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Report of the International Commission of Inquiry on Côte d'Ivoire*

Summary

By its resolution 16/25, the Human Rights Council established an independent, international commission of inquiry to “investigate the facts and circumstances surrounding the allegations of serious abuses and violations of human rights committed in Côte d'Ivoire following the presidential election of 28 November 2010, in order to identify those responsible for such acts and to bring them to justice”.

The Commission is composed of Vitit Muntarbhorn (Chair), Reine Alapini-Gansou and Suliman Ali Baldo.

The Commission visited Côte d'Ivoire from 4 to 28 May 2011. Besides Abidjan, it travelled to the western, northern and southern parts of the country, including the towns of Duékoué, Guiglo, Korhogo, Odienné and San Pedro. It had meetings with the Ivorian authorities, including President Alassane Ouattara, Prime Minister Guillaume Soro, political figures, national institutions, international organizations and civil society organizations. Assisted by a technical team provided by the Office of the United Nations High Commissioner for Human Rights, it interviewed hundreds of victims and direct witnesses of human rights violations and took testimony from relatives of victims or other persons with indirect knowledge of certain violations. It also went to Liberia, where a large number of Ivorians have taken refuge and met there with governmental authorities and representatives of the United Nations Mission in Liberia.

The many victims in the western and south-western parts of the country and in Abidjan are paying a heavy price.

The Commission considers that every person killed is one victim too many and has chosen not to become involved in the debate about the number of victims. Owing to time and resource constraints, no estimate could be made of losses of human life during

* Late submission.

the crisis. It is believed, however, on the basis of information gathered during the Commission's field visits and by cross-checking, that some 3,000 persons may have been killed.

The political crisis in Côte d'Ivoire grew out of former President Laurent Gbagbo's refusal to accept the results of the election. In addition, the exploitation of the ethnic question, the manipulation by political figures of young Ivoirians, turning them into instruments of violence, together with unresolved rural land issues, are among the underlying causes of the massive, serious violations of human rights. The elections served as a catalyst for the violence.

The Commission noted that most of the persons it met wished to see Ivorian communities continuing to live together. It also notes that the Government has indicated at the highest level that national reconciliation is a priority. The Commission wishes nevertheless to emphasize that there can be no lasting reconciliation without justice.

In this context, the Commission recommends, in particular, that the Government of Côte d'Ivoire ensure that those responsible for violations of human rights and international humanitarian law are brought to justice. In this context, the investigations that have been initiated must be conducted in an exhaustive, impartial and transparent fashion.

In order to ensure effective follow-up to its recommendations and assist the Ivorian authorities in combating impunity, the Commission recommends that the Human Rights Council establish an independent mechanism on the human rights situation in Côte d'Ivoire and publish the report of the International Commission of Inquiry set up by the Commission on Human Rights in 2004 in order to obtain a more comprehensive picture of the human rights situation.

It recommends that the international community support the governmental authorities, particularly at the financial level, in their efforts to combat impunity and promote the rule of law. Lastly, it recommends that the United Nations should undertake, at the earliest opportunity, an evaluation of the work carried out during the crisis, in particular by the United Nations Operation in Côte d'Ivoire (ONUCI) and humanitarian agencies, in order to enhance its ability to prevent conflicts and protect the civilian population.

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Acronyms and abbreviations

AP-Wê	L'Alliance des patriotes Wê
BAE	Brigade anti-émeute
BASA	Bataillon d'artillerie sol-air
BCP	Bataillon de commandos parachutistes
BCS	Bataillon de commandement et de soutien
CECOS	Centre de commandement des opérations de sécurité
CEMA	Chef d'état-major général des armées
COJEP	Congrès Panafricain des jeunes et des patriotes
CRS	Compagnie républicaine de sécurité
DMIR	Détachement mobile d'intervention rapide
FAFN	Forces armées des forces nouvelles
FANCI	Forces Armées Nationales de Côte d'Ivoire
FDS(-CI)	Forces de défense et de sécurité (de Côte d'Ivoire)
FESCI	Fédération estudiantine et scolaire de Côte d'Ivoire
FLGO	Front de libération du Grand Ouest
FNLTCI	Front national pour la libération totale de la Côte d'Ivoire
FPI	Front populaire ivoirien
FRCI	Forces Républicaines de Côte d'Ivoire
FRGO	Front de Résistance du Grand Ouest
FUMACO	Fusiliers marins commandos
GPP	Groupement des patriotes pour la paix
GR	Garde Républicaine
GSPR	Groupe de Sécurité de la Présidence de la République
JP	Jeunes patriotes
LIMA	Les forces spéciales LIMA: Libération du monde africain
LMP	La majorité présidentielle
MILOCI	Mouvement Ivoirien pour la Libération de l'Ouest de la Côte d'Ivoire
MODEL	Movement for Democracy in Liberia
PDCI	Parti Démocratique de la 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
UPRGO	Union des patriotes résistants du Grand Ouest
UPLTCI	Union pour la libération totale de la Côte d'Ivoire

