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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 resolution 17/21 of the Human Rights Council requesting the High Commissioner to present a report on the situation of human rights in Côte d'Ivoire at its eighteenth session. It provides an update on the human rights situation in Côte d'Ivoire since the report presented by the High Commissioner to the Human Rights Council (A/HRC/17/49) at its seventeenth session and covers events from 1 June to 31 August 2011.

The fragile security situation, coupled with existing resentment within several communities, especially in Abidjan and the west, continues to breed inter-community tensions, which often result in violence, with negative implications for the human rights situation. Civilians, particularly women and children, remained the primary victims of human rights violations and abuses and continued to face difficulties in accessing the criminal justice system, which is experiencing serious logistical and human resource challenges as a result of the conflict.

There are reports of human rights violations by the Forces Républicaines de la Côte d'Ivoire (FRCI), including extra-judicial and summary executions, torture, inhumane and degrading treatment, sexual and gender-based violence, arbitrary arrests and detention, violations of economic and social rights through acts of extortion, threats and intimidation. The fragile security situation has also encouraged vestiges of militia groups to continue carrying out targeted attacks against the population in areas in the west amid heightened levels of tension among various communities.

While corrective action has been taken, in the form of arrests of some of the perpetrators of human rights violations which occurred during the recent crisis, the Government needs to intensify its efforts to address human rights violations by the FRCI. Amid the current challenges facing the justice system, in particular the criminal justice

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\* Late submission.

system, victims of sexual and gender-based violence continue to face considerable difficulties obtaining redress. This situation has largely contributed to a climate of impunity in relation to sexual and gender-based violence.

Concerns have been raised regarding the situation of former President Gbagbo and his close associates: their incommunicado detention, the lack of access to lawyers and the delay in formally bringing the charges against them.

While the swift establishment of the Dialogue, Truth and Reconciliation Commission (DTRC) by President Ouattara represents an important step toward truth and reconciliation, some stakeholders have expressed concerns about what is perceived to be an attempt by the Government to rush the process through without proper consideration of the challenges involved and without extensive public participation. The Government needs to ensure that international standards and principles are respected in the establishment of transitional justice mechanisms. OHCHR is currently engaged with the Government and other relevant stakeholders with a view to supporting and enhancing the setting up of transitional justice mechanisms.

## List of abbreviations

<b>AU</b>	African Union
<b>BAE</b>	Brigade Anti-émeute
<b>BMO</b>	Brigade du Maintien de l'Ordre
<b>CCI</b>	Centre de Commandement intégré
<b>CECOS</b>	Centre de commandement des opérations de sécurité
<b>CRS</b>	Compagnie républicaine de sécurité
<b>DTRC</b>	Dialogue, Truth and Reconciliation Commission
<b>EFA</b>	Ecole des forces armées
<b>FRCI</b>	Forces Républicaines de la Côte d'Ivoire
<b>FCFA</b>	Franc de la Communauté financière africaine
<b>FPI</b>	Front populaire ivoirien
<b>HRD</b>	Human Rights Division (of the United Nations Operation in Côte d'Ivoire)
<b>ICRC</b>	International Committee of the Red Cross
<b>LMP</b>	La majorité présidentielle
<b>MACA</b>	Maison d'arrêt et de correction d'Abidjan
<b>PDCI</b>	Parti Démocratique de Côte d'Ivoire
<b>RDR</b>	Rassemblement des Républicains
<b>RHDP</b>	Rassemblement des houphouëtistes pour la Démocratie et la paix
<b>SODEFOR</b>	Société de Développement des Forêts Classées de Côte d'Ivoire
<b>UNCT</b>	United Nations Country Team
<b>UNOCI</b>	United Nations Operation in Côte d'Ivoire

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## **I. Introduction**

1. Since the last report presented by the High Commissioner to the Human Rights Council at its seventeenth session, there has been increasing evidence of a return to normalcy in the country, including the appointment of a new government and a new chain of command in the security forces and an improvement in the security situation, as well as the resumption of commercial activities. However, the country remains fragile as the Government faces numerous challenges in addressing the legacy of gross human rights violations in a fair and impartial way. Other challenges include integration of various forces into the new army, the proliferation of arms, the deteriorating socio-economic situation, the provision of education and health services, the preparation of legislative elections before the end of the year and the safe return of refugees and internally displaced persons (IDPs) to their respective communities.

