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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 provides an update on the human rights situation in Côte d'Ivoire since the last report presented by the High Commissioner to the sixteenth session of the Human Rights Council (A/HRC/16/79) and covers events from 1 February to 30 May 2011. The report is submitted pursuant to resolution 16/25 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 seventeenth session.

Although direct attacks against civilians by the security forces have abated somewhat since the arrest of former president Laurent Gbagbo on 11 April 2011, the human rights situation in Côte d'Ivoire remains precarious, with a pattern of human rights violations, including summary executions, excessive use of force, enforced disappearances, rape, torture, cruel, inhumane and degrading treatment, arbitrary arrests and detentions, and looting. In addition, the health, agriculture and education sectors and the economy as a whole were severely affected by the post-electoral crisis, leading to the deterioration of the humanitarian situation.

The western part of the country, where some of the worst human rights violations and destruction took place, has been of particular concern. The political stalemate brought to the surface past grievances which contributed towards inter-community conflicts between the pro-Gbagbo ethnic groups in the region and settler communities, including Ivorians from the north and immigrants from neighbouring countries. In addition, the armed confrontations between the Forces Nouvelles and the security forces loyal to Mr. Gbagbo escalated as the pro-Ouattara forces moved towards Abidjan and resulted in a major humanitarian crisis with serious human rights implications. Given the resulting

* Late submission.

insecurity and recent violence, as well as the fear of reprisals, Côte d'Ivoire could face a continued displacement situation.

On 17 March, President Ouattara signed a decree creating a new army, the Forces Républicaines de Côte d'Ivoire (FRCI), which merged the Forces Nouvelles (FN) and the Forces de Défense et de Sécurité (FDS). While the presence of the FRCI has to some degree contributed to the stabilization of the security situation, there is still a security vacuum due to the fact that many members of the police and the gendarmerie had abandoned their posts in a number of areas in the west and in Abidjan and many police stations were looted and destroyed. Moreover, the arrival of the FRCI in most areas in the west and south has also coincided with acts of looting, extortion, confiscation of private property, arbitrary arrest and detention as well as summary executions, all implicating members of the FRCI.

The ongoing processes, both nationally and internationally, to address the issue of impunity, will be essential in ensuring justice and reconciliation in Côte d'Ivoire. The Dialogue, Truth and Reconciliation Commission announced by President Ouattara since his campaign may play a significant role in this regard.

List of abbreviations

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
EFA	Ecole des forces armées
FAFN	Forces armées des forces nouvelles
FRCI	Forces Républicaines de la Côte d'Ivoire
FDS	Forces de défense et de sécurité
FPI	Front populaire ivoirien
HRC	Human Rights Council
IDPs	Internally displaced persons
LMP	La majorité présidentielle
OHCHR	Office of the United Nations High Commissioner for Human Rights
RHDP	Rassemblement des houphouëtistes pour la démocratie et la paix
RTI	Radiodiffusion télévision ivoirienne
UNOCI	United Nations Operation in Côte d'Ivoire

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I. Introduction

1. The present report provides an update on the human rights situation in Côte d'Ivoire since the last report presented by the High Commissioner to the sixteenth session of the Human Rights Council (A/HRC/16/79) and covers events from 1 February to 30 May 2011. The report is submitted pursuant to resolution 16/25 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 seventeenth session.
2. During the reporting period, OHCHR remained actively engaged in the concerted efforts of the United Nations system to enhance the protection of civilians in Côte d'Ivoire.
3. The UNOCI human rights component established a 24-hour hotline through which violations could be reported. Since its inception in December 2010, the call centre has received more than 12,000 calls, and, in a very restricted security environment, has proven to be an essential tool for the collection of information, and a vital link to civilian populations. The hotline enabled the human rights component to identify hot spots and sensitive zones and, in certain cases, to seek to prevent violations through the immediate dispatch of military and police patrols.
4. As part of the United Nations coordinated response, OHCHR conducted a mission to Côte d'Ivoire from 2 to 9 April, led by Assistant Secretary-General Ivan Šimonović. The mission assessed the human rights situation in the country and reminded all parties of their obligation to respect international human rights and humanitarian law, and of the importance of bringing perpetrators to justice as a prerequisite for sustainable peace. The Assistant Secretary General had the opportunity to meet with President Alassane Ouattara, the Minister of Justice and Human Rights, Jeannot Haoussou, and the Minister of Health, Alain Kouadio. Mr. Šimonović also spoke with Alcide Djédjé, who had been designated by Mr. Gbagbo as his "Minister of Foreign Affairs." On 4 and 5 April, Mr. Šimonović, together with the Emergency Relief Coordinator, Valerie Amos, visited the towns of Duékoué and Man in the south-west of the country, where there had been serious allegations of violations of international human rights and humanitarian law.

