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CÔTE D'IVOIRE: UN MISSION CLOSES AMIDST FRAGILE HUMAN RIGHTS SITUATION

On 30 June 2017, the United Nations Operations in Côte d'Ivoire (UNOCI) will close after more than 13 years in the country, a period which included the 2010-2011 election crisis. While the security and human rights situation has improved since the mission was created in 2004, the series of mutinies which have left at least 10 people dead since the beginning of the year demonstrate that the situation in Côte d'Ivoire remains fragile.

Amnesty International is concerned that the simultaneous closure of UNOCI and the end of the mandate of the UN Independent Expert on capacity building and technical cooperation in Côte d'Ivoire could reduce international support and scrutiny at a moment when human rights challenges are increasing.

Killings during mutinies and clashes with demobilised soldiers

Since the beginning of the year, at least 10 people have been killed and dozens more wounded during mutinies and clashes between demobilised soldiers and the security forces over disputed bonus payments.¹

The most recent mutiny started on 12 May in Bouaké and spread to other cities, including Abidjan and Korhogo. On several occasions, the mutinying soldiers opened fire on bystanders killing four people and injuring many others. Violence ended as the government agreed to meet the mutineers' payment demands.

On 23 May, the Ministry of Internal Affairs announced that four protestors died following a confrontation between police and demobilised soldiers in Bouaké, who had created roadblocks to demand the payment of bonuses. The authorities claim the protestors were killed when one of them used a grenade, but a spokesperson for the demobilised soldiers denies that they were armed and claims that the police opened fire on them.

Two people were killed during mutinies in January and February over similar demands.

This series of mutinies and clashes with demobilised soldiers raises serious concerns about the ability of the government to exercise civilian control over parts of the military and to hold members of the armed forces accountable for human rights violations. These events also call

¹ Côte d'Ivoire: Authorities must urgently conduct an independent investigation into unlawful killings and injuries during mutiny (AI Index: AFR 31/6288/2017): <https://www.amnesty.org/en/documents/afr31/6288/2017/en/>.

into question the results of the demobilisation, disarmament and reintegration process which ended in 2015.

Freedom of expression, association and assembly

The Ivorian authorities have taken measures to protect human rights defenders, including the adoption of a law in 2014 and of its decree of implementation in 2017. They continue, however, to target journalists and trade unionists and to restrict the rights to freedom of expression and of peaceful assembly.

On 12 February 2017, six journalists were arrested and detained in Abidjan for their coverage of the January and February mutinies. They did not have access to a lawyer while in police custody. They were subsequently charged with “publishing false news” and “inciting soldiers to mutiny”. They were released on 14 February, but remain under police investigation.

Also in February 2017, the security forces used excessive force including rubber bullets and tear gas to disperse peaceful protests in Abidjan that had been organised by the *Syndicat national autonome des producteurs de café-cacao de Côte d'Ivoire* (Synapci, a union of cocoa and coffee producers) and the *Syndicat des Investisseurs Indépendants de l'Agro-Business* (SIIABCI, a union of small independent investors in the agro-business sector) against various government policies. In January 2017, dozens of members of the *Mouvement des instituteurs pour la défense de leurs droits* (MIDD, a teachers' union) were demoted and transferred to remote areas of the country on vague grounds, after participating in a series of strikes by public sector workers.

The draft law on the press, which is currently under review, contains a number of provisions which would further curtail the right to freedom of expression. The draft law maintains criminalisation for publishing, disseminating, divulging and reproducing “false news” (article 98), offending the President of the Republic (article 92), defamation of institutions and public figures including against the courts, the armed forces, members of the government and of the national assembly (Articles 91, 93, 94) and verbal abuse (article 96-97), with hefty fines of up to 15,244 euros. Even if the facts are established a statement may qualify as defamatory if they happened more than 10 years ago, concern the private life of the person, or if there was an amnesty or when the statutory time period has passed (article 99).

Article 90 of the draft law on the press also provides for up to 5 years in prison and a fine of up to 4,573 euros on vague grounds including “inciting the military and law enforcement officers to insubordination and rebellion” or for “subverting the integrity of the national territory, the interior and exterior security of the state”. In practice these provisions could be used to target journalists and human rights defenders who expose human rights violations.

Impunity and administration of justice

Despite President Ouattara's commitment to ensure that justice would be applied equally under his presidency, only those suspected of being supporters of Laurent Gbagbo have been tried for serious human rights violations committed during and after the 2010 election. Forces loyal to President Ouattara that committed serious violations, including the killing of more than 800 people in Duékoué in April 2011, and of 13 people at a camp for internally

displaced people in Nahibly in July 2012, have not been prosecuted.²

At the end of May 2017, at least 126 supporters of former President Gbagbo were still awaiting trial for crimes allegedly committed during the post-electoral violence of 2010. Approximately 62 of them have been in detention since 2011 or 2012.

