquil nature of the transition". In the view of these journalists, the meeting was cordial and they were not ill-treated. Nonetheless, such an encounter amounts to an attempt to put pressure on journalists and curtail their right to freedom of expression.



4. The journalist Jules Toualy after being beaten by soldiers
© Amnesty International

On 9 April 2000, two soldiers in civilian dress returned to look for a journalist from the same paper, Jules Toualy, whom they reproached with having written an article indicating that following a military mutiny in Daloa, six Guinean mercenaries had been arrested. Jules Toualy described to the Amnesty International delegation the treatment that he was forced to undergo by the military:

"The soldiers took me to the PC-crise at Akouedo. One soldier loaded his gun and demanded to know where I had got the information about the Guinean mercenaries. I did not want to reveal the name of my source, I was then made to lie exposed to the sun and was beaten for 15 minutes until I was forced to avoid the worst by revealing the name of my contact. But that was not enough for them. They beat me again with a bundle of electric wire with a tennis ball at the end. The ball continually struck my back. They told me to stand up, but I lost consciousness."

When he recovered his senses, Jules Toualy found himself in a cell with the six individuals who turned out to be the Guineans in question. The soldiers told him that these Guineans were not soldiers and it was because he had disseminated this false information that they had been arrested. Jules Toualy was brought back to his office, on the same day at 7pm (See photo 4).

Another daily paper, *Le National*, was targeted for several attacks by certain soldiers. This newspaper is considered to be very close to former President Konan Bédié. In the past it has been regularly called to account by the *Observatoire national de la déontologie et de la liberté de la presse* (OLPED), National Observatory for Ethics and Freedom of the Press, for its articles which were considered to be xenophobic, particularly in the context of the debate on the Ivorian identity of the former Prime Minister Alassane Ouattara. On 10 February 2000, some soldiers apprehended five or six journalists whom they took to the *Primature*, headquarters of the Head of State. This raid followed an article entitled: "Has Gueï been trapped by ADO?" [ADO is the acronym commonly used for Alassane Dramane Ouattara]. The journalists were held for a whole day, they were beaten and told that if they continued to say such things, they would be killed.

The next day, 11 February, military personnel summoned the editor of the same paper, Laurent Tape Koulou, to the *Primature* where he was held from 3pm to 9pm. The soldiers pushed him with their rifles while he was sitting down, they abused him verbally and threatened to kill him if he continued to publish such articles.

On 24 March 2000, there was a third raid on the same paper. Soldiers arrived at the paper's offices. They were led by a lance-sergeant describing himself as an officer of a unit of "La Camora". According to testimony received by Amnesty International, the soldiers offered death threats and forced the journalists to do press-ups (See photo 5). Journalists from other publications (*Soir Info*, *Notre Voie*) who had come to report these events were also forced to carry out these physical exercises. According to journalists' testimonies, the soldiers fired at the ceiling and the Amnesty International delegation which visited the newspaper in May 2000, was able to observe the bullet marks on the wall. The soldiers apparently reproached the journalists for publishing an article that morning, entitled "For the people" which criticised General Gueï.

Sometimes the soldiers have contented themselves with warning people without resorting to violence. On 5 March 2000, three soldiers arrived in the offices of the independent paper, *Soir Info*. The reason for the military raid is not clear. It may have been because of an article about a strike at a saw-mill or an article demanding that the CNSP stop the PC-crise from settling private disputes and leave the justice system to do its work. The soldiers (two in uniform and one in civilian dress) arrived at the offices at around 6pm and demanded that the editor warn two journalists, Alain Bouabré and Claude Daassé. The soldiers did not appear violent and even tried to explain "their work".

Two days later, on 7 March, soldiers arrived at around midnight at the home of one of this paper's reporters, Claude Daassé, whose name had been mentioned the previous day. He was not at home and the soldiers questioned his wife about his political views before leaving in the small hours of the morning.



Journalists forced to do press-ups by troops of "La Camora" in February 2000 in the offices of the daily newspaper, *Le National*
© Amnesty International

One of these episodes of intimidation of journalists by soldiers took place during the fact-finding mission of Amnesty International in May 2000. The Amnesty International delegates were to visit the offices of the newspaper *La Référence* to meet the editor, when he telephoned them to say that he had fled because he was being sought by military personnel who had invaded his offices. Some days later, the Amnesty International delegates were able to visit the newspaper's offices and collect a testimony from Patrice Pohé, the editor.