5. On 13 April, in New York, the High Commissioner participated in the Security Council consultations on the situation in Côte d'Ivoire. She stressed that, in Côte d'Ivoire, there is a history of human rights violations without any accountability or redress, including discrimination. Emphasis was placed on the fact that reconciliation will not be accomplished without meaningful accountability, which has been lacking in Côte d'Ivoire over the past decade. She also recalled that in 2004, an International Commission of Inquiry established by the Secretary-General identified alleged perpetrators and recommended accountability mechanisms, which, to date, have not been implemented.

II. Background

6. The period leading up to 11 April was marked by a serious escalation of violence and a deterioration of the human rights situation, which remains of serious concern. On 28 March, the FRCI launched a military offensive and advanced rapidly towards the southern part of the country from both the eastern and western fronts, prompting pro-Gbagbo elements of the former Forces de défense et de sécurité (FDS), including the police and gendarmerie, to flee in significant numbers, with some joining the ranks of the FRCI or surrendering, while others chose to fight to the end.

7. On 11 April, former President Gbagbo, his wife and some members of his family and staff were captured while many leaders of the security forces loyal to him surrendered

to the Government and pledged allegiance to President Ouattara. A significant number of Republican Guard soldiers melted into the population with their weapons, including heavy weapons, while militia elements, mercenaries and other pro-Gbagbo elements retreated to the Yopougon neighbourhood of Abidjan, where they held out and targeted the civilian population. The militias and mercenaries were finally dislodged on 4 May, following which they retreated to western Côte d'Ivoire, where they continued the pattern of targeting the civilian population.

8. The reporting period also saw infighting linked to disputes over power and responsibilities between the so-called “Commando Invisible”, an anti-Gbagbo armed group, and other pro-Ouattara forces. On 27 April, Ibrahim Coulibaly, Commander of the “Commando Invisible” was killed, reportedly during the fighting between elements of the “Commando Invisible” and the FRCI. He was considered to be one of the founders of the rebellion in Côte d'Ivoire. His family has reportedly requested an autopsy to confirm the exact circumstances surrounding his death.

9. The post-electoral crisis led to a serious deterioration of the socio-economic situation, partly due to the heavy fighting that paralyzed Abidjan for many days, forcing the population to stay at home with little food, water and medicine or to leave the city and find refuge in the countryside. This was exacerbated by the closure of some major banks after security forces stormed and occupied the offices of the Central Bank of West African States in Abidjan. The increase in prices of basic commodities and the civil disobedience campaign called for by the Rassemblement des houphouëtistes pour la démocratie et la paix (RHDP) and widely respected by major transporters limited supplies as well as the ability of a segment of the population to purchase foodstuffs. Education and health services were severely affected, with classes suspended in most areas in the north and regularly disrupted in some parts of the west because of clashes between rival student unions.

10. President Ouattara has announced the creation of a Dialogue, Truth and Reconciliation Commission and appointed Charles Konan Banny, a former Prime Minister, as chairperson of the Dialogue, Truth and Reconciliation Commission. Some concerns have been expressed about the lack of consultation and the attempt to jump-start the process through swift appointment of the commissioners without clear terms of reference or a legal framework for the operation of the Commission.

III. Deterioration of the human rights situation

11. The human rights situation deteriorated considerably in the period leading to the arrest of Mr. Gbagbo. There have been reports of excessive and indiscriminate use of force against civilians, extrajudicial and summary executions, enforced disappearances, torture, arbitrary arrest and detention, extortion, and sexual and gender-based violence, which have been investigated by the Human Rights division of UNOCI. The most important findings are presented in this report.

A. The shooting deaths of seven women in Abobo

12. A typical example of the escalation of the human rights situation is the killing on 3 March of seven women in Abobo. Witnesses described how on 3 March, more than 3,000 women gathered at the Abobo Anador roundabout to start a demonstration with the intention of marching towards the railway station in order to demand the departure of President Laurent Gbagbo. In a peaceful and festive mood and as they waited to commence their procession, the women were singing, dancing and waving placards, among them, one calling on President Gbagbo to step down. According to reports, elements of the FDS, on

board three 4x4 vehicles and two armoured vehicles, including one belonging to the Brigade anti-émeute (BAE) arrived at the scene and, without warning, indiscriminately opened fire on the crowd, killing six women on the spot, while the seventh died on the way to hospital and several others were wounded.