I. Introduction

A. Establishment and legal basis of the Commission

1. The refusal of former President Gbagbo to give up power after being defeated in the presidential elections of 28 November 2010 plunged Côte d'Ivoire into an unprecedented political crisis marked by grave and massive violations of human rights and international humanitarian law. There were many reports of extrajudicial and summary executions, rape, acts of torture and other cruel, inhuman and degrading treatment, enforced disappearances, arbitrary arrests and detentions, attacks against religious buildings, and act of intimidation, harassment and extortion.

2. In view of the deteriorating human rights situation in Côte d'Ivoire, a special session of the Human Rights Council (hereinafter referred to as the Council) was held on 23 December 2010. On that occasion, the Council adopted resolution S-14/1, in which it strongly condemns the human rights violations committed and calls on all the relevant parties to immediately put an end to them. It also urges all actors, in particular defence and security forces, to refrain from all acts of violence, to respect all human rights and all fundamental freedoms and to assume their responsibilities for the protection of the civilian population.

Mandate

3. At its sixteenth ordinary session, the Council adopted resolution 16/25 whereby it decided to establish an international commission of inquiry to "investigate the facts and circumstances surrounding the allegations of serious abuses and violations of human rights committed in Côte d'Ivoire following the presidential election of 28 November 2010, in order to identify those responsible for such acts and to bring them to justice, and present its findings to the Council at its seventeenth session". The High Commissioner for Human Rights was requested to provide the Commission with the support needed for it to carry out its mandate.

Composition of the Commission

4. On 11 April 2011, the President of the Council appointed the three members of the Commission: Vitit Muntarbhorn of Thailand (Chair), Reine Alapini Gansou of Benin (member) and Suliman Baldo of Sudan (member).

B. Methodology

5. The members of the Commission held consultations in Geneva from 2 to 4 May and had meetings with representatives of the Permanent Mission of Côte d'Ivoire in Geneva, the President of the Council, the High Commissioner, various diplomatic representatives, United Nations agencies and humanitarian organizations, as well as civil society organizations. The members of the Commission then went to Côte d'Ivoire, where they stayed from 4 to 28 May 2011.

6. Besides Abidjan, they travelled to the northern, western and southern parts of the country. They also went to Liberia in order to understand better the cross-border aspects of the conflict.

7. On the ground, the Commission had meetings with the Ivorian authorities, including President Ouattara and Prime Minister Soro, political figures, national institutions,

international organizations, in particular UNOCI, and civil society organizations. Assisted by a team of investigators and a forensic pathologist, the Commission met with hundreds of victims and direct witnesses of human rights violations. It also took testimony from relatives of victims or persons with indirect knowledge of certain violations. The Commission also gathered collective testimony from human rights organizations and other associations, all of which helped to shed light on the sequence of events. The Commission went to various sites considered to have been particularly affected by violations, notably hospitals, clinics, places of summary execution and morgues, but also mass graves and cemeteries. Lastly, it visited places where persons were being held under house arrest, in particular Hotel Pergola in Abidjan and presidential villas in Korgoho and Odienné.

8. The Commission collected written documents, photos and video recordings from a variety of sources.

C. Legal framework

9. The Constitution of Côte d'Ivoire gives considerable importance to the protection of human rights and public freedoms. It recognizes the ethnic, cultural and religious diversity of the country and enshrines the principle of human equality. It stipulates that human rights are inviolable and that the public authorities have the obligation to ensure that those rights are respected, protected and promoted. In accordance with the provisions of article 87, international treaties or agreements prevail over laws.

10. Côte d'Ivoire is a party to most international and regional instruments relating to human rights and international humanitarian law; those instruments are applicable to the events that occurred during the period under consideration. It has signed but not yet ratified the Rome Statute of the International Criminal Court. By declarations made successively by President Gbagbo in 2003 and President Ouattara in 2010, Côte d'Ivoire has accepted the Court's jurisdiction.