2. Despite the improvement in the security situation in Abidjan and in the northern part of the country, the human rights situation remains serious. There are numerous reports of extra-judicial killings, disappearances, arbitrary arrests and detention as well as other violations. Vestiges of some militia groups continue to pose constant threats to the fragile security situation in the western part of the country. In addition, the security vacuum prevailing in several parts of the country due to the breakdown in the security and judicial apparatus, and the slow return to work of some security officials, remains a major area of concern with significant implications for the human rights situation.

## **II. Developments during the reporting period**

3. Following his official inauguration, President Ouattara reshuffled his cabinet on 1 June by confirming and appointing ministers to his Government. Laurent Gbagbo's Front populaire ivoirien (FPI) is not represented in the Government. On 7 July, President Ouattara also appointed top military commanders of the FRCI. During an official meeting with the military commanders in Abidjan on 22 July, President Ouattara admonished them to remain professional while emphasizing his intention to create an armed force that respects human rights and responds to the aspirations of the population. He specifically informed them of their command responsibility vis-à-vis their subordinates and acts thereof.

4. On 20 July, President Ouattara announced the creation of a national commission of inquiry to investigate human rights violations committed during the post-electoral period. The presidential decree establishing this Commission indicated that it is a non-judicial body. Efforts were also undertaken to strengthen the Dialogue, Truth and Reconciliation Commission (DTRC) particularly through the enactment of an Ordinance creating the Commission, its membership and functions and the appointment of the members of the DTRC, on 5 September 2011. On 24 June, the Minister of Justice announced the creation of a special unit to investigate human rights violations committed in connection with the post-election violence.

5. A United Nations electoral needs assessment mission dispatched to Côte d'Ivoire from 18 to 30 June concluded that legislative elections could be held by year's end so long as the security situation improved and the international community stepped in to support the process. The normalization of political life and the creation of an enabling environment based on full respect for civil and political rights will be essential in ensuring that elections are held in a free, fair and participatory manner.

### **III. Key human rights challenges**

6. During the reporting period, there have been reports of human rights violation including extra-judicial and summary executions, torture, inhumane and degrading treatment, sexual and gender-based violence, arbitrary arrest and detention, violations of economic and social rights through acts of extortion, threats and intimidation, and impunity for human rights violations. These allegations were brought to the attention of the Government by the Human Rights Division of the United Nations Operation in Côte d'Ivoire (UNOCI). Many of these human rights abuses appear to be the result of individuals using their positions for personal gain with impunity. The human rights violations appear also to be the result of recurring weaknesses and structural shortcomings of State institutions. The FRCI has filled the gap created by the lack of State authority, the collapse of public administration and of the delivery of public services in key areas of the country by taking on a number of State prerogatives such as the collection of commercial, mine and border taxes. The FRCI also usurps the role of the law enforcement and judicial authorities regarding the resolution of criminal and economic disputes. Only civil affairs are being referred to courts.

7. While there are cases of arrest and detention of members of the FRCI for alleged involvement in armed robberies and theft, the response of the FRCI hierarchy and other relevant authorities so far has been inadequate in relation to the gravity of the violations. While acknowledging the efforts undertaken to arrest perpetrators coupled with the Government's intention to create a professional armed force with clear command and control channels, the relevant authorities are urged to put in place concrete measures to address the impunity being enjoyed by some members of the FRCI who have been involved in human rights violations.

#### **A. Extra-judicial and summary executions**

8. Since the last report, the Human Rights Division (HRD) of UNOCI has documented 71 cases of alleged summary execution, 54 of which have reportedly been committed by the FRCI and others by unidentified armed groups. While some of the victims were alleged to be former militiamen, others were reportedly executed after being suspected of petty offences and encounters with members of the FRCI. For example, on 5 June, in Becouefin (110 km from Abidjan), during a clash between a group of village youths and the FRCI, who alleged that the former did not recognize their authority, at least three persons were killed by the FRCI, including a 10-year-old girl. About 26 people were arrested during the incident. On 9 July, the bodies of three people who had previously been arrested by the FRCI on 6 July in the village of Guitrozon (5 km from Duékoué) were found in Bahoubly and Fengolo (respectively 13 km and 5 km from Duekoué) half-naked and with their hands tied. On 11 July, in the Attécoubé-Santé neighbourhood of Abidjan, three people were killed and a fourth seriously wounded in the arm by a member of the FRCI attached to the Groupement Guerrier pour la Dignité et la Justice en Côte d'Ivoire. The victims were in a group of 10 people accosted in an abandoned building by the perpetrator on suspicion of stealing a mobile phone. The perpetrator was subsequently arrested and detained at the Brigade anti-émeute (BAE) in the Yopougon District.