13. The Human Rights Division of UNOCI was able to establish that the women's demonstration in Abobo was peaceful, making the use of force, in particular lethal force, by the elements of the FDS who opened fire without warning a serious violation of the human rights to life and freedom of expression and assembly. The team met with the medical personnel of Abobo-Sud clinic, where most of the victims received treatment, but could not visit the hospital itself due to a refusal by the medical authorities, citing security reasons. Video footage of the incident with shocking details on the course of the event was made available by a witness and later also posted on the Internet.

14. Even though the Gbagbo camp denied the involvement of FDS elements in the incident, the investigations confirmed that they were present in the area and had in fact shot at the peaceful demonstration. As with previous incidents, no concrete steps were taken by the Gbagbo camp to identify and hold the perpetrators accountable.

B. The shelling of densely populated areas

15. The period before 11 April was also marked by the indiscriminate shelling of densely populated districts of Abidjan such as Abobo, which is considered to be the stronghold of President Ouattara. On 11 March 2011, three children, aged 12, 6 and 2 respectively, were killed by FDS shells during the fighting. Evidence collected in situ indicates that the FDS used heavy weapons, including rockets and mortars, to attack the "Commando Invisible" of armed elements supporting President Ouattara, in the Abobo area. On 15 March, the security situation in Abidjan further deteriorated. Sustained gun and heavy artillery fire were heard in several neighbourhoods in Abidjan during what were believed to be clashes between the elements of the FDS backed by militias and the "Commando Invisible", on the one hand, and between FDS elements and supporters of RHDP on the other. Preliminary investigation indicated that at least five civilians were killed and 40 others wounded during these clashes.

16. There was also a report of the shelling, on 17 March, of a densely populated area of Abobo, including a number of private houses and the local market. This attack resulted in the killing of more than 25 civilians with more than 40 wounded. Shelling impacts were visible throughout the market and at least three houses were destroyed by the shells in the area of SOS village d'enfants, killing one person who was asleep at the time of the incident. The fragments of the shells collected on the scene enabled UNOCI to establish that 81-mm mortar shells were used. A crater analysis of the impact of the shells followed by concurring statements by witnesses indicated that the shells were fired from Camp Commando, an FDS base located just north of the SOS Village d'Enfants.

C. Allegations of mass graves

17. On 14 and 16 March, Human Rights Officers finally gained access to the alleged sites in N'dotré to investigate the allegations of mass graves after two previous attempts, on 20 and 28 December, had been impeded by pro-Gbagbo forces.¹ The investigating team did not find any evidence or traces supporting the allegations. However, the team was informed

¹ As of 14 March, the area was under the control of the Commando Invisible.

of the presence of at least 250 bullet-ridden corpses in the morgue in Anyama (close to N'dotré), with the majority brought in during November and December, which coincides with the period when the first allegations of the presence of mass graves were brought to the attention of the Human Rights Division.

18. The existence of mass graves was verified on 6 May in Yopougon, where the Human Rights Division found 10 sites in the Doukouré district, located not far from the police station in the 6th arrondissement. Reliable sources, with further corroboration provided by the families of some of the victims and additional witnesses, indicated that 68 bodies were buried in ten different places. Thirty-one and twenty-one bodies were buried at each of the two largest sites. The victims, all believed to be male, were reportedly killed by pro-Gbagbo militias and mercenaries on 12 April, following the capture of President Gbagbo. Sources interviewed by the Human Rights Division indicated that militiamen in plain clothes and armed with Kalashnikovs attacked houses in small groups and arrested people whom they subsequently summarily executed.

D. The attacks on the Anonkoua-Kouté village

19. On 8 March, the Human Rights Division of UNOCI carried out a monitoring mission to Anonkoua-Kouté village, Abobo, Abidjan, to investigate reports of an attack on the village by armed men, which resulted in at least 15 deaths, several wounded and the destruction of property. While the mission could not directly confirm the numbers of deaths, it observed that the village had been captured and was now under the control of elements of the “Commando invisible”, dressed in civilian attire and armed with knives, rifles and rocket-propelled grenades. They appeared disciplined and organized, operating under a visible chain of command and giving military salutes. The apparent leader of the group explained that, following the call of Mr. Gbagbo’s “Minister for Youth” and leader of the Jeunes Patriotes, Charles Blé Goudé, to his militias on 28 February to erect roadblocks throughout Abidjan, and monitor the movement of all vehicles, Mr. Blé Goudé’s ethnic Ebrié supporters responded by setting up roadblocks, attacking ethnic Dioula civilians, and denouncing them to the FDS. He stated that, on 5 March, his group had intervened to protect the Dioula population from the Ebriés.