Poor prison conditions

Prisoners remain held under harsh conditions and overcrowding at the *Maison d'Arrêt et de Correction*, Abidjan's main prison. In March 2016, the prison authorities said that the prison, which had capacity for 1,500 inmates, held 3,694 people. Prisoners reported that they were forced to pay bribes of up to 20,000 CFA (US\$32) to prisoners who controlled internal security to avoid being placed in filthy cells with floors covered in urine and water. Prisoners responsible for internal security also administered corporal punishment on other inmates, resulting in at least three deaths in 2015. Families have reported being forced to pay bribes to visit their relatives, and health care remains inadequate. The authorities do not appear to have taken any serious measures to protect prisoners from these and other abuses.³

In February 2017, the authorities refused a request from Amnesty International to conduct unfettered visits to the *Maison d'Arrêt et de Correction* and other detention centres in Abidjan. Despite multiple requests, Amnesty International has not had access to any detention centres in Côte d'Ivoire since 2012.

Presidential statement adopted at the UN Human Rights Council and recommendations

On 23 June, at its thirty-fifth session, the UN Human Rights Council adopted a presidential statement calling on Côte d'Ivoire to implement the broad range of recommendations outlined by the Independent Expert⁴. Of particular value are the recommendations related to building up the human rights capacity of the armed forces⁵, bringing perpetrators of human rights violations to justice⁶, improving prison conditions⁷, revising laws to bring them in line

² Côte d'Ivoire: The Victors' Law: Human Rights Situation Two Years After the Post-Electoral Crisis (AI Index: AFR 31/001/2013), available at: <https://www.amnesty.org/en/documents/AFR31/001/2013/en/>.

³ Côte d'Ivoire, Annual Report (AI Index: POL 10/4800/2017) available at: <https://www.amnesty.org/en/countries/africa/cote-d-ivoire/report-cote-divoire/>.

⁴ Déclaration du Président: Situation des droits de l'homme en Côte d'Ivoire, A/HRC/35/L.50, para. 21, available at : http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/35/L.50

⁵ Rapport de l'Expert indépendant sur le renforcement des capacités et la coopération technique avec la Côte d'Ivoire dans le domaine des droits de l'homme, A/HRC/35/43, para. 79 (b) and (c), available at : <http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session35/Pages/ListReports.aspx>

⁶ Rapport de l'Expert indépendant sur le renforcement des capacités et la coopération technique avec la Côte d'Ivoire dans le domaine des droits de l'homme, A/HRC/35/43, para. 80 (d) and para 82 (a), available at : <http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session35/Pages/ListReports.aspx>

⁷ Rapport de l'Expert indépendant sur le renforcement des capacités et la coopération technique avec la Côte d'Ivoire dans le domaine des droits de l'homme, A/HRC/35/43, para. (c) and (d), available at : <http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session35/Pages/ListReports.aspx>

with the Ivorian constitution and the international obligations of Côte d'Ivoire⁸, and creating a temporary international focal point to coordinate the implementation of outstanding measures to protect and promote human rights⁹.

Amnesty International welcomes the firm commitment expressed by the Ivorian authorities at the thirty-fifth session of the Human Rights Council to implement these recommendations in the short term and in consultation with civil society.

The presidential statement also requests capacity building and technical assistance from the Office of the United Nations High Commissioner for Human Rights (OHCHR), specifically to bring the National Human Rights Institution fully in line with the Paris Principles¹⁰.

Recommendations to the authorities of Côte d'Ivoire

To ensure that this is achieved in a timely and effective manner, Amnesty International urges the Ivorian authorities to:

- Develop a clear timeframe for the implementation of the Independent Expert's recommendations, in consultation with civil society;
- Facilitate the establishment of an OHCHR presence in the country once UNOCI closes;
- Facilitate regular visits by UN Special Procedures, including the Special Rapporteur on the rights to freedom of peaceful assembly and of association, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Working Group on Arbitrary Detention and the Special Rapporteur on the independence of judges and lawyers.

Recommendations to the international community

It is vital that international support to Côte d'Ivoire and scrutiny on the human rights situation continue during this crucial period. Amnesty international urges the international community to:

- Identify means by which Côte d'Ivoire could seek continued and sustained technical assistance from the OHCHR, and support from the international human rights system, to

⁸ Rapport de l'Expert indépendant sur le renforcement des capacités et la coopération technique avec la Côte d'Ivoire dans le domaine des droits de l'homme, A/HRC/35/43, para. 84, available at :

<http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session35/Pages/ListReports.aspx>

⁹ Rapport de l'Expert indépendant sur le renforcement des capacités et la coopération technique avec la Côte d'Ivoire dans le domaine des droits de l'homme, A/HRC/35/43, para. 85, available at :

<http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session35/Pages/ListReports.aspx>

¹⁰ Déclaration du Président: Situation des droits de l'homme en Côte d'Ivoire, A/HRC/35/L.50, para. 17, available at :

http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/35/L.50

address the above concerns as the mandate of UNOCI and of the Independent Expert comes to an end;

- Encourage Côte d'Ivoire to facilitate the establishment of an OHCHR presence in the country once UNOCI closes, and to facilitate regular visits by UN Special Procedures.
- Ensure the situation in Côte d'Ivoire remains on the agenda of the Human Rights Council over the next three years as international scrutiny is a powerful deterrent against human rights violations.