9. The Human Rights Division of ONUCI has brought these issues to the attention of the Minister of Justice. On 18 August, the Minister of Justice informed the Human Rights Division that he had demanded the immediate arrest of two FRCI members involved in the summary execution of two civilians. The Minister of Justice also requested the Human Rights Division to refer cases of summary executions by FRCI elements to the judicial authorities. There is in addition a positive emerging trend regarding the police bringing

cases of human rights violations committed by the FRCI to the attention of the ONUCI Human Rights Division and the judicial authorities.

## **B. Torture, inhuman and degrading treatment and punishment**

10. During the reporting period, human rights officers have also received numerous allegations of torture and inhuman and degrading treatment. In a number of cases, persons alleged to have committed crimes were reportedly arrested by FRCI soldiers and subjected to physical assault to coerce them into admitting their culpability and/or involvement in the crimes. In other cases, FRCI elements upon conducting an arrest inflicted direct physical pain on the victims before conditioning their release on fixed sums of money. For example, on 16 June, elements of the FRCI reportedly raided Goulikaho and Doukouya villages (respectively 135 km and 120 km south of Yamoussoukro) and physically assaulted supporters of the FPI. At least 27 people, including 15 women perceived to be FPI militants were severely beaten, arrested and detained. As a result of the incident, two of the women, who were pregnant, suffered miscarriages. On 5 July in Bouake, FRCI members inflicted razor blade cuts on a farmer in a bid to obtain a confession with regards to his alleged involvement in a cow theft incident. The farmer suffered burns as melting patches of plastic bags were poured on his body. On 22 August, two Burkina Faso nationals, aged 21 and 25 respectively, suspected of stealing crops and personal items belonging to a villager in Sibably (35 km north-east of Duekoué) were arrested and severely ill-treated by six members of the FRCI. The two suspects were taken to the FRCI post, where they were severely beaten by the FRCI members who also poured hot water on their bodies. Both victims sustained serious wounds and were abandoned there without any medical assistance. The FRCI members subsequently went to the suspects' homes, threatened their wives with death and then stole FCFA 200,000 (around USD 460) and a motorcycle. The victims filed a complaint with the FRCI authorities in Duekoué. However, at the time of reporting, none of the perpetrators had been arrested.

## **C. Sexual and gender-based violence**

11. There have also been reports of sexual and gender-based violence during this period, sometimes concerning children as young as seven and eight years old. While significant efforts are being made by both national and international partners to provide the required care to victims, access to justice remains a major challenge and needs to be adequately addressed.

12. During the reporting period, the Human Rights Division documented 14 rapes and 4 female genital mutilation cases. For example, on 20 May, in Gbokora neighbourhood (4 km north of Daloa), four women and two minor girls aged 16-17 were raped by three men believed to be members of the FRCI. In an interview with one of the victims Human Rights Officers were informed that the perpetrators, who were armed and dressed in military attire, had broken into their house and introduced themselves as FRCI members. They separated the younger from the older women and took turns in raping the former group. In other situations, the violence occurred within the families but the justice system having collapsed, the rights of victims remain unaddressed.

13. According to the Gender-Based Violence Sub-Cluster's assessments conducted in the west between 8 and 12 August, there has been a resurgence of gender-based violence in Bas-Sassandra and Haut Sassandra regions. One of the worst affected areas is reportedly Tabou, where at least 12 victims of rape accessed specialized medical care during the month of July alone. Efforts are being made to address this issue in collaboration with the Ministries of Health and Social Affairs.

