

YEARBOOK OF INTERNATIONAL HUMANITARIAN LAW - VOLUME 14, 2011
CORRESPONDENTS' REPORTS

CÔTE D'IVOIRE¹

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Government Action — Post-Election Armed Conflict

On 28 November 2010, Ivorians went to the polls to elect a president, hoping to end a decade-long crisis during which the country was divided politically and militarily between the north and south. In the week that followed this run-off election, despite clear international consensus that Alassane Ouattara had won, incumbent President Laurent Gbagbo refused to step down. The post-election crisis then evolved from a targeted campaign of violence by Gbagbo forces to an armed conflict in which armed forces from both sides committed grave crimes. Six months later, at least 3,000 civilians were killed and more than 150 women were raped in a conflict that was often waged along political, ethnic, and religious lines.

Elite security force units closely linked to Gbagbo dragged neighbourhood political leaders from Ouattara's coalition away from restaurants or out of their homes into waiting vehicles; family members later found the victims' bodies in morgues, riddled with bullets. Women who were active in mobilizing voters — or who merely wore pro-Ouattara t-shirts — were targeted and often gang raped by armed forces and militia groups under Gbagbo's control, after which the attackers told the women to 'go tell Alassane' their problems. Pro-Gbagbo militiamen stopped hundreds of real and perceived supporters of Ouattara at checkpoints or attacked them in their neighborhoods and then beat them to death with bricks, executed them by gunshot at point-blank range or burned them alive.

Abuses by pro-Ouattara forces — ultimately known as the Republican Forces, following an Ouattara decree dated 17 March — did not reach a comparable scale until the beginning of March, when they launched an offensive to take over the country. In Duékoué, the Republican Forces and allied militias massacred hundreds of people, pulling men they alleged to be pro-Gbagbo militiamen out of their homes and executing them unarmed. Later, during the military campaign to take over and consolidate control of Abidjan, the Republican Forces again executed scores of men from ethnic groups aligned to Gbagbo — at times when these people were in detention — and tortured others. Almost everyone carried a story of a brother killed, a sister raped or a home burned to the ground or pillaged of all its valuables. The scale and organization of crimes committed by both sides, including murder, rape, and persecution of individuals and groups on political, ethnic, and national grounds, strongly suggest that they were widespread and systematic.²

Government Action — Intention to Ratify Rome Statute

¹ Information and commentaries by Lt Colonel Dr. Dan Kuwali, Post Doctoral Research Fellow, Centre for Human Rights, University of Pretoria, Senior Researcher, Centre for Conflict Resolution, University of Cape Town and Deputy Chief of Legal Services, Malawi Defence Force, Malawi.

² Human Rights Watch, 'They Killed Them Like It was Nothing' (October 2012) pp. 4–8, <<http://www.hrw.org/sites/default/files/reports/cdi1011WebUpload.pdf>>.

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The International Federation for Human Rights (FIDH) and its member organizations in Ivory Coast, Ligue ivoirienne des droits de l'Homme (LIDHO) and Mouvement ivoirien des droits humains (MIDH), responded to the arrival and address by Mr. Guillaume Soro, Prime Minister and Head of the government of the Ivory Coast, to the Assembly of States Parties on 15 December 2011.³ The organizations stated that while the attention given by the Ivory Coast to the ICC's activities may be legitimate, Mr. Soro's visit should not interfere in any way with the ongoing investigations of the ICC. As any high-level political official, and particularly as head of the Forces nouvelles (FN) since 2002, Mr. Guillaume Soro may be held individually responsible for the commission of crimes and for his role as a superior in certain events that fall under the jurisdiction of the ICC. In his statement, Mr. Soro underlined the commitment of Côte d'Ivoire to ratify the *Rome Statute* soon, once the country's national assembly is formed. This ratification should strengthen the cooperation between Côte d'Ivoire and the ICC. The organizations underlined that the Office of the Prosecutor of the ICC must continue its investigation in Côte d'Ivoire with the aim of prosecuting those most responsible from all parties of the conflict who may have committed crimes under the jurisdiction of the ICC.

Government Action — Promotion of Alleged Perpetrators of Crime

- Human Rights Watch, *Côte d'Ivoire : Military Promotions Mock Abuse Victims : President Not Living Up to Promises of Impartial Justice* (5 August 2011)
<<http://www.hrw.org/news/2011/08/05/c-te-d-ivoire-military-promotions-mock-abuse-victims>>

Human Rights Watch stated that the promotion of two Côte d'Ivoire military commanders against whom there are serious allegations of involvement in grave crimes raises concerns about President Alassane Ouattara's commitment to end impunity and ensure justice for victims.

On 3 August 2011, President Ouattara signed a promotion making Chérif Ousmane the second-in-command for presidential security (Groupe de sécurité de la présidence de la République). During the final battle for Abidjan, Ousmane was the head of the Republican Forces operations in Yopougon neighborhood, where scores of perceived supporters of Laurent Gbagbo were allegedly executed extrajudicially.

President Ouattara also appointed Martin Kouakou Fofié head of the military company (Compagnie territoriale) headquartered in the northern town of Korhogo. It is alleged that Fofié was one of three people placed on the UN Security Council sanctions list in 2006 for commanding forces who committed grave violations of human rights and international humanitarian law. The Ouattara government has repeatedly promised to break with the past, when security forces were above the law. However, critics have observed that rather than create an army likely to respect the rule of law, President Ouattara has promoted commanders who

³ International Federation for Human Rights, Ligue ivoirienne des droits de l'Homme and Mouvement ivoirien des droits humains, 'Ivory Coast/ICC: The visit by Guillaume Soro to the ASP must not interfere with the impartiality of the Court and its Prosecutor' (Joint press release, 15 December 2011) <<http://www.fidh.org/The-Ivory-Coast-and-the-ICC-The>>.

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were in command when atrocities took place and should be investigated, not rewarded.⁴ Despite frequent promises of impartial justice, the Ouattara government has not charged anyone from the Republican Forces — the troops that supported him in removing Gbagbo and who are now the country's military — for the grave crimes committed during the post-election period. More than 70 leaders from the Gbagbo side have been charged by either civilian or military prosecutors.

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⁴ Human Rights Watch, *Côte d'Ivoire : Military Promotions Mock Abuse Victims : President Not Living Up to Promises of Impartial Justice* (5 August 2011) <<http://www.hrw.org/news/2011/08/05/c-te-d-ivoire-military-promotions-mock-abuse-victims>>.