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## Human Rights Council

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### Human rights situations that require the Council's attention

## Report of the United Nations High Commissioner for Human Rights on the situation of human rights in Côte d'Ivoire\*

### *Summary*

The present report is submitted pursuant to Human Rights Council resolution S-14/1, in which the Council invited the United Nations High Commissioner for Human Rights to submit a report on the abuses and violations of human rights in Côte d'Ivoire in relation to the conclusion of the 2010 presidential election. The report covers events up to 31 January 2011.

The long-awaited presidential election in Côte d'Ivoire was held on 31 October and 28 November 2010 after having been postponed six times since 2005. While the first round was conducted on 31 October in a peaceful atmosphere and provided hope for the end of the long-running political and military crisis in the country, the run-off round held on 28 November was marred by a radicalization of political rhetoric and speech that progressively drove the country into turmoil, with severe consequences for the overall human rights situation. Following the announcement of divergent results by the Independent Electoral Commission and the Constitutional Council, elected President Alassane Ouattara formed a Government, while Laurent Gbagbo has tried to hang on to power and also appointed a "Government" that is not, however, recognized by the international community.

The imposition of a night-time curfew on the eve of the run-off round, attempts to prevent members of the Dioula and Baoulé ethnic communities from voting, significant irregularities and acts of intimidation witnessed in the Centre-North-East zone controlled by Forces nouvelles, the violent repression by law enforcement officers of a public demonstration organized by the Rassemblement des houphouëtistes pour la démocratie et la paix (RHDP) on 16 December 2010 and the subsequent call by RHDP for civil disobedience on 18 January 2011 progressively contributed to the deterioration of the situation in the country. This unprecedented situation was exacerbated by the recruitment and use of youth groups, militias and alleged mercenaries, which resulted in a number of serious human rights violations, some of which reportedly were ethnically and politically motivated and produced victims in both sides, but mainly among supporters of RHDP.

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\* Late submission.

The State-owned television corporation, Radiodiffusion Télévision ivoirienne, has been disseminating xenophobic messages inciting hatred and violence, and promoting religious and ethnic division between the north and the south. The volatile political situation and worsening human rights situation led to the internal and cross-border displacement of thousands of Ivoirians internally and in neighbouring countries, and has had a negative impact on the economic, social and cultural rights of the population.

The Gbagbo camp repeatedly obstructed the United Nations Operation in Côte d'Ivoire (UNOCI) and impeded its freedom of movement, including attempts made by the Human Rights Division to investigate allegations about mass graves in Anyama (Abidjan), Lakota (near Divo) and Issia (near Daloa) and other serious human rights violations. These obstructions prevented UNOCI from fully discharging its protection of civilians mandate, as prescribed by the Security Council in its resolutions 1894 (2009) and 1933 (2010).

The deteriorating human rights situation in Côte d'Ivoire was strongly condemned by the Secretary-General and the High Commissioner. The High Commissioner wrote individually to Mr. Gbagbo and three high-ranking military commanders to remind them of their obligation to protect civilians and of their personal accountability for human rights abuses and infringements of international humanitarian law committed by members of the security forces placed under their command and control. Several United Nations experts and special procedures mandate holders also voiced their concern over gross human rights violations committed in the country.

With the political stalemate now going into its third month, the human rights situation in Côte d'Ivoire is becoming more precarious. Almost 300 people have been confirmed killed since the beginning of the crisis, and there are continuing reports of abductions, illegal detention and attacks against civilians. More than 35,000 people have been forced to flee their homes and seek refuge elsewhere, including in neighbouring countries. There are reports of thousands of youths being forcibly recruited and armed, presumably in preparation for violent conflict. The propagation of hatred and violence through the media remains a serious concern. Disruptions to the means of livelihood, including through the impact of the operation "ghost country", which calls for nation-wide civil disobedience and work stoppage, have severely limited access to education and basic economic and social rights. Meanwhile, the obstruction of UNOCI has limited its ability to verify the full extent and scale of the human rights violations across the country.

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## List of acronyms\*

AU	African Union
BAE	Brigade anti-émeute
BMO	Brigade du maintien de l'ordre
CCI	Centre de commandement intégré
CECOS	Centre de commandement des opérations de sécurité
CRS	Compagnie républicaine de sécurité
ECOWAS	Economic Community of West African States
FAFN	Forces armées des forces nouvelles
FDS	Forces de défense et de sécurité
FESCI	Fédération estudiantine et scolaire de Côte d'Ivoire
FN	Forces nouvelles
LMP	La majorité présidentielle
PDCI	Parti démocratique de Côte d'Ivoire
RDR	Rassemblement des républicains
RHDP	Rassemblement des houpouëtistes pour la démocratie et la paix
RTI	Radiodiffusion Télévision ivoirienne
UNOCI	United Nations Operation in Côte d'Ivoire

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\* Circulated in the languages of submission only.

## I. Introduction

1. The present report is submitted pursuant to Human Rights Council resolution S-14/1, in which the Council invited the United Nations High Commissioner for Human Rights to submit a report on the abuses and violations of human rights in Côte d'Ivoire in relation to the conclusion of the 2010 presidential election. The report covers the period up to 31 January 2011.

2. On 23 December 2011, the Human Rights Council held a special session during which it reviewed the human rights situation in Côte d'Ivoire following the proclamation of the results of the second round of the presidential election on 28 November 2010. The political stalemate resulting from the elections has been characterized by the use of excessive force by supporters of Laurent Gbagbo, including members of the security forces loyal to him to repress public demonstrations, harassment and intimidation, incitement to ethnic and political violence, arbitrary arrest and detention, sexual violence, torture, enforced disappearances and extrajudicial killings. Acts of harassment, assault, destruction of property and looting were reportedly committed by supporters of President Alassane Ouattara during and after the elections. Thousands of people were also forcefully displaced, both within Côte d'Ivoire and into neighbouring countries. Despite repeated calls from the international community to allow free movement and access to civilians, the security forces and youth groups allied to Mr. Gbagbo continued to obstruct the movement of the United Nations Operation in Côte d'Ivoire (UNOCI).