## **D. Arbitrary arrest, detention and acts of extortion**

14. During the reporting period, at least 306 persons were arrested and detained by the FRCI in several parts of the country without charges. In most cases, the detainees are physically assaulted, dispossessed of their personal belongings and ordered to pay for their release. In addition, in order to facilitate the systematic extortion and racketeering of the civilian population, some FRCI elements have established the practice of setting up roadblocks at which travellers were obliged to pay the “passage fees”, creating a sense of insecurity in some parts of the country. Resistance to this often resulted in physical assault, arbitrary arrest and detention. For instance, on 2 July, the President of a transport syndicate (Collectif des Syndicats des Transports et Chauffeurs du Bas Sassandra) was arrested and physically assaulted with a rifle butt by an FRCI element for refusing to pay the sum of FCFA 12,500 (approximately USD 27) at a roadblock. In similar incidents, two drivers were physically assaulted on 10 and 19 July respectively in Tiassalé (115 km from Yamoussoukro) and Divo (186 km from Abidjan) by FRCI elements for arguing over the payment of the “passage fees”. One of them was tied and only released after making a payment of FCFA 170,000 (approximately USD 340). This pattern of assaults and extortion is brewing disillusionment within the population and could lead to violent clashes.

15. Armed groups, sometimes affiliated to the Government or with the support of members of the FRCI, are reported to have been conducting searches and intimidating the population. According to some reports, these actions would be conducted against those perceived to be pro-Gbagbo, this determination being made, in some cases, on the basis of ethnicity. Issues related to land also contribute to these tensions. For instance, from 17 to 19 August, Société de Développement des Forêts Classées de Côte d’Ivoire (SODEFOR) agents, accompanied by two gendarmes and FRCI members, reportedly raided Morokro village in the classified forest of Brassué (25 km from Abengourou). They destroyed, burnt and ransacked private homes and confiscated mobile phones, livestock and other personal items. The SODEFOR Regional Director in Abengourou claimed that villagers were defying SODEFOR authority by illegally planting crops in a protected area. Concerns have been raised about the continuing arrest and detention of individuals under the suspicion of being pro-Gbagbo supporters or alleged members of pro-Gbagbo militias. The Human Rights Division of UNOCI is following up the case with local authorities.

## **IV. Intercommunity violence and attacks by militia groups**

16. Despite several interventions by the Government to enhance national reconciliation and social cohesion within the different communities, especially in the west, intercommunity tensions remain a major challenge. During the reporting period, three separate incidents between communities led to the death of at least six people including two Burkina Faso nationals. On 6 June, in Lossingué (97 km east of Odienné) a cattle breeder was shot and killed by unidentified persons after his animals were alleged to have destroyed some food crops. On 3 July in Tai Department, two Burkina Faso nationals were killed by a group of five unidentified men dressed in civilian and military attire. In a similar case, on 5 July, three people were killed after the dozos (traditional hunters) attacked some members of the gueré ethnic group in Guetuezon (42 km from Daloa). The FRCI was reported to have arrested those behind the attacks. The propensity of these to ignite into violent confrontations cannot be over-emphasized and demonstrates the need for more concerted and immediate action by all partners concerned.

17. In the meantime, remnants of the pro-Gbagbo militia groups have continued to pose a serious security threat in some areas in the west, undermining respect for human rights in the area. For instance, on 19 July, at least nine persons, including a woman, a two-year-old



baby girl and an eight-year-old girl were reportedly killed and seven others wounded in an attack by gueré militiamen in Daobly/Ponan (120 km south-east of Duekoué) in Tai Department. Among the wounded were three minors, including a girl aged 8 and two boys aged 12.

## **V. Internally displaced persons and refugees**

18. Many people who were displaced during the post-electoral crisis remain in IDP camps and are afraid or unable to return because of the security situation in some neighbourhoods of Abidjan and in the Western part of the country. Those still in the camps are facing security threats as well as a number of challenges to meeting their basic needs. Reports also allege that some IDPs are being forced to leave sites while the conditions for return in dignity are not yet in place.

19. According to the Office of the High Commissioner for Human Rights (UNHCR), the population of IDPs on sites across five regions of Côte d'Ivoire continues to fluctuate. In Abidjan, the IDP population has reportedly increased by 28 per cent mainly due to evictions, with 5,032 IDPs now living on 17 sites. Five sites in the Bingerville, Mafere and Yopougon neighbourhoods of Abidjan have closed down, resulting in the eviction of 2,657 persons while 1,239 IDPs who remain on seven other sites in Cocody, Aboisso and Grand-Bassam face imminent eviction. The majority of evicted families come from Abobo and Yopougon. Their continued stay on sites is explained by perceived insecurity in certain neighbourhoods, destruction, looting or occupation of their habitual places of residence. To date, a total number of 242,649 people have returned to their zones of origin in Côte d'Ivoire with more than 155,000 returning during the month of August alone. An estimated 171,362 Ivorian refugees remain in Liberia after fleeing the country during the post-electoral violence. In Ghana, the number of Ivorian asylum-seekers stands at 17,023 and the number of refugees at about 10,000.