20. The mission found that all members of the Ebrié Community had fled the village. There were only four elderly sick persons, three men and one woman, who had been left behind by their families. Information obtained indicates that the village was violently attacked by the members of the Commando Invisible, causing the arbitrary mass displacement of about 5,330 villagers. As a result of the attack on the Ebrié ethnic group in Anonkoi-Kouté, the youth of the Ebrié village of Blockhauss in Cocody, Abidjan, retaliated on 9 March against West African nationals, mainly from Burkina Faso, Mali and Senegal, by burning down their homes, shops and a local mosque, prompting the population to flee the area.

IV. Violations of human rights and international humanitarian law in the west

21. The human rights situation in the west became a major concern during March and April after a pattern of human rights violations and abuses was noted, particularly in Duékoué, Blohéquin, Toulépleu and Zouan Hounien. The violations reached a climax upon the arrival of elements of the FRCI in these areas in March as they marched south towards Abidjan. Attacks and counter-attacks by Ivorian and immigrant communities, aided by well-constituted militia groups and mercenaries, occasioned a massive loss of lives and property with severe humanitarian consequences, in particular for women, children and the

elderly. The subsequent confrontations between FRCI and pro-Gbagbo forces led to mass killings and destruction of property.

22. In April 2011, a UNOCI investigative mission was deployed to the west for more than a month and conducted an exhaustive investigation in the regions of Moyen Cavally and Dix-huit Montagnes. The team was able to establish that, from 1 December 2010 to 24 April 2011, grave violations of human rights and international humanitarian law occurred in the west of Côte d'Ivoire. The violations – which include summary executions, enforced disappearances, rape, torture, cruel, inhumane and degrading treatment, arbitrary arrests and detentions, arson, pillaging and looting – were committed in the Moyen Cavally and Dix-huit Montagnes regions by both pro-Gbagbo (FDS elements, Young Patriots, Liberian mercenaries and Guéré vigilante groups) and pro-Ouattara forces (FRCI elements and dozos (traditional hunters)).

23. The mission found that at least 1,012 people, including 103 women and 42 children, were killed in the two regions and 46 rape cases, including pregnant women and two minors, were documented in connection with the crisis, recurrent intercommunity clashes and violent confrontations between FDS elements aided by militiamen and mercenaries and FRCI and Dozo combatants. Of the 1,012, 944 were killed in the Moyen Cavally region and 68 in the Dix-huit Montagnes region. It should be noted that 505 were killed in Duékoué alone. Of the total number of deaths, 341 were Guéré, 159 from Burkina Faso, 100 Malinké, 68 Malian, 30 Baoulé, 32 Yacouba, 6 Guinean, 5 Beninese, 3 Liberian, 1 Senegalese and 1 Ghanaian. At least another 586 persons were wounded by bullets or machetes and received medical assistance from the United Nations Population Fund, the World Health Organization and Médecins sans Frontières Belgium. Large-scale looting, pillaging and arson were also observed in both regions. Hospitals, clinics and granaries were looted in many localities and villages.

24. The mission also concluded that many people died from hunger, malnutrition and illness or by drowning while crossing the Liberian border in an attempt to seek refuge in a safe area. The fighting and subsequent looting and burning of property resulted in a grave humanitarian crisis. There is, as a result, massive internal and cross-border displacement of the population. Living conditions in IDP camps, notably at the Catholic Mission in Duékoué, where at least 27,500 people sought refuge, remain deplorable. During the reporting period, at least 40 people died at the Catholic mission owing to poor sanitary and hygienic conditions.

V. Human rights violations in Grand Lahou, Dabou and Irobo

25. There have been reports of human rights violations, including extrajudicial and summary executions and destruction of properties, committed by more than 200 retreating militiamen and Liberian mercenaries in Dabou, Irobo and Grand-Lahou, cities along the coastline west of Abidjan. On 4 May, at least 55 people were killed by militias and Liberian mercenaries heading towards the border with Liberia after being defeated in Yopougon, on 3 May, by the FRCI. Witnesses reported that the dead were mostly civilians and a number of FRCI elements as well as Colonel Ahouma Brouha Nathanaël, whose convoy was ambushed by the militias and mercenaries at Grand Lahou. There were also several accounts of destruction of properties, including houses and shops belonging to persons perceived to be Ouattara supporters.