## II. Background

3. The long-awaited presidential election, postponed six times since 2005, was finally held on 31 October 2010 in a generally quiet and peaceful atmosphere, despite some disagreements among the opposing camps over the ballot counting process. Prior to the run-off round between the two leading candidates, however, Laurent Gbagbo, the outgoing president, and Alassane Dramane Ouattara, on 28 November 2010, there was a noticeable radicalization in political rhetoric and speech that culminated in a number of incidents, including violent attacks against the headquarters of Mr. Ouattara's party, the Rassemblement des houphouëtistes pour la démocratie et la paix (RHDP) in Yopougon (Abidjan), the looting and destruction of property belonging to presumed Ouattara supporters in the western region of the country, and the imposition of a curfew on the eve of the second round of elections.

4. The presidential election campaign was launched on 15 October 2010 for a period of two weeks. The political rallies held by the 14 presidential candidates proceeded smoothly across the country, with no major incidents, pursuant to the code of conduct established. All candidates had equitable access to public media during the two weeks. Some minor incidents were reported, including harassment, intimidation and threats, and destruction of election posters. The confiscation of voters' cards by Mr. Gbagbo's supporters was observed in some areas of the country, principally in the western and northern regions. In the western part of the country, members of former militia groups threatened to disrupt the electoral process if 2,000 ex-militiamen were not paid their reintegration allowances in time, and prevented some political rallies from being held in Duekoué and Guiglo. Problems observed across the country included the lack of well-trained polling agents and persistent delays in the opening of polling stations, the delivery of election materials and the payment of salaries and allowances of polling agents. These led to frustrating delays in compiling results at both the local and national levels, amidst rising socio-political tension.

5. The first round of the presidential election was marked by a high voter turnout of 83 per cent and a large participation of women. Observers were generally satisfied with the organization of the election despite several logistical problems and lacuna, and no major incident or serious human rights violation was reported. On 3 November 2010, the Independent Electoral Commission announced the provisional results of the first round. Of the three leading contenders, Laurent Gbagbo obtained 38.3 per cent of the votes, Alassane Dramane Ouattara 32.8 per cent and Henri Konan Bedié 25.24 per cent. The provisional results announced by the Commission were confirmed and proclaimed by the Constitutional Council on 5 November 2010, and were certified by the Special Representative of the Secretary-General on 12 November 2010. As required by the electoral laws, a second round of the presidential election was scheduled between the two leading contenders, Mr. Gbagbo and Mr. Ouattara, on 28 November 2010.

6. On 27 November 2010, on the eve of the run-off election, President Gbagbo imposed a night-time curfew, ostensibly to deter violence. On the same day, in a communiqué broadcast on SR TV, Forces nouvelles announced its decision not to enforce the curfew in its zone, while the opposition political parties denounced the curfew as a means of instilling fear in voters and called for it to be lifted. Earlier, on 14 November, President Gbagbo had decided to deploy the national army across the country, citing the apparent inability of the Centre de commandement intégré (CCI) to provide sufficient security as it had been mandated to do by the Ouagadougou Political Agreement.

7. On 28 November, the presidential election was conducted successfully; voter turnout exceeded 81 per cent, although there was last-minute confusion over its outcome. Repeated attempts to prevent members of the Dioula and Baoulé ethnic communities from voting in several areas, including in Lakota, Issia and San Pedro, led to violent clashes between supporters of Gbagbo's party, La majorité présidentielle (LMP), and that of Mr. Ouattara, RHDP. LMP supporters depicted Mr. Ouattara as the "father of the rebellion", and displayed defamatory posters and screened a film denigrating him, inciting violence against members of the Dioula ethnic group to which Mr. Ouattara belongs. Some messages were blatantly xenophobic and propagated religious and ethnic division between the North and the South. They appealed to people not to vote for Mr. Ouattara, calling him "the assassin", to block his supporters from campaigning on his behalf, and to rise up against his supporters should he win the second round. Mr. Gbagbo's campaign adopted a slogan that called on his supporters to "vote 100 per cent" for the "original". On 18 November, the Minister for the Interior read a press release on State television in which he condemned these acts and asked the perpetrators to cease their activities.

8. In addition to the curfew imposed on 27 November, on 2 December 2010, the Government closed the country's land, air and sea boundaries, which were subsequently reopened on 6 December. The Government also decided to withdraw the members of the Forces de défense et de sécurité (FDS) from the CCI, and asked administrative authorities deployed in the North to relocate to the South.

9. After some delays, the Independent Electoral Commission finally announced the results on 2 December 2010, declaring that Mr. Ouattara had won the presidential election by 54.1 per cent of the votes against 45.9 per cent for Mr. Gbagbo. On 3 December, the Constitutional Council reversed the results announced by the Commission and declared Mr. Gbagbo the winner with 51.45 per cent of the votes against 48.55 per cent for Mr. Ouattara, after invalidating the votes from seven regions in the North that had voted overwhelmingly for Mr. Ouattara. In his certification role, the Special Representative of the Secretary-General validated the results announced by the Commission declaring Mr. Ouattara the winner. The certification of the Special Representative was fully endorsed by the international community. Nevertheless, on 3 December, the Constitutional Council swore in Mr. Gbagbo for a new term as President. In turn, on 4 December, Mr. Ouattara notified the

President of the Constitutional Council of his own swearing-in as President. Both sides formed their respective Governments. Former Prime Minister Guillaume Soro was reconfirmed in his function by Mr. Ouattara, while Mr. Gbagbo designated a university professor, Gilbert Marie Aké N'Gbo, as his new Prime Minister. The army gave its support to Mr. Gbagbo, while the Forces armées des Forces nouvelles (FAFN) endorsed Mr. Ouattara. This unprecedented situation, where two presidential candidates were both sworn in as President-elect, heightened the political tension in Côte d'Ivoire.