20. A joint assessment mission comprised of the protection cluster members, including the Human Rights Division, and the representative of IDPs, conducted in the west (area of Tai) on 4 August, has reported continuing population movements within the zone as they fear possible new attacks by militia and mercenaries still active in the area.

## **VI. Arrest, detention and trial of former leaders**

21. During the reporting period, top military commanders of the former regime who are alleged to have directly committed and/or have been involved in the commission of human rights violations during the crisis were arrested and/or indicted by the Military Prosecutor. Notable among them are Generals Dogbo Blé, Vagba Faussignaux and Allah Kassi, respectively, erstwhile Commander of the Republican Guards, Commander of the Navy and Commander of the Lokodjoro Naval Base respectively. On 20 August, General Guiai Bi Poin, the former commanding officer of the Centre des opérations de sécurité (CECOS) was also arrested and detained at the Koumassi commando camp in Abidjan by the National Gendarmerie following the discovery of four alleged mass graves within the premises of the École de gendarmerie. Similarly, reports indicate that two army officials, all drivers of armoured personnel carriers (APCs), who were alleged to have been involved in attacks against women in the Abobo District of Abidjan, on 3 March 2011, have also been arrested.

22. International arrest warrants have been issued for several other important figures of the Gbagbo regime who are currently in hiding, for their alleged involvement in crimes

committed during the post-electoral crisis, including Mr. Charles Blé Goudé, Mr. Ouattara Gnonzié, former Minister of Communication, Mr. Dosso Charles Rodel, former State Secretary for War Victims, Mr. Kouamé Sécéré Richard, President of the General Council in Bondoukou and former Minister of Tourism, Mr. Nyamien Messou N'Guessan, former Minister of Labour, Mr. Koné Katina Justin, former Minister in charge of the Budget, Mr. Alphonse Mangly, former General Director of Customs and Mr. Bohoun Bouabré, member of the FPI.

23. UNOCI has continued to monitor the detention conditions and treatment of former president Gbagbo and some of his close associates who are currently being detained in several locations throughout the country.

24. During his visit by the Special Representative on 4 July, Mr. Gbagbo intimated that he was being well treated but complained about limited access to information and his lawyers. On 4 August, he informed the Human Rights Division of UNOCI that, contrary to the statement made by the authorities that he had been under house arrest, he is in fact in 24/24 incommunicado detention in a secret villa somewhere in the city of Korhogo. The main door of the house is locked and he is confined indoors all the time. He stated that he has only been taken to the presidential residence of Korhogo, where he was believed to be under house arrest, on a few occasions, such as for visits by the group of elders in April, the Minister of Justice, the Special Representative, Mr. Choi, the International Committee of the Red Cross (ICRC) and the Human Rights Division of UNOCI. He also reported that some of his lawyers visited him on three occasions and others have reportedly been denied visas to Côte d'Ivoire by the Government. Mr. Gbagbo confirmed that he has not been subjected to any physical ill-treatment except the state of isolation to which he is confined, the lack of access to an evangelical pastor and the fact that he is not allowed to go for a daily walk to improve his health.

25. On 2 August, the Human Rights Division of UNOCI visited Ms. Simone Gbagbo for the first time since her transfer from Abidjan to Odiénne, in the north-east of the country. She reported that she is being well treated and that the conditions of her detention are satisfactory. However, Ms. Gbagbo has only limited access to visit certain authorized persons and is not allowed to make or receive telephone calls at any time. She does not have any contact with her family.

26. In the prison in Bouna, where seven public figures associated with the Gbagbo regime are being held, the detainees reported that they had not been subjected to any form of ill treatment. They deplored the decision by the Government to freeze their assets as well as the fact that since their interrogation by the Public Prosecutor, no charges had been brought against them. There are also reports of complaints about a leaking roof, forcing the cell's five inmates to group themselves at one corner of the cell and also of the isolation to which they are subjected, making it impossible for them to communicate with or receive visits from family members.