26. The presence of militiamen and mercenaries in remote areas or in neighbouring Liberia continues to threaten peace and stability in the country and to jeopardize any attempts towards sustained social cohesion and peaceful cohabitation between communities. On 9 May, a fact-finding mission was conducted in Dabou, Irobo and Grand-

Lahou to verify allegations of mass killings by Liberian mercenaries. The findings are that at least 17 civilians and 6 FRCI elements were killed in Irobo while 22 civilians and 4 FRCI members were killed in Grand Lahou. The 7 people killed in Dabou were 4 civilians and 3 FRCI members.

27. There is a fear that, if not controlled, disarmed and reintegrated into their areas and/or countries of origin, the retreating militias and mercenaries who were dislodged from the suburbs of Yopougon and Abobo by FRCI forces could continue a campaign to target and kill civilians indiscriminately. Those armed groups could also threaten regional stability by offering their services to other fighting forces in neighbouring countries. This is raising security concerns specifically for Liberia, which is still recovering from a legacy of armed conflicts and will have elections in 2011. Liberia and Ghana are bearing the brunt of the situation in Côte d'Ivoire both in terms of refugee flow, transnational rebel movements and the proliferation of small arms.

VI. Sexual and gender-based violence

28. While a number of cases of sexual and gender-based violence were reported during the reporting period, access to appropriate assistance for victims remained a major concern, especially during the conflict, when most clinics had either closed down or were seriously affected. Nonetheless, the relevant stakeholders continued to provide responses to individual cases that were brought to their attention. The Human Rights Division of UNOCI has documented the following cases, although it is extremely likely that many other cases went unreported.

29. On 7 February, unidentified armed men ambushed a bus in Fengolo (5km north of Duékoué) and raped five women. On 27 February, in Seboni II (200km north of Bouaké), members of the Forces Nouvelles allegedly raped a 23-year-old woman. On 19 March, in Williamsville, three young Malian girls were allegedly raped by members of a militia group that attacked their residence. On 3 May, in the Yopougon-Siporex neighbourhood, a 32-year-old woman was raped by men believed to be members of the FRCI. The incident happened when she was found hiding in a college building. The victim told Human Rights Officers that her assailants, dressed in military uniforms and armed, accused her of assisting the militias. In one of the rape cases documented by the Human Rights Division, the assault resulted in the death of the victim. On 17 May, in the Petit Paris neighbourhood in Korhogo, a 17-year-old was gang-raped. She stated that she was seized at about 1.00 am by a group of six men who alleged they were a dozo (traditional hunters) vigilante group.

30. On the night of 22 May, two sisters aged seven were reportedly abducted while playing outside their home in the 220 Logements neighbourhood in Yamoussoukro. After a search mounted by their family and neighbours, one of them was found in a traumatized state near the École Primaire Public Zaher while the body of the other was found in a nearby bush. Medical analysis revealed that the deceased child had been raped and physically assaulted before her death. A 27-year-old woman was raped by an unidentified armed man on the night of 1-2 May 2011 in the Zanzan neighbourhood in Bondoukou. All the victims received medical attention.

VII. Internal displacement and refugees

31. The heightened level of insecurity combined with armed confrontations between security forces loyal to Mr. Gbagbo and the Forces Nouvelles/FRCI and Commando Invisible, as well as inter-community clashes in many parts of the west, resulted in a humanitarian crisis which led to a massive displacement of the population. As of 30 May

2011, at least 500,000 people remained internally displaced, with 13,504 in Abidjan and 44,110 in the west (Danané, Duékoué and Guiglo). More than 70 per cent of IDPs are staying with host families. Widespread damage to homes and infrastructures, the remaining insecurity and the inability of the State to provide basic social services such as health and education pose a challenge to the return process and Côte d'Ivoire could face a protracted displacement situation. An estimated 187,266 Ivorians have sought refuge in neighbouring countries, particularly in Liberia.

VIII. Attacks on religious leaders and places of worship

32. There were attacks against places of worship and religious leaders during the reporting period with attendant consequences on the human rights of the victims. On 13 March, in Port Bouet II, Yopougon, the Imam of the local mosque was killed by elements of the FDS. On 15 March in Attécoubé, two persons were killed and at least 18, including a one-year-old child and four women, were wounded during a grenade attack by unidentified men at the Boribana mosque. On the night of 19 March, a local Muslim leader, the Imam of Williamsville, a Malian national, was killed in front of his mosque by elements of the FDS assisted by militias during a military operation in the Williamsville neighbourhood in Abidjan. His son was also reported to have been seriously wounded during the same incident.