II. The forces on the ground

A. Forces de défense et de sécurité

11. The Forces de défense et de sécurité (FDS) were placed under the command of President Gbagbo who, as provided for in the Constitution, is the Commander-in-Chief of the Armed Forces, until 17 March, when the Forces Républicaines de Côte d'Ivoire (FRCI) were created. However, Mr. Gbagbo continued to rely on the loyalty of the elite units of the FDS, which were the best equipped and whose members were handpicked to ensure the protection of his regime. The FDS had a total strength of 55,000 members led by the head of the armed forces of Côte d'Ivoire (CEMA), General Philippe Mangou. In late March, after General Mangou had deserted his post to take refuge in the embassy of South Africa, General Dogbo Blé was appointed acting head of the armed forces.

12. Those components of the FDS¹ that were most involved in the events after 28 November are the Forces Armées Nationales de Côte d'Ivoire (FANCI), the national gendarmerie, the national police and the special/joint units.

¹ The other components of the FDS are the military fire brigade, customs and immigration and the water and forestry services whose roles in the events since 28 November still need to be clarified.

13. The FANCI, which come under the authority of the Minister of Defence, consist of three forces: the army, the air force and the navy. To the knowledge of the Commission, the air force played no role in the events that occurred after the second round of the presidential election. As for the navy, only the marine commando units (FUMACO) seem to have been active during the events.

14. In the case of the ground forces placed under the command of General Firmin Detho Letho, it appears that only special units were involved in the events. These special units comprise: the ground-to-air artillery battalion (BASA); the command and support battalion (BCS); the parachute commando battalion (BCP); and the rapid intervention mobile unit (DMIR).

15. The Republican Guard (GR) has a special status. Composed of some 1,500 soldiers, it is directly subject operationally to the office of the President of the Republic. This elite force, consisting of three infantry regiments quartered in Abidjan, was placed under the command of General Dogbo Blé, who has been under arrest since 15 April and is being held in Korhogo.

16. The national gendarmerie also comes under the Ministry of Defence and numbers some 12,000 men. It is headed by the commanding officer of the gendarmerie, General Edouard Tiapé Kassaraté.

17. The national police comes under the Ministry of the Interior. It is headed by the director-general of the national police, M^l Bia Brédou. During the crisis, there were a large number of defections within the police.

18. There are many different kinds of special or joint units. The Groupe de Sécurité de la Présidence de la République (GSPR) is responsible for the close protection of the President. It was under the command of Colonel Major Nathanaël Ahouman Brouha, who was assassinated on 4 May 2011 in Grand Lahou while being transferred to Abidjan. Traditionally headed by an army or gendarmerie commander, it is under the direct authority of the office of the President.

19. The Security Operations Command Centre (CECOS)² was headed by the brigadier general of the gendarmerie, Georges Guiai Bi Poin, who left his post on Thursday March 2011. Its head of operations was superintendent Joachim Robe Gogo, who was arrested and handed over to the military prosecutor on 29 April 2011.

B. Forces armées des forces nouvelles

20. The Forces armées des forces nouvelles (FAFN) were the army of the Forces nouvelles de Côte d'Ivoire, whose secretary-general was the current Prime Minister and Minister of Defence Guillaume Soro. They were organized along the lines of the national army, with General Soumaïla Bakayoko as Chief of Staff. Their headquarters was in

² It was composed of five squadrons: CECOS I for the sector of Yopougon led by Commander Louis Kougougnon, using vehicles Nos. 11 to 19, CECOS II for the sector of Abobo, led by Commander Obenié Ouattara and using vehicles Nos. 21 to 26, CECOS III for the sector of Adjamé/Plateau/Attécoubé, using vehicles Nos. 31 to 36, CECOS IV for the sector of Cocody, using vehicles Nos. 41 to 49, and CECOS V for the sector of Koumassi, led by Captain Rodrigue Lobognon Zagba and using vehicles Nos. 51 to 59.

Bouaké and controlled 10 zones placed under the leadership of zone commanders who exercised military and administrative authority.³

C. Forces Républicaines de Côte d'Ivoire

21. By Order No. 211-002 of 17 March 2011, President Ouattara established the Forces Républicaines de Côte d'Ivoire (FRCI) by merging FDS and FAFN. This new force is placed under the authority of Defence Minister Guillaume Soto. Since being established, FRCI have supplanted FAFN in capturing towns under the control of allies of Mr. Gbagbo. A tactical staff unit under the command of General Bakayoko exercised authority over the national territory subdivided from that time into four sectors placed under the command of sector commanders.⁴

D. Militias and mercenaries

22. Militiamen are civil combatants who are citizens of Côte d'Ivoire recruited and armed to provide military support to an organized group, whether in the camp of Mr. Gbagbo or in that of Mr. Ouattara.