27. With respect to the status of the criminal procedure against Mr. Gbagbo and his associates, on 5 August 2011, a judge went to the prison in Bouna to formally charge seven public figures close to Mr. Gbagbo with crimes against national integrity, tribalism, xenophobia, plotting against State authority, incitement to disturb public order, leading or participating in armed groups, incitement to rebellion and misuse of title. One of them was also charged with stealing, using weapons and violence, embezzling State revenues, tax fraud, looting and crimes against the State economy. On 18 August, the State Prosecutor of Abidjan announced the indictment of ex-president Gbagbo and his wife for economic crimes. On 13 September, President Ouattara stated that Mr. Gbagbo would be tried for economic crimes in the country and that his Government would also request him to be tried

by the International Criminal Court to ensure a transparent trial. In total, 47 pro-Gbagbo civilian associates and 62 Pro-Gbagbo military elements have been detained in the northern part of the country and several in Abidjan. On 24 August, Guiai Bi Poin was indicted for economic crimes, theft, embezzlement, looting and threats to the national economy.

28. On 10 August 2011, UNOCI shared the findings of the detention monitoring missions with the Government in order to take the necessary steps to address the issues raised by Mr. Gbagbo and his associates. The Government gave reassurances that the necessary steps would be taken.

## VII. Transitional justice

29. The Government of Côte d'Ivoire has taken a series of judicial and non-judicial measures that are being implemented in order to address the legacy of human rights abuses committed in the country, particularly during the post-electoral crisis. These measures include criminal prosecutions at the national and the international levels, the establishment of the DTRC, and institutional reforms. OHCHR has been working with the Government and relevant transitional justice mechanisms including the Special Investigations Unit created by the Government within the Prosecutor's office, to investigate and prosecute alleged perpetrators of human rights violations committed during the electoral crisis.

30. According to the Public Prosecutor, inquiries have been carried out into three categories of crimes: economic crimes, crimes against the security of the State, and violent crimes. For the first category, preliminary investigations ended in May. For the second, more than 100 victims or witnesses have reportedly been heard and legal proceedings have been instituted against 25 members of the pro-Gbagbo camp, currently detained in Boundiali Prison. For the third category, the prosecutor indicated that there are reasons to believe, based on testimonies and evidence, that about 3,000 people have been killed and 3,000 injured in connection with the crisis. A total number of 846 autopsies have been conducted to date.

31. OHCHR has also been providing support to the DTRC. As a follow-up to the request received from Mr. Charles Konan Banny, the president of the DTRC, an OHCHR technical team was dispatched to Côte d'Ivoire from 1 to 6 August to assess the needs of the DTRC. The Mission met with a variety of stakeholders, including the President of the DTRC and its technical staff, representatives of the Ministries of Human Rights, Justice, Defence and Interior, representatives of political parties, NGOs, religious groups, victims, and the diplomatic community.

32. While the swift establishment of the DTRC represents an important step toward achieving the right to truth and reconciliation, some stakeholders have expressed concerns about what is perceived as an attempt by the Government to rush the process through without proper consideration of the challenges involved and without extensive public participation. The OHCHR mission raised a number of issues, including with regard to the scope of the mandate as detailed in the Ordinance establishing the Commission with the national authorities. In particular, it expressed concerns about the following aspects: there is no provision setting out the powers of the Commission, including search and seizure, subpoena, access to important documents and imposing penalties for obstruction of investigations. There is no provision for reparations, for victim and witness protection, or for victim and witness support (e.g. medical, psychosocial) and assistance to enable them to provide a statement to the DTRC. Other matters of concern include the issue of financial independence, the lack of clarity on the period to be covered by the investigations of the

DTRC, the swift appointment of the president of the DTRC and the adoption of the terms of reference of the Commission without prior consultation with the stakeholders.

33. Given the positive collaboration with the Government, the legal and institutional framework of the Commission can still be improved, including through the drafting of the rules and regulations of the Commission and the preparation of the relevant operational guidelines. OHCHR recommended the organization of national consultations to boost the legitimacy of the Commission and ensure ownership of the process by Ivorians. In addition, it was suggested that a conference on transitional justice would provide a platform for more consultations in order to seek the views of various stakeholders on transitional justice options and to share information on international standards and good practices from the region in the area of transitional justice.

34. The International Criminal Court, in response to a formal request made by President Ouattara in May 2011, sent a delegation to Côte d'Ivoire headed by the Deputy Prosecutor. The delegation signed a judicial cooperation agreement with the Government that would allow the Office of the Prosecutor to conduct investigations into war crimes and crimes against humanity committed since 28 November 2010. The delegation also held separate consultations with various stakeholders. Prior to this visit and pursuant to Article 15 of the Rome Statute on the International Criminal Court (ICC), the Chief Prosecutor requested authorization from ICC judges to open an investigation into war crimes and crimes against humanity allegedly perpetrated in Côte d'Ivoire since 28 November 2010. On 17 June, the ICC Chief Prosecutor gave public notice that victims of the post-election violence have 30 days to submit testimonies to the court.