#### **A. Human rights situation during and after the elections**

10. The enforcement of the curfew declared on 27 November 2010, the repeated clashes between LMP and RHDP supporters and the violent suppression of an attempted public demonstration by RHDP supporters on 16 December 2010 led to systematic human rights abuses ranging from extra-judicial killings, torture, illegal arrest and detention, abductions and enforced disappearances, including that of journalists, and the wilful destruction of property.

11. During the period from 15 to 22 December 2010, 173 people were reported killed and 90 were subjected to torture and ill-treatment, while 471 others were arbitrarily arrested and detained in various detention centres, including the Police headquarters, where police officers allegedly conditioned the release of arrested people to the payment of as much as 150,000 CFA francs (approximately \$300). In addition, 24 people were reported missing during this period.

12. The human rights situation was exacerbated by public and private media, which polarized the political and electoral arena and spread inflammatory messages, thus jeopardizing national unity and cohesion. The ongoing political crisis also had a negative impact on the full realization of the right to education in some parts of Côte d'Ivoire, particularly in Bouaké, Daloa and Bondoukou, where classes were suspended

#### **B. Human rights violations by the defence and security forces and armed militia**

13. Members of the defence and security forces, including those of the Compagnie républicaine de sécurité (CRS), the Centre de commandement des opérations de sécurité (CECOS), the Republican Guard, the Brigade anti-émeute, the Brigade du maintien de l'ordre, the gendarmerie and the Navy, aided by militia, youth groups and English-speaking "mercenaries", cracked down on RHDP supporters, mainly of the Dioula and Baoulé ethnic groups, in several locations. They used tear gas, grenades, machetes and live ammunition to quell demonstrations staged by unarmed opposition supporters. On 1 December, on the pretext that they were conducting a weapon search at the Rassemblement des Republicains (RDR) headquarters in Wassakara, Yopougon, CECOS members reportedly fired live ammunition, killing six RDHP supporters and injuring 14 others. Seven other RDHP supporters were arrested and detained at the central civilian prison, the Maison d'arrêt et de correction d'Abidjan.

14. A similar raid was reportedly conducted on 25 December 2010 by members of the Fédération estudiantine et scolaire de Côte d'Ivoire (FESCI), aided by the FDS and some militiamen, against the headquarters of the Parti démocratique de Côte d'Ivoire (PDCI) in the Cocody district of Abidjan. In the attack, 11 people were injured, three of whom sustained serious gunshot wounds. On 4 January 2011, at around 4.30 a.m., members of the FDS again raided PDCI headquarters. They fired gunshots, destroyed doors and arrested at least 63 RHDP supporters, including six women and a number of children. One person was

killed and four were seriously injured during the incident. Those arrested were held in custody at the Prefecture de la police in Plateau, then transferred to the central civilian prison. They were all subsequently released on 18 January.

### **C. Violent suppression of the demonstrations on 16 December 2010**

15. Political violence escalated on 16 December 2010, when RHDP authorities tried to rally supporters from all over the country to march peacefully towards Abidjan to take over the building of Radiodiffusion Télévision ivoirienne (RTI) with a view to install the Director-General appointed by the Ouattara Government. The march was forcefully repressed by members of the FDS, particularly in Abidjan, Divo, Bondoukou and Tiébissou, near Yamoussoukro. In Yamoussoukro, a clash between members of the FDS and the FAFN resulted in several casualties. On the same day, a similar clash between FDS and FAFN members in Abidjan at the Golf Hotel resulted in at least 10 deaths, including three FDS soldiers. The FAFN in Bouaké reinforced its troops and advanced to Ngattalikro, near Yamoussoukro, in the former zone of confidence, to head off a possible FDS attack from the south.

### **D. Call for civil disobedience by the Rassemblement des houphouëtistes pour la démocratie et la paix**

16. Launched on 18 January 2011, Operation “ghost country”, by which the RHDP called for civil disobedience across the country, was severely repressed by the FDS from 18 to 20 January in Abidjan, Abengourou, Agnibilébro and Gagnoa. The FDS members involved in these abuses included soldiers from the CECOS, the CRS, the Brigade anti-émeute and the Navy. The FDS aggressively removed barricades erected by RDHP supporters in the Attécoubé and Adjamé neighbourhoods of Abidjan and in the Dioulabougou neighbourhood of Gagnoa, and shot indiscriminately at unarmed civilians, killing nine people, including a 15 year-old boy, and causing injury to 21 others. In reaction, demonstrators in Gagnoa vandalized nine buses belonging to Société de transport KS, a private company whose owner had refused to follow the call by RHDP. Three other people were killed in Agnibilékro by the FDS. The call by RHDP had a negative impact on the daily life of citizens, especially those working in the health and education sectors. Several schools were closed, and many patients were deprived of their basic right to medical care owing to the absence of medical personnel.

17. The passivity of law enforcement officers, who failed to protect civilians against various abuses, led to the establishment of self-defence groups to secure certain neighbourhoods. Local communities also used a warning system consisting of making noise with sauce pans and other kitchen tools, known as “opération casseroles,” to prevent killings, abduction and other violations by the FDS or other security agencies.