33. Separately, on 17 April, a group of heavily armed members of the FRCI were reported to have raided the premises of the Jesuit Institute of Technology in Angré, Abidjan. During this raid, they were reported to have threatened and intimidated at least six priests including the Rector and physically assaulted one of them while ordering them to hand over the money in their possession and other valuables. The assailants also searched the property and confiscated seven computers and a number of mobile phones. One of the FRCI members was alleged to have stated that they were attacking the Institute in retaliation for attacks against mosques and also under the perception that the Catholic Church supported Mr. Gbagbo and that the Institute was being used to hide weapons. It should be noted that no single weapon was found. In May, elements of the FRCI also conducted an attack against the Baptist Church in Yopougon and arrested 56 people whom they detained in Gesco before releasing them following intervention by UNOCI.

IX. Incitement and violence against ECOWAS foreign nationals and UNOCI

34. Through the State-run media Radiodiffusion Télévision Ivoirienne (RTI), the Gbagbo camp systematically sent out messages with hate and xenophobic contents directed specifically towards UNOCI, pro-RHDP individuals and nationals of ECOWAS member States. The RTI regularly presented distorted information and pictures aimed at encouraging the public, particularly the Young Patriots, to attack UNOCI staff members. In addition, through meetings held in several neighbourhoods in Abidjan, as well as statements through the RTI, Mr. Blé Goudé, the leader of the so-called Young Patriots, on numerous occasions ordered his membership to directly obstruct the work of UNOCI by all possible means, as illustrated by his announcement on 24 February through RTI. Prior to this call, Mr. Blé Goudé, on 5 February, during a meeting at the place de la République in Abidjan, called on his members to attack the convoy of UNOCI military contingents.

35. Within the context of the post-electoral conflict, nationals of ECOWAS member States, in particular from Burkina Faso, Guinea, Mali, Nigeria and Togo, were targeted by pro-Gbagbo groups with the support of the security forces. The Human Rights Division of

UNOCI documented an increasing number of cases of serious human rights violations against ECOWAS nationals, including summary executions, forced disappearances, arbitrary arrest and detention, as well as destruction of private property.

36. In February, the Young Patriots were increasingly involved in the killing of nationals from some West African States. In a recurrent pattern, they attacked Burkina Faso and Malian nationals, beat them and burnt them alive in the middle of streets. On 3 February, in Bingerville, a Burkina Faso national was burnt alive by Young Patriots who accused him of being a “rebel”. Between 28 February and 5 March, they burnt to death three Malian nationals in the Yopougon neighbourhood in Abidjan. On 24 February in Loviguié (22 km from Agboville), a Burkina Faso community leader was attacked by a mob of villagers and burnt to death in retaliation for the death of one of their kin from the village, who was killed in the clashes in Abobo PK 18. This incident led to a massive exodus of Burkina Faso populations from the area.

37. On 21 March, the Human Rights Division interviewed a group of five Nigerians who on 20 March had fled from the Williamsville neighbourhood, Abidjan, due to continuous raids on their residence by armed civilians. According to one of them, a group of four hooded armed civilians broke into his house on 17 March at about midnight, physically assaulted him and stole the sum of 200,000 FCFA while threatening to kill him, citing as reason his nationality. In addition, they informed the Human Rights Division that at least three people, including two women, were killed on the night of 19-20 March in Williamsville during a similar raid. The Human Rights Division is investigating these cases.

38. On the basis of incitement through RTI, the Young Patriots attacked and obstructed the movement of UNOCI within Abidjan and some parts of the west. For instance, on 5 February, a United Nations vehicle was attacked between PISAM, a local hospital in Cocody, and the UNOCI Headquarters by Young Patriots, while in several instances, the Young Patriots set up roadblocks to stop and search United Nations cars and intimidate staff. UNOCI convoys travelling to and from the regions were regularly subjected to numerous checks and controls while others were denied passage through roadblocks manned by pro-Gbagbo militia.

39. Despite a statement by the Security Council on 3 March, in which it condemned the threats, obstruction and acts of violence by Mr. Gbagbo’s forces against United Nations personnel, a mortar shell was launched on UNOCI Headquarters in the afternoon of the 31 March, reportedly by pro-Gbagbo forces. No casualties were reported. On 2 April four United Nations peacekeepers were seriously injured by pro-Gbagbo forces while on humanitarian mission in Abidjan. The Human Rights Division also documented threats to the life of UNOCI staff members. In April, a man who had worked for UNOCI as a driver during the elections in Abidjan informed UNOCI human rights officers that he had been threatened with death by armed men who visited his home on two separate occasions. In the same vein, a human rights officer who was returning to Côte d’Ivoire after leave was denied entry at the airport by law enforcement officers who molested her and forcibly took her back to the aircraft, forcing her to fly back to her home country.