35. The way in which justice is administered is essential to the promotion and protection of human rights and the rule of law. A number of stakeholders have referred to the difficulties that can arise from selective prosecutions and how these can undermine the perception of fairness. The success of current initiatives designed to address impunity in Côte d'Ivoire will be tested by whether the process was fair, not by the number of prosecutions or convictions. The impartiality of the process will not only guarantee respect for the rights of the accused but will enhance efforts aimed at national reconciliation.

36. In this regard, it is essential to ensure justice for victims of all sides of the conflict. President Ouattara has consistently expressed his commitment to fight against impunity in a fair and balanced way by pursuing all the perpetrators regardless of their status or political affiliation. There is a need to ensure that investigations are opened into the allegations of gross human rights violations committed by the members of the FRCI. Similarly, the ongoing efforts to end impunity in Côte d'Ivoire, undertaken both at the national and the international levels, should also be extended to international crimes and gross human rights violations committed in the country since 19 September 2002. They were documented by the 2004 International Commission of Inquiry set up by the United Nations to investigate violations of human rights and international humanitarian law in Côte d'Ivoire since the events of 19 September 2002.

## VIII. Conclusion and recommendations

### A. Conclusion

**37. While efforts are being undertaken to enhance national reconciliation and social cohesion, Côte d'Ivoire continues to face serious human rights challenges. Impunity of FRCI members for human rights violations is of particular concern. The justice system is not fully operational and the transitional justice process is nascent.**

Meanwhile the need to build the capacity of national human rights institutions, particularly the security sector institutions, remains crucial. FRCI elements will have to be trained in international human rights standards and international humanitarian law with a view to curbing the current spate and pattern of violations of right to life, physical integrity and liberty and security of persons. The Government is urged to take prompt steps to address the current high levels of impunity enjoyed by the FRCI.

## **B. Recommendations**

38. In line with the above, the High Commissioner makes the following recommendations:

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

(a) Take immediate measures that are in line with international human rights standards for the restoration of security throughout the country, in particular in some parts of Abidjan and in the west of the country, in order to offer adequate protection to the civilian population, to enable humanitarian actors to carry out their work and to facilitate the return of IDPs and refugees to their communities;

(b) Ensure accountability for human rights violations committed by all parties, including by members of the FRCI, and provide justice to victims of all sides of the conflict in Côte d'Ivoire;

(c) Take the necessary steps to ensure that efforts to end impunity in Côte d'Ivoire are extended to international crimes and gross human rights violations committed in the country since 19 September 2002, including those documented by the 2004 and 2011 International Commissions of Inquiry;

(d) Ensure that the Dialogue, Truth and Reconciliation Commission (DTRC) operates in accordance with international standards and that there are genuine consultations with victims and civil society organizations with respect to the scope of the DTRC mandate and the appointment of its members, and to ensure balanced ethnic, regional, religious, gender and political representation;

(e) Accelerate the process of establishing a professional and inclusive security force; develop and implement a sustainable vetting mechanism for security and law enforcement personnel and carry out human rights training for the benefit of FRCI elements; issue strict orders prohibiting the FRCI from usurping functions of the civilian, judicial and law enforcement authorities;

(f) Continue to ensure that the conditions of detention of Mr. Gbagbo, his wife, former officials and any other detainees are in line with international standards, including with regard to access by legal counsel, family members and relevant organizations with a mandate to monitor detention centres, and expedite their prosecution and trial in accordance with international due process and fair trial requirements;

### **2. To the international community:**

(a) Provide appropriate assistance to the Government for the development of a comprehensive transitional justice strategy, including financial support for the Dialogue, Truth and Reconciliation Commission;

(b) Continue to assist victims of human rights violations and support the investigation of serious human rights violations committed in Côte d'Ivoire and

ensure that the perpetrators of such violations are held to account, including before the International Criminal Court;

(c) Provide support for the rebuilding of State institutions with a view to strengthening the rule of law, instilling human rights values and promoting accountability.

3. To civil society:

Actively participate in sensitizing the various communities on national reconciliation and social cohesion.

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