### **E. Abobo PK 18 attacks**

18. On 17 December 2010 and 11 January 2011, FDS soldiers raided Abobo PK 18, a suburb of Abidjan and a stronghold of President Ouattara’s supporters, where the soldiers suspected the presence of FAFN members and of *dozos* (traditional hunters) loyal to him. On 17 December 2010, they broke into private homes, fired gunshots all night long and arrested several young men. At least 18 people were reportedly killed in this operation. On 11 January 2011, the FDS once again raided Abobo PK 18. On the pretext of searching for weapons and dismantling roadblocks erected by the local population, they broke into several homes, firing live bullets to intimidate residents. Preliminary information from



different sources indicated that at least nine people, including four FDS members, were killed during the incident. On 12 January, members of the Young Patriots in Abobo Avocatier killed at least two people, raising the death toll to at least 11. A curfew imposed by Mr. Gbagbo has been in force in Abobo and Anyama since 9 January. It should be noted that the nature and degree of the casualties inflicted on the police in the Abobo PK 18 incidents, who in some instances sustained gunshot injuries, indicate the presence of armed “civilians” among the population.

## **F. Duekoué incident and intercommunity tension in the post-electoral context**

19. Intercommunity tension increased during the run-up to the presidential election; several cases of ethnic and politically-related violence were reported, particularly in Duekoué in the west of Côte d’Ivoire. On 3 January, at least 35 people were killed and more than 100 were wounded, and 230 houses were burned down in inter-ethnic violence between heavily armed Dioula and Gueré militias, the latter allegedly aided by Liberian mercenaries. The incident occurred after a female trader of the Dioula ethnic origin was shot and killed in an ambush by a group of highwaymen composed of Gueré youths. On 8 and 9 January, the Humanitarian Coordinator in Côte d’Ivoire led a joint mission of United Nations country team agencies, including the human rights division of UNOCI, to Duekoué, Man and Danané to assess the humanitarian implications of the clashes. The mission noted that women and children were the most affected, and identified several areas for urgent and immediate action, including health, water and sanitation, nutrition and the safety of the population.

20. Intercommunity violence has also been reported in many other areas, such as Abengourou, Bondoukou, Bouaké, Dabou (40 km from Abidjan), Daloa, Divo, Gagnoa, Guiglo (32 km south-west of Duekoué), Hiré, Issia, Lakota, Oumé, Saïoua, Sinfra (130 km from Daloa), San Pedro, Yamoussoukro and Zuenoula, between members of the native Bété, Gouro and Dida groups and Baoulé and Dioula communities over land claim disputes, exacerbated by political differences. Members of non-native communities were harassed, and some were killed for not voting for Mr. Gbagbo.

21. After the second round of the election, similar acts were committed against the above-mentioned communities, leading to the displacement of at least 94 members of the Baoulé ethnic group from Bemadi (10 km from Issia) and neighbouring villages. Several victims and witnesses also testified that houses belonging to northerners and people from the Baoulé ethnic group were marked with the signs “X” or “B” in various neighbourhoods of Abidjan to facilitate the identification of occupants for abduction, extra-judicial killing or the destruction or looting of property. The same witnesses also revealed the existence of blacklists of people to be eliminated. Many people therefore abandoned their homes out of fear of reprisals, and remained in hiding for weeks.

22. LMP supporters destroyed ballot boxes in Paulkro (15 km from Ouaté), in San Pedro, Belem (6 km from Waté), Yaoblékro Chantier, Kanakro (10 km from Waté), Waté and Buyo. In some instances, they obstructed the deliberations of members of the Independent Electoral Commission, resulting in the cancellation of some results. Well-known LMP leaders also incited native youths to harass and intimidate polling station staff. In Buyo, the gendarmerie brigade commander confiscated the voting cards of 10 would-be voters, whom he claimed were foreigners. Many would-be voters did not exercise their right to vote out of fear of reprisals. Similar abuses were reported in Akoupé (Agneby), Dougbafla (Oumé), Gadouan, Ouragahio and Bakayo (Soubré), where militia groups and native youths erected barricades in order to prevent members of non-native communities from voting.

## **G. Internal and cross-border displacement**

23. The prevailing political situation in Côte d'Ivoire has also triggered the exodus of thousands of people into neighbouring countries. According to the Inter-Agency Standing Committee of the United Nations country team, as at 27 January 2011, at least 32,000 Ivorian refugees had registered in Liberia, 340 in Guinea, 168 in Togo, 92 in Mali, 12 in Burkina Faso and 13 in Ghana, while a total of 13,000 people had sought refuge with the Catholic Church in Duekoué and 4,000 others in Man. The internal displacement of a considerable number of members of the Baoulé ethnic group was reported in the village of Iboke (about 80 km west of San Pedro) in the Grand Bereby district following threats to their lives by LMP youths in the area. In Sinfra, clashes led to the displacement of approximately 1,000 people, who sought refuge at the UNOCI Banbatt camp on 28 November. A similar displacement was observed in Yaakro-Koffikouassikro (6 km from Tiébissou) where 827 people, including 331 women and 176 children, fled the village for Tiébissou following the clash on 16 December between FDS and FAFN soldiers there.