On 16 May 2000, five men, three in military uniforms and two in civilian dress, arrived at the offices and closed the main door. According to testimonies received by Amnesty International, the soldiers said that they had come to chastise the journalists following an article that had appeared some days previously, claiming that the entourage that accompanied Madame Robert Gueï on her travels cost 100 million CFA francs. The soldiers also reproached the journalists for an article entitled "Gueï, your power is weak". The soldiers slapped the article's author, and used their belts and boots to beat visitors and those writing articles on computers. Patrice Pohé lost consciousness as a result of this beating and was taken with a photographer and four journalists to the *Primature*, the headquarters of the Head of State, which is also the headquarters of the military group, which calls itself "La Camora". Patrice Pohé described their fate to the Amnesty International delegation:

"At the Primature, we were taken to the 2nd floor to the room of an officer who is responsible for "La Camora" and a member of the CNSP. We were beaten for 30 minutes in that room. The officer arrived and told us that the President did not appreciate our work and that he required proof of our allegations. I was beaten for an hour in that office but the worst was still to come. When we came out on the 2nd floor to go down to the ground floor, that was hell, we had to pass between a barrage formed by soldiers who beat us progressively as we went along. In the courtyard of the Primature, we were forced to crawl, to do press-ups and to lick the ground. "

Photographs of the injuries received by these journalists were published the next day in the paper and the Amnesty International delegation were able to see for themselves, when they met them, that the journalists were suffering from multiple bruises.

OLPED has condemned on several occasions the "intimidation" carried out by soldiers against journalists while urging journalists "to observe moderation in carrying out their profession". Since December 1999 the organization, *Reporters sans frontières*, has also expressed disquiet on several occasions, at the "curtailment of press freedom" in Côte d'Ivoire.

During the meeting of the Amnesty International delegation with the Head of State in May 2000, the organization's representatives expressed their concern at the intimidation and serious brutality directed at journalists. Amnesty International emphasised that all such armed aggression against journalists constituted a serious attack on the rights to freedom of opinion and of expression guaranteed by article 19 of the International Covenant on Civil and Political Rights, ratified by Côte d'Ivoire in 1992. The Head of State did not deny the facts, but asserted that Ivorian journalists often wrote nonsense and risked creating a bloodbath in the country. However, on 24 May 2000, three days after the departure of the Amnesty International delegation General Gueï formally prohibited military raids on newspaper offices and instructed that "beatings of journalists should cease".

This order was unfortunately not followed. As a result, Mohamed Fofana Dara, a journalist with the *British Broadcasting Corporation* (BBC), was struck by two soldiers on 31 July 2000, when he was covering a demonstration near the French Embassy in Abidjan. The demonstrators wanted to show their support for France, following certain pronouncements by the French Minister for Co-operation, Charles Josselin, about the on-going electoral process. The journalist was attacked by two soldiers and he received a blow in the face which cut his lower lip. The second soldier hit him several times with his rifle butt. Although he showed the soldiers his press card, they continued to hit him, while trying to snatch his radio equipment. The journalist finally managed to escape. During this peaceful demonstration which was violently put down by the security forces, demonstrators were severely beaten and forced to crawl and do press-ups and some were whipped with branches. No inquiry was ever instituted into the serious violence deliberately perpetrated on peaceful demonstrators. Once more, the military were able to act with complete impunity either under the protection of the authorities or at least certain that they would not be called to account for their actions before the courts.

The reaction of the Ivorian authorities

Quite early on, the Ivorian authorities publicly recognized that some military personnel were committing reprehensible abuses but did not take the necessary measures to put a stop to these activities.

With regard to the PC-crise and the fact that it goes beyond its remit, the authorities have, on several occasions during the first months of 2000, tried to confine its role solely to the pursuit of criminal elements by urging it to cease involvement with civil disputes. The PC-crise was even officially suspended in March 2000, but the Amnesty International delegation was able to confirm for itself in May 2000, that the unit continued to commit serious human rights violations, notably the extrajudicial execution of suspected offenders.

In March 2000, the Minister for Security, General Palenfo, publicly acknowledged the existence of a group of soldiers known as "La Camora" and admitted that these "young rebels" sometimes committed "foolish acts", promising to penalize them. But two months later, during its mission to Côte d'Ivoire, the Amnesty International delegation was able to confirm that these groups continued to act with complete impunity.