X. Arrest and detention of Mr. Gbagbo and his close associates

40. On 11 April, Mr. Gbagbo and his wife, Simone Gbagbo, were arrested in the bunker of the presidential palace by the FRCI and taken to the Golf Hotel. Approximately 120 other people were also arrested at the same time and taken from the presidential palace to the Golf Hotel. Seventy to eighty of these were released almost immediately. Mr. Gbagbo was transferred to Korhogo, in the northern region, where he has since been under house

arrest in a presidential residence. His wife was sent to Odienné in the north-east of the country where she also remains under house arrest. While some dignitaries of the Gbagbo regime were sent to Bouna, Katiola and Korhogo, some FPI members are still in Abidjan, where they are detained at the Hotel Pergola, allegedly as a protective measure.

41. The same day, President Ouattara said in a televised address that he had insisted that Mr. Gbagbo's safety was guaranteed and announced that he would request that judicial proceedings be opened against Mr. Gbagbo, his wife and those who were apprehended. While President Ouattara's assurances that nobody should be harmed during the arrest are to be commended, it should be noted that Désiré Tagro, the former Interior Minister, died on 12 May, the day after his arrest, of wounds allegedly sustained during the arrest. The Human Rights Division has been informed that an autopsy will be conducted which will shed more light on the circumstances surrounding his death. It is important for the Government to conduct investigations into the circumstances of the death of Mr. Tagro.

42. Regarding those persons arrested and detained at the same time as Mr. Gbagbo, the Human Rights Division of UNOCI has engaged with the Government to ascertain the exact numbers, their names and where they are being held. The Human Rights Division has had access to some of the detainees in Bouna, Pergola and Bouaké. However, in Korogho, the FRCI Commander has systematically denied human rights officers access to the detainees. Where access was granted in Bouna, human rights officers met with seven key associates of Mr. Gbagbo. The team noted that conditions of hygiene and sanitation were poor and the cells were poorly ventilated, forcing the detainees to sleep outside in a tent. The toilets were in the open air without regard for the privacy of the users. Three of the detainees need special medical attention. Some detainees were reportedly being subjected to ill-treatment, including death threats and forced exercise, by elements of the FRCI.

43. In the interim, the office of the General Prosecutor has initiated preliminary proceedings against Mr. Gbagbo and his close collaborators. Nonetheless, President Ouattara has formally requested the International Criminal Court to prosecute crimes committed since 28 November 2010. On 26 May, former president Gbagbo was interrogated by the Abidjan Public Prosecutor accompanied by the Korhogo Public Prosecutor. The interrogation took place in the presence of a committee of six African lawyers formed to defend Mr. Gbagbo. It was the second interrogation of Mr. Gbagbo since his arrest on 11 April 2011. It should be noted that during the first interrogation, on 7 May, the lawyers of Mr. and Ms. Gbagbo were not present.

44. The Human Rights Division is closely following up the cases of detention and constantly reminding the relevant government authorities of their responsibility to ensure full respect for the human rights of the detainees as well as ensuring that the issue of amnesty be properly addressed to avoid a perception of selective justice which may also have the potential of undermining efforts to combat impunity. UNOCI has continued to meet with the Minister of Justice, the Prosecutor of Abidjan and the Military Prosecutor to review all related aspects with emphasis on the need for respect for the due process rights of all persons currently under detention.

XI. Human rights situation after the arrest of Mr. Gbagbo

45. While there is relative calm in most parts of the country under the control of the FRCI, including Abidjan, confrontations between the FRCI and pro-Gbagbo militias and mercenaries have resulted in many deaths and the destruction and looting of property. Retreating pro-Gbagbo militias and mercenaries have targeted and killed individuals identified as coming from the North, leaving a climate of fear, mistrust and serious concerns about retaliation.

46. Indiscipline and excesses by the FRCI, which is composed of several different groups with no clear command structure, and an assortment of other armed groups are also a concern. There have been reports of arbitrary arrest, torture, rape, looting and extortion by some FRCI elements in roadblocks and homes, many of which have ethnic dimensions. There is also the continuing risk of reprisals by FRCI elements and RHDP supporters against former FDS and LMP supporters which, if they persist, could seriously undermine efforts aimed at social cohesion and reconciliation.

47. There have been many reports suggesting that elements of the FRCI are involved in human rights violations in both Abidjan and the rest of the country. In neighbourhoods across Abidjan, including Yopougon, Angré, Plateau, Zone 4, Koumassi, Rivera and Cocody. At least 300 people were arbitrarily arrested and transferred to the prison in Bouaké and other places of detention. While the majority of these have been released, reports indicate that at least 56 are still in detention.