## **H. Allegations of mass graves**

24. UNOCI has received several reports of alleged mass graves in various parts of the country, mainly in Abidjan, Issia and Lakota (in the Kokora "poulailler" zone, 4 km from Lakota), Dahiri (4 km north of Lakota) and Lobodiguia (Daloa). Other witnesses alleged that several corpses had been buried in the Forêt de Banco, in Abidjan. On 28 December 2010, a team of human rights investigators, led by the Chief of the Human Rights Division, attempted to investigate the alleged killing of between 60 and 80 people whose corpses were reportedly deposited on 18 December at Ndotré and subsequently removed to a morgue in Anyama, near Abidjan. A similar attempt had previously been made on 20 December by a team led by the Special Representative. On both occasions, UNOCI investigators were blocked by soldiers loyal to Mr. Gbagbo from gaining access to the building in which the bodies were reported to be held. The Special Representative was stopped at gunpoint and forced to withdraw. Other attempts by UNOCI human rights officers to investigate reports of the existence of mass graves in Lakota and Issia were similarly impeded by FDS members and local administrative officials.

## **I. Targeting of religious buildings**

25. On 17 and 18 December, FDS members stormed four mosques in Grand Bassam, Abobo and Williamsville, near Abidjan, during Friday prayers, causing the death of one person and injury to at least 27 others. In Grand Bassam, a group of police, gendarmes and marine officers stormed the Sylla mosque around 12.50 p.m. on 17 December while the Imam was conducting the sermon attended by several worshippers at the Friday prayers. The FDS threw teargas into the courtyard, creating panic in the crowd of worshippers. As a reaction, worshippers set fire to a vehicle belonging to the local police commissioner as well as to his home. In reprisal, the local security forces, reinforced by CRS members dispatched from Abidjan and aided by informants, broke into private homes and opened fire on civilians with live ammunition. One person was killed and a dozen others were injured. On the same day, CRS members fired shots and teargas at worshippers at the Al Hayatt Mosque in Andokoi 3, near Abobo, injuring 17 people, including 14 women. Similar incidents were reported in Abobo PK 18, at the Taqwa mosque, and in Williamsville, at Al Huda mosque. In the latter case, CRS members prevented worshippers from attending Friday prayers by firing gunshots and releasing teargas in the vicinity of the mosque between 10 a.m. and 1 p.m., destroying property. On 16 December, in Bangolo, near

Duekoué, armed men reportedly attacked a Catholic church. They escaped with computers and a vehicle, which was recovered on 20 December by its owner.

## **J. Sexual violence**

26. With regard to violence against women, 23 cases of rape linked to post-election violence have been documented. On 24 December, a 44-year-old woman married to a high-ranking State official was raped in Benongossou, near Abidjan airport, by three individuals dressed in civilian attire and armed with knives and machetes, and accompanied by another group of men dressed in military attire and armed with rifles. The woman was abducted outside her home and taken to a nearby bush, where she was sexually assaulted for refusing to make a pro-Gbagbo statement. The victim was referred to a specialized organization for psychological and medical assistance.

27. On 4 January 2011, in Duekoué, 19 women and girls were gang-raped by armed militiamen, who threatened to burn them alive. On 15 January, a male RHDP supporter, aged 30, who had previously been arrested on 4 January during the raid on the PDCI headquarters by FDS members and released from detention on 5 January, was rearrested, tortured and sexually abused by members of the Republican Guard. In the holding cell, the victim was beaten and sodomized from 11 a.m. until 5 p.m. by eight soldiers, who also inserted the end of their kalashnikov rifles into his anus until he agreed to provide them with the names and addresses of other RHDP supporters. He was treated by UNOCI health personnel at the mission's medical unit before being referred, on 16 January, to a specialized hospital for appropriate medical assistance.

## **K. Role of the media in inciting hatred and violence**

28. Even though all 14 presidential candidates had equal and free access to public media during the run-up to the first round of the election, the RTI mainly focused on the activities conducted by Mr. Gbagbo, Mr. Bedié and Mr. Ouattara. Public and private media failed to provide basic civic education training for the benefit of the citizens. One consequence of this failure was the high level of spoiled ballots observed in the first round of the election. Accusing foreign media of bias in the Ivorian crisis following the broadcast by France 24 of the provisional electoral results announced by the Independent Electoral Commission from the Golf Hotel, the Gbagbo Government shut down the foreign media, blocked the transmission of telephone text messages and attempted to block the transmitters of ONUCI FM radio, which was accused by Mr. Gbagbo and his supporters of broadcasting messages inciting violence.

29. This new situation was openly amplified by public and private media in the pay of political leaders, under the passive eye of the media regulator, the Conseil national de la communication audiovisuelle. The RTI publicly embarked upon an intensive and systematic campaign to incite intolerance and hatred against the United Nations, the African Union, the Economic Community of West African States (ECOWAS), the facilitator of the Ivorian dialogue and non-LMP leaders and supporters. It galvanized people, including soldiers loyal to Mr. Gbagbo, to prepare for a potential war. The RTI was turned into a propaganda machine for the LMP candidate, monopolizing media space, spreading inflammatory messages and violent speeches, and calling upon the Ivorian population to "resist the enemy", thus creating a potentially explosive situation in the country.

## L. Recruitment, arming and use of youths, militias and mercenaries

30. A worrying trend of youth militarization was observed in the country, particularly after the presidential run-off of 28 November 2010. Young people were recruited in different localities, but particularly in Abidjan, Bouaflé, Daloa, San Pedro, the Agnéby region, Vavoua and Zuenoula. In some instances, they were reportedly brought to Abidjan to undergo rapid military training in designated centres, such as Akakro village in Bingerville, in Cité verte (Yopougon), Zaon and 220 Logements. It was also reported that some youths were forcibly abducted and taken to the training centres to be used later as human shields should ECOWAS forces enter the country. Many were promised integration into the regular police force and the army. Some youths who had already completed their training were sent to the field with military uniform and weapons, while others have been kept in training centres, hotels and other venues. In this respect, UNOCI has received reliable information on the existence of a new fighting group called the “Force de résistance et de libération de la Côte d’Ivoire” linked to Mr. Gbagbo’s camp. The group has already issued combatant cards to new recruits with a registration number and the signature of a certain “colonel Djédjé Gbeazigboyou”. The reverse side of the card reads *La Côte d’Ivoire ou la mort* (“Côte d’Ivoire or death”) and *Nous vaincrons* (“We will win”).