In May 2000, the Ivorian authorities assured the Amnesty International delegation that they were penalizing all abuses of which it was aware but, at the same time, they acknowledged that most of the penalties were handled discreetly, probably to avoid alienating the soldiers who had brought them to power.

In some very serious cases where the illegal use of force has caused injury, certain military officers, far from apologizing and punishing those responsible, have tried to pervert the

truth in order to defend their subordinates. In this way, a lawyer, who prefers to remain anonymous, fell victim to an armed attack by soldiers when she was in her car. On 23 February 2000, when she was returning from a meeting in the interior of the country with her driver and two clients who were in the back of the vehicle, her car passed without any difficulty a military road block on the outskirts of Anyama. The lawyer described the events that followed to the Amnesty International delegation:

"About six hundred meters after the road block, I heard a noise. I thought it was a puncture, but I heard shouts ordering us to stop. The driver who was sitting next to me, had been hit by a bullet in his right leg and could not stop the car and I had to put my foot on the brake. One of the passengers in the back was also wounded. Four armed soldiers arrived. I thought there had been another coup. I said that I was a lawyer, but a soldier threw my lawyer's gown on the ground and said: "We're going to kill you all. We'd have nothing to explain." All four of us were forced to the ground, a soldier put his foot on my back and they rolled me in the mud. I begged them to help the two wounded men. One of the soldiers said to the other: "I'm telling you to terminate the woman, because she talks too much". Fortunately, a more senior officer arrived at that point and allowed us to leave."

The lawyer went that same day to complain to the PC-crise at Akouedo and the colonel who received her simply said, "the children are getting above themselves". Not only were these soldiers not punished for this clear act of deliberate and illegal use of force, but afterwards, the military authorities claimed that the car in which she was travelling had refused to obey an order to stop, an implausible claim, in view of the fact that the first bullet hit the driver in the front of the vehicle. Even supposing the soldiers in question had given the order to the car to halt, the position of the impact of the bullets shows clearly that the soldiers fired when the car was passing in front of them which would have left no time for the driver to obey any order. This case shows clearly the lack of will among certain members of the army to punish or bring to justice those soldiers guilty of an excessive use of force.

The powers that be have, however, made certain gestures to dissociate themselves from these abuses, but this has not been sufficient to return all the military to a path of respect for the rule of law. For example, following the attack on *Le National* on 24 March 2000, General Palenfo, who had been alerted, sent *gendarmes* to the scene. They arrived after the departure of the soldiers but none of these soldiers, even though their headquarters is at the *Primature*, appears to have been punished. The authorities have also carried out some public sanctions. For example, a soldier was dismissed from the army after having fired at a student at Daloa.

In a similar fashion, General Gueï has expressed regret every time that a case of abuse has been brought to his attention, particularly in cases of aggression towards magistrates and lawyers. On 18 May 2000, addressing the Ivorian population in a television broadcast, the Head of State went further, claiming to "sincerely regret" the "unpleasant, sometimes intolerable,

occurrences" perpetrated on the population by certain military personnel since the December 1999 coup.

These expressions of regret, however sincere they may be, are not sufficient to put an end to the unrestricted dominance of certain troops who are aware that they themselves are responsible for having brought the current government to power and who publicly mention from time to time that they could depose those who are now running the country. This fact was cruelly highlighted by the mutiny of 4 July 2000.

General Gueï also made a firm gesture when he dramatically dissolved, in front of the Amnesty International delegation, in May 2000, the PC-crise units and other unofficial groups. Although the organization has noticed a reduction in attacks committed by these groups, human rights abuses committed by the military have not ended. Amnesty International is particularly concerned by a public declaration made on 8 June 2000 by Lance-sergeant Issa Touré, the individual responsible, in the name of "La Camora" for several raids on newspaper offices and for co-ordinating the beating of journalists. During a public meeting Issa Touré declared that "La Camora is a unit close to President Gueï" and he added: "La Camora still exists and will do so until the end of the transition period". As far as Amnesty International is aware, the statements of this lance-sergeant have not been officially denied, nor has he been penalised for having publicly repudiated the statements of the Head of State in relation to the protection of human rights.

If the political authorities want their orders to have some effect, they must put an end to the impunity enjoyed by soldiers who commit human rights violations. The political authorities have for too long tolerated, even encouraged in the case of extrajudicial executions of suspected offenders, these human rights abuses. It is now a matter of urgency, on the eve of the installation of a civilian democratically elected government, that the political authorities take concrete measures to arrest and punish those soldiers who have deliberately committed human rights abuses to make quite clear to others that such abuses will not be tolerated. The future respect for human rights in Côte d'Ivoire is at stake.