48. During May, numerous cases of ill treatment and illegal arrest, followed by extortion, have been documented. On 3 May, in the Yopougon Académie Cité neighbourhood, a man was reportedly shot in both hands by elements of the FRCI who alleged that he was a militia member, an allegation rejected by his family members. The FRCI members were reported to have arrived at the family residence of the victim, ordered all the occupants outside and instructed them to kneel down, identified the victim, whom they subsequently shot in both hands, and conveyed him to one of their bases, where he was detained for 6 days and released upon the payment of 250,000 FCFA as the first instalment of a total 500,000 FCFA they requested from his family. On 23 May, a 52-year-old man from Benkro, a sous préfecture of Oumé, died in detention after he was severely beaten and ill-treated by two members of the FRCI stationed in Doukouya (74km west of Yamoussoukro). Prior to his death, he had been summoned on 22 May by FRCI members who, in the presence of the victim's brother and without questioning him, began kicking and hitting him with their rifle butts.

XII. Conclusion and recommendations

A. Conclusion

49. The political crisis in Côte d'Ivoire created a climate of insecurity and impunity which led to large-scale human rights violations and abuses. Some political actors, through radical statements and actions, incited local communities and supporters to carry out acts that have undermined the full realization of human rights. Throughout the reporting period, civilians were subjected to excessive and disproportionate force by the security forces, sometimes in collaboration with militia groups and mercenaries.

50. While the presence of the FRCI has helped to stabilize the security situation following the end of hostilities, there is still a security vacuum due to the fact that many members of the police and gendarmerie abandoned their posts around the country and many police stations were looted and destroyed. Coupled with the proliferation of small arms and armed groups, this has often led to violence, especially at the inter-community level, with attendant consequences on the human rights situation. The creation of a new professional armed force and the reconstitution of security sector institutions could play a vital role in addressing the aforementioned concerns, and deserves critical attention.

51. The ongoing processes, both nationally and internationally, to address the issue of impunity, will be essential in ensuring justice and reconciliation in Côte d'Ivoire.

The creation of a Dialogue, Truth and Reconciliation Commission, as announced by President Ouattara, could play a significant role in this regard, but cannot replace measures to ensure criminal accountability. The Human Rights Division continues to work with the relevant government departments in identifying the challenges and the institutional and capacity gaps related to the implementation of specific action to guarantee the protection and promotion of human rights.

B. Recommendations

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

1. To the Government of Côte d'Ivoire:

- (a) Take immediate measures to address the security gap in order to offer adequate protection to the civilian population, adopt a zero tolerance policy on serious human rights violations, including sexual violence, and bring to justice any elements of the security forces involved in such violations;
- (b) Take the necessary steps to establish or rebuild relevant institutions, including the judiciary, police and correctional services, and a national human rights institution, to ensure the effective protection of human rights and accountability for all perpetrators of human rights violations;
- (c) Train and sensitize the police, gendarmes, armed forces and the judiciary in dealing with sexual and gender-based violence cases and provide legal assistance services to victims;
- (d) 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 the relevant organizations with a mandate to monitor detention centres, and expedite their prosecutions and trials in accordance with international due process and fair trial requirements;
- (e) Develop a comprehensive transitional justice strategy which encompasses, *inter alia*, accountability, reparations, vetting, and reform of the security sector and the judiciary; and ensure that the Dialogue, Truth and Reconciliation Commission is established and operates in accordance with international standards, including consultations with victims and civil society organizations with respect to the scope of its mandate and the appointment of its members, to ensure balanced ethnic, regional, religious, gender and political representation;
- (f) Comprehensively address the root causes of the conflict, including ethnic, religious and gender-based discrimination, the socio-economic imbalance between different parts of the country, as well as land disputes and inter-communal conflicts, and implement a national reconciliation programme;
- (g) Review and implement the recommendations of the International Commission of Inquiry on Côte d'Ivoire mandated by the Human Rights Council through concrete action designed to break the cycle of impunity, bring perpetrators to justice and rehabilitate victims with regard to their rights and dignity;
- (h) Issue a standing invitation to special procedures mandate holders of the Human Rights Council to visit Côte d'Ivoire;

2. To the international community

- (a) Provide assistance to the Government of Côte d'Ivoire for the rapid re-establishment of judicial institutions, including those for juvenile justice;
 - (b) Provide appropriate assistance to the region in order to address the regional implications of its ongoing normalization efforts, especially in view of the massive flow of Ivorian refugees into neighbouring countries, the involvement of mercenaries in the conflict and the resulting proliferation of small arms and light weapons.
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