31. Another disturbing element is the reactivation of the Compagnie des Scorpions Guetteurs (also known as the Front de libération du Grand Centre), which reportedly intends to launch a new operation called “Liberté immuable” from the centre of the country to “liberate” Bouaké and the FAFN-controlled zone. The operation was reportedly launched more than eight months ago and involves the recruitment of around 1,000 youths, whose task will be to infiltrate zones controlled by Forces nouvelles and to collect information on the position of the FAFN and the Impartial Forces before the final assault by the FDS. A total of 14 sites - 10 in the north-east and four in the north-west - were identified for this operation, which is estimated to cost 35,000,000 CFA francs (around \$70,000). In Yamoussoukro, the Scorpions Guetteurs committed abuses against the local population in the Dioulabougou neighbourhood. They injured 10 people, including two children, when locals attempted to dislodge them from the area to put an end to these abuses.

32. Other groups include the Young Patriots, led by Charles Blé Goudé, the FESCI and alleged Liberian mercenaries reportedly recruited by the Gbagbo “Government”. Witnesses reported the presence of heavily armed mercenaries among the FDS in Abidjan, on 16 December, in Duekoué during the intercommunity clashes of 5 January 2011, and in Abobo PK18, on 11 January 2011. In response to the allegations about the involvement of Liberian mercenaries in the country, President Ellen Johnson Sirleaf of Liberia issued a press communiqué on 7 December in which she strongly advised Liberian nationals not to get involved in the Ivorian crisis. All these fighting groups work closely with the FDS, especially the Republican Guard and the CECOS. They are often used as informants in charge of identifying individuals to be arrested, abducted or assassinated and whose residences can be identified by specific symbols and markings.

33. Among the instigators of the above-mentioned operations, Charles Blé Goudé, Mr. Gbagbo’s “Minister for Youth Affairs”, has been consistently cited by witnesses, alongside the former Minister for the Interior, Désiré Tagro, the mayor of Yopougon, Bamana Djida, as well as other high-ranking LMP politicians and military officers. Sophisticated arms and machetes were reportedly distributed illegally to the recruits. Many reports revealed the existence of weapons caches in different locations in Abidjan and in the interior of the country. Armed youths from the native Bété, Gouro, Guéré and Dida communities and other LMP supporters are reported to have committed acts of violence against members of other ethnic groups for not voting for Mr. Gbagbo.

34. On 4 January, 18 Malian nationals working as baggage handlers in the Adjamé neighbourhood of Abidjan were abducted and taken to an unknown destination by a group of armed civilians on board two pick-up vehicles in the Adjamé–Texaco neighbourhood. At the time of reporting, neither the circumstances surrounding their enforced disappearance nor their whereabouts had been established. At 4 p.m. on 12 January, three Malians were beaten to death in Abobo Avocatier by a group of Young Patriots. On 19 January, seven other Malian nationals were abducted, beaten and tortured in the village of Adjamané (35 km west of San Pedro) by native Kroumen youths, who accused them of being rebels. The Malians, migrant workers who had just recently arrived in the area, were released from custody on the same day.

## **M. Situation in the zone controlled by Forces nouvelles during and after the elections**

35. Although the situation has been calmer in the areas controlled by Forces nouvelles, a number of human rights violations has been reported. On 8 December, in reaction to the invalidation of the votes in seven northern regions by the Constitutional Council, all administrative authorities of the concerned localities stated in a press communiqué that polling had been generally free and fair in the area despite a few incidents observed in certain polling stations, which were quickly addressed. No killings had been noted. A few cases of human rights violations ranging from threats and intimidation to minor infringement of the right to physical integrity and to property were reported in the area during the second round of the election on 28 November.

36. In Bouaké, the local headquarters of the ruling party, the Front populaire ivoirien of Mr. Gbagbo, was attacked and vandalized. The residences of Siki Blon Blaise, President of the Conseil general, of Lanciné Gon Coulibaly, former mayor of Korhogo, and of Issa Malick Coulibaly, national campaign director for Mr. Gbagbo, were also looted and razed to the ground in Man and Korhogo, respectively, by young individuals reportedly belonging to the RHDP. Also in Korhogo, an LMP supporter was severely beaten and undressed by RDHP supporters following a political dispute. Similar attacks against the property of LMP officials by RHDP supporters were reported in Bocanda, M'Bahiakro and Toumodi, located in the area controlled by the Government. On 3 December, in Ben Kouassikro (5 km from Bouaké), five FAFN soldiers, claiming to be search for weapons, broke into the home of the parents of an LMP representative and stole 13,000 CFA francs (around \$26). Seven other FAFN members returned to the house two hours later and confiscated four bags containing some 1,000 T-shirts. They threatened to return if the LMP representative did not stop campaigning for Mr. Gbagbo. FAFN soldiers also arbitrarily arrested and detained two people in Bouaké, a zone deserted by local judicial authorities after the proclamation of the 28 November presidential election results, as well as nine foreigners (three Cameroonians, four Ghanaians, one Nigerian and one Togolese national) suspected of being mercenaries employed by the Gbagbo camp.