Recommendations

Amnesty International urges the Ivorian authorities to respect the international human rights standards to which Côte d'Ivoire has freely committed itself.

The organization asks the authorities to:

1. End impunity

The institution of inquiries

The government should set up independent and impartial inquiries which conform to international standards, including the Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions, into any allegations of torture or other ill-treatment inflicted by the security forces and other persons working on behalf of the government, into extrajudicial executions and other human rights violations, including ill-treatment inflicted on civilians, including journalists.

As soon as human rights abuses are alleged, an inquiry should be opened. The inquiry should be both exhaustive and impartial. The body given responsibility for the inquiry should as soon as possible produce a report which should immediately be made public. The report should give detailed information on the scope of the inquiry, provide circumstantial evidence pertaining to any criminal acts, identify the victims and the perpetrators of violations, set out the basis for its conclusions and describe the process used to establish proof. Furthermore, the report should make recommendations for concrete and effective measures to prevent further human rights abuses. The authorities should indicate which measures they propose to adopt to follow up the report.

Bringing to justice all military personnel and officials responsible for human rights abuses

Impunity in Côte d'Ivoire must cease. The Ivorian authorities must ensure that soldiers, security officials and any other individuals accused of having participated in such activities are suspended from their duties. They should also be removed from any post which would enable them to influence complainants, witnesses or any other person, for the duration of any inquiry that concerns them. The government should ensure that soldiers, security officials and any other individuals against whom there is proof of human rights abuses are brought to justice and receive a fair trial.

2. Adopt measures to prevent extrajudicial executions

- Clear instructions should be given prohibiting extrajudicial executions;
- Rigorous control should be exercised over all military units and police forces with responsibility for combatting banditry;
- Written regulations for procedures relating to the use of firearms should be distributed to the military and all security forces. The government and the military authorities should give the military and other security forces clear directives that, whatever the circumstances, violations of fundamental human rights, such as the right to physical integrity and the right to life, are not acceptable and will be subject to punishment.

3. Stop the practice of torture and ill-treatment

Amnesty International urgently requests the Ivorian authorities to conform to the obligations made by Côte d'Ivoire when it ratified, in 1995, the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, and to take all necessary measures to ensure that:

- The Public Prosecutor ensures that all allegations of torture and ill-treatment are the subject of an immediate, exhaustive and impartial inquiry;
- The results of such inquiries are published and all those responsible for acts of torture are brought to justice;
- Victims of torture or ill-treatment have the right to make a complaint and complainants and witnesses are assured of protection against any intimidation or ill-treatment;
- Victims of torture and ill-treatment have the right to obtain reparation and to be adequately compensated.

4. Protection of freedom of expression

Amnesty International urgently requests the authorities to respect international norms relating to freedom of expression, including the guarantees in Article 19 of the International Covenant on Civil and Political Rights, ratified by Côte d'Ivoire in 1992 and to punish any military personnel who seeks to harass or harm journalists with the aim of intimidating them.

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CÔTE D'IVOIRE

Some military believe they have impunity above the law

RECOMMENDED ACTIONS

Please ensure that all relevant people in the section have received copies for their attention, and that the document is centrally filed for future reference. In addition please undertake as many of the following recommended actions as possible.

Please note that the original version of the present document was published in French with a separate WARAN action (AI Index 31/006/00, Reference number RAN 4/0) which contains detailed recommendations for action by WARAN coordinators and groups, West Africa coordination groups and Côte d'Ivoire coordinators.

Section Press Officers

Please publicize and distribute this document as widely as possible. Please pursue any interest which will be generated following future actions by Amnesty International on Côte d'Ivoire.

Section people responsible for home government lobbying/West Africa coordination groups

Please pass a copy of the present document to relevant officials in your country's Ministry of Foreign Affairs. They should ensure that diplomatic representatives of their government in Côte d'Ivoire raise Amnesty International's concerns and recommendations with the Ivorian government.

DISTRIBUTION BY THE IS

This document has been sent direct by the IS to:

- all sections
- all section press officers
- Côte d'Ivoire coordinators and West Africa coordination groups
- West Africa Regional Action Network coordinators (WARAN).