37. In Odienné, several incidents were reported, including attacks against private homes and the destruction of property following the proclamation of the provisional results announcing Mr. Ouattara as the winner. FAFN members looted the Diocesan office in Odienné as well as the residences of the local LMP campaign director for Odienné and of another LMP campaign director in Minignan. RHDP supporters also attempted to physically assault the principal of the Collège municipal, a midwife and two teachers. In Kani, near Seguéla, a local member of the Independent Electoral Commission representing the LMP was intimidated and threatened with death. In Bouna, two vehicles belonging to LMP supporters were confiscated by RHDP youths. On 17 December, a vehicle belonging to a private company was confiscated by FAFN members in Vavoua (53 km from Daloa).

The vehicle was returned two days later to its owner following the intervention of UNOCI human rights officers.

38. On 15 and 16 December, FAFN soldiers clashed violently with the FDS in Tiébissou, a border town between the Forces nouvelles-controlled zone and the south, where the FDS had stopped the progress of northerners attempting to march from Bouaké to Abidjan, where they planned to join other RDHP supporters to march to and seize the offices of the RTI. As a result of the skirmishes, three people were killed and 29 FAFN members and two civilians were injured. No information was available regarding casualties among Mr. Gbagbo's military and civilian supporters. On 5 January, the local vice-president of the RHDP youth in Djebonoua (15 km from Bouaké) threatened to physically assault LMP members, mainly those employed in the education sector, seriously affecting the enjoyment by pupils and students of their right to education. Traditional leaders and FAFN authorities intervened to preserve peace and social cohesion in the area.

### **III. Attacks on United Nations Operation in Côte d'Ivoire and obstruction of its monitoring activities**

39. Following the political deadlock, the Government formed by Mr. Gbagbo and the FDS began to obstruct UNOCI patrols and to propagate false news against the Operation, which they accused of supporting and arming the FAFN. Pre-empting possible threats against its staff, UNOCI decided to raise the security level from two to three and to evacuate, on 7 December, its non-essential staff to Banjul in the Gambia. Some UNOCI staff also received death threats. On 30 December, in Yamoussoukro, a certain Lieutenant Gondo of the Army training academy pointed at close range his rifle at the head of an UNOCI staff member and threatened to kill him. In another incident, a man who had worked for UNOCI in Abidjan as a driver during the presidential election received a death threat from armed men who visited his home on two separate occasions; fearing for his life, the man subsequently went into hiding. In the same vein, a female human rights officer who was returning to duty in Côte d'Ivoire after her rest and recuperation leave was denied entry at the airport by law enforcement officers, who molested her, forcibly took her back to the plane and forced her to return to France. In addition, obstructions by FDS members, youth and militia groups loyal to Mr. Gbagbo to the movement and work of UNOCI made it extremely difficult for the Operation to perform its mandated tasks effectively, including the investigation of alleged human rights abuses.

40. In the midst of the political deadlock that followed the announcement of the 2010 presidential election results, the UNOCI Human Rights Division is facing serious constraints in verifying the grave allegations of human rights violations. Local authorities refuse to cooperate, thus impeding the Division's ability to investigate thoroughly the cases brought to its attention. Another major concern is the silence of national non-governmental organizations, as well as that of the National Human Rights Commission in the face of the serious human rights violations perpetrated by both sides in the ongoing political standoff.

41. To address these difficulties, the Human Rights Division established an integrated human rights monitoring and investigation task force on 15 December. The task force comprises 98 human rights experts drawn from the Division, 10 other UNOCI military, police and civilian components and four agencies of the United Nations country team in Côte d'Ivoire. The task force is organized into 12 field teams deployed across the country. Its work in the south of the country has, however, been hampered, unlike in the north, where the task force has been able to conduct its activities without obstruction. In the same vein, the Division established a 24-hour telephone service, the "green line", through which violations can be reported by victims or witnesses. The green line was later transformed into a 24-hour call centre, where Division staff and other UNOCI components can log in

allegations of human rights violations received from the general public. More than 300 calls are received daily by the call centre. The Division has continued to verify allegations through established networks (such as religious groups and international non-governmental organizations) to orientate UNOCI military patrols to “hot spots” and thus reassure local communities and facilitate access to medical assistance for indigent victims in the medical hospital at UNOCI headquarters. The head of the Division participates in the UNOCI press conferences every Thursday to keep the general public and the international community informed about the human rights situation in the country.

#### **IV. Action by the United Nations and the High Commissioner**

42. The deteriorating human rights situation in Côte d’Ivoire has been strongly condemned by the Secretary-General, the special procedures mandate holders of the Human Rights Council and the United Nations High Commissioner for Human Rights. The latter wrote individual letters to Mr. Gbagbo and three high-ranking military officers loyal to him, namely the Navy Commander, the Commander of the Republican Guard and the Commander of the CECOS. The High Commissioner reminded them of their responsibility to protect civilians and of their command and control accountability for serious human rights violations committed by individual members or units of the defence and security forces placed under their command. Other human rights mandate holders, notably the Special Adviser to the Secretary-General on the Prevention of Genocide, the Special Adviser to the Secretary-General on the Responsibility to Protect, the Special Representative of the Secretary-General on Children and Armed Conflict and the Special Representative on Sexual Violence in Conflict, voiced their deep concern at the gross human rights violations committed in Côte d’Ivoire since the holding of the presidential election. Furthermore, the Prosecutor of the International Criminal Court announced his intention to send an assessment mission to Côte d’Ivoire to determine whether the situation there warranted his intervention.

43. On 20 December, at a press conference broadcast on state television, Mr. Gbagbo’s “Minister for the Interior” refuted reports of serious human rights violations in the country and regarded the reported death toll as biased, stating that the High Commissioner had failed to mention that 14 FDS members had been killed by Mr. Ouattara’s supporters. On the following day, in a televised message, Mr. Gbagbo acknowledged the killings and the burning and looting of property on 16 December in Abidjan during an attempted march by RHDP members. While insisting that he was the duly-elected president, he intimated his readiness to dialogue with Mr. Ouattara and proposed the creation of an evaluation committee on the post-election crisis with national, regional and international participants.

44. By Presidential Decree No. 2011-06 of 7 January 2011, Mr. Gbagbo established an international commission of inquiry with a mandate to investigate human rights violations related to the post-election period. The commission is composed of seven members, including four Ivorians – Djidji Kadjo Alphonse, Marc Richmond, Mawa Coulibaly and Dépreuba Béatrice – and three foreigners: Willy Rubeya, a Burundian lawyer; Robert Charvin, a French law professor; and Jean Martin Mbenba, a former Minister for Human Rights of the Congo. The commission members have been assigned the responsibility of investigating human rights violations, identifying perpetrators and submitting a report to the “Gbagbo Government” within a month.

## V. Conclusions and recommendations

### A. Conclusions

45. Following a relatively peaceful first round, the run-off of the 2010 presidential election in Côte d'Ivoire, held on 28 November 2010, was marked by a drastic deterioration in the human rights situation. At least 275 people have been killed since mid-December. Acts of intimidation, harassment and other infringements of the rights to life, physical integrity, safety and security, and property were committed by supporters of political parties, in particular by LMP supporters. Members of the defence and security forces loyal to Mr. Gbagbo used excessive and deadly force to repress political opponents, thus progressively driving the country into political turmoil and installing a climate of suspicion, fear and repression. Reports of the recruitment and arming of youths, the forced recruitment of other people to be used as human shields in the event of war, and the reactivation and rearmament of various militia groups indicate a strong possibility that the human rights situation in Côte d'Ivoire will worsen, despite the mediation efforts made by the international community, the African Union and ECOWAS to put an end to the crisis.

46. The prevailing political stalemate and the prospect of military intervention by ECOWAS with a view to installing the legitimate president-elect in power and the possible resumption of civil war in the country pose a real threat to the protection of civilians. The Security Council, in its resolution 1894 (2009) on the protection of civilians in armed conflicts, gave UNOCI a protection of civilians mandate, as outlined in Council resolution 1933 (2010), consisting in the protection, without prejudice to the primary responsibility of the Ivorian authorities, of civilians under imminent threat of physical violence, within the capabilities of UNOCI and its areas of deployment. In compliance with that resolution, UNOCI has drafted and adopted a comprehensive protection of civilians strategy that draws lessons from the shortcomings observed during the violent incidents of February 2010. A task force led by the Chief of the Human Rights Division was formed to draft and oversee the implementation of the strategy at both the national and subregional levels. To date, however, the strategy has not been fully implemented in the prevailing context, owing to the fact that UNOCI has been systematically prevented from implementing its mandate, including the strategy and the promotion and protection of human rights, by LMP supporters and officers and members of the FDS loyal to Mr. Gbagbo. The measures taken against UNOCI and its staff in this regard have included obstructing and restricting United Nations movement through the country, preventive and targeted attacks against United Nations personnel and property and turning back United Nations staff at the airport.

### B. Recommendations

47. In the light of the above, the High Commissioner makes the recommendations below.

#### 1. To the Government of Côte d'Ivoire

48. The High Commissioner recommends that the Government:

(a) Conduct in-depth, independent and impartial investigations into all politically-related violence, including serious human rights violations and abuses perpetrated during the period under review, and hold all perpetrators to account;



(b) Continue to seek a peaceful resolution of the crisis in order to end the suffering of the civilian population;

(c) Ensure that victims of sexual violence receive adequate medical and psychological assistance and reparation, and that the perpetrators of such violence are brought to justice.

**2. To the supporters of President Ouattara and the Rassemblement des houphouëtistes pour la démocratie et la paix**

49. The High Commissioner recommends that the supporters of President Ouattara and the RHDP ensure that the “ghost country operation” or other mass mobilization campaigns do not undermine the enjoyment of essential economic, social and cultural rights of the population, in particular the functioning of life-saving essential services, such as hospitals and medical centres.

**3. To Laurent Gbagbo and his supporters**

50. The High Commissioner recommends that Laurent Gbagbo and his supporters:

(a) End without delay all infringement of the rights to life and to physical integrity and the security of civilians without any distinction as to sex, age, ethnicity or religion, and refrain from impeding the provision of medical and legal assistance or compensation to victims of human rights violations and abuses;

(b) Respect the freedom of movement of and fully cooperate with the United Nations, the African Union and other partners for a successful and peaceful resolution of the crisis;

(c) Stop the recruitment, arming and use of youth groups, militias and mercenaries;

(d) Put an end to the harassment and persecution of supporters of other political parties and groups on the grounds of political opinion or ethnicity;

(e) Refrain from all unlawful action against unarmed civilians.

(f) Ensure that the public and private media currently controlled by supporters of Mr. Gbagbo stop broadcasting and spreading inflammatory messages, including against the United Nations, which create a serious risk of large-scale violence and gross human rights violations;

(g) Immediately cease all actions, statements and other manipulations inciting the security forces to commit human rights violations.

**4. To the international community**

51. The High Commissioner recommends that the international community:

(a) Provide UNOCI with the capacity and rules of engagement necessary to robustly enforce its mandate to protect civilians under imminent threat of physical violence;

(b) Continue to assist victims of human rights violations and ensure that serious human rights violations committed in Côte d'Ivoire are thoroughly investigated by a credible and representative international commission of inquiry, and that the perpetrators of such violations are held to account, and that it continue to work towards a peaceful resolution of the crisis in Côte d'Ivoire.

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