Militias loyal to the Gbagbo camp

23. As a general rule, the nature and operation of militias are linked to the Jeunes patriotes (JP) or the "galaxie patriotique" with which they are intrinsically connected.

24. The JP are essentially a political group traditionally used by Mr. Gbagbo following his accession to power in 2000. They come from every social background and are organized into several federations and politicized associations such as the Fédération estudiantine et scolaire de Côte d'Ivoire (FESCI), les parlements Agora, le Congrès Panafricain des jeunes et des patriotes (COJEP), les Femmes patriotes, and the Union pour la libération totale de la Côte d'Ivoire (UPLTCI). In addition to these political groups, there exist paramilitary militias, which are more active in some periods than in others and who played a dominant role for Mr. Gbagbo during the crisis.

25. Two major groups can be distinguished around the Minister of Youth, Mr. Charles Blé Goudé, and COJEP, on the one hand, and around Eugene Djué and ULPTCI, on the other, often regarded as the most radical group. JP serve as the political support and propaganda tool of the former president and, if necessary, his military arm. According to reports from credible sources, the special adviser of President Gbagbo, Kadet Bertin, and the director-general of Abidjan harbour, Marcel Gossio, helped to finance and arm the militias.

³ Commander Morou Ouattara "Atchengué", zone 1 of Bouna, Commander Hervé Touré "Vetcho", zone 2 of Katiola, Commander Ousmane Chérif "Papa Guépard", zone 3 of Bouaké, Commander Zoumana Ouattara "Lieutenant Zoua", zone 4 of Mankono, Commander Koné Zacharia "Djacki", zone 5 of Séguéla, Commander Losseni Fofana "Loss", zone 6 of Man, Adjudant Dramane Traoré "Dramane Touba", zone 7 of Touba, Commander Ousmane Coulibaly "Ben Laden", zone 8 of Odienné, Commander Gaoussou Koné "Dja Gao", zone 9 of Boundiali, Commander Kouakou Martin Fofié, zone 10 of Korhogo.

⁴ The north-west sector commanded by General Gueu (also Deputy Chief of Staff and military adviser in the Ministry of Defense), the north-east sector commanded by General Bakayoko, the Abidjan-east sector commanded by Colonel Soumahoro (also General Staff head of operations); the four sectors were themselves divided into 10 tactical units corresponding to the 10 former FAFN zones.

26. In Abidjan, the most active militias in the post-electoral crisis were armed elements of FESCI and militias attached to the Front national pour la libération totale de la Côte d'Ivoire (FNLTCI).

27. Notable pro-Gbagbo militias in the west were:

- Le Front de libération du Grand Ouest (FLGO): With a membership 7,000 strong, it is directed by the leader and war chief Denis Glofiéi Mohu, who commands all the western militias. He is close to Mr. Blé Goudé and was seen at the beginning of the crisis with some men in the district of Yopougon in Abidjan;
- L'Union des patriotes résistants du Grand Ouest (UPRGO): With some 500 members, it is directed by the leader and war chief Gabriel Banao, a retired general. At a meeting with the Commission, Mr. Banao acknowledged that UPRGO used 200 Guéréé combatants in Côte d'Ivoire at the time of the ethnic clashes to gain control of Duékoué. Moreover, the Commission was able to consult documents seized when FRCI took the city, including a letter signed by Mr. Banao and addressed to Mr. Gbagbo in which he requested medical assistance. Mr. Banao told the Commission that, as early as 2003, Mr. Gbagbo had given money to the chief of FLGO, General Maho, to finance other ethnic militias of the Grand Ouest region;
- L'Alliance des patriotes Wê (AP-Wê) with under 1,000 men, nearly half of whom are Liberians. It is headed by Julien Mompeho "Colombo" and is active in Duékoué, Bangolo, Guiglo, Bloléuin and Toulepleu;
- Le Mouvement Ivoirien pour la Libération de l'Ouest de la Côte d'Ivoire (MILOCI) is headed by Pastor Gammi.

28. All the western militias (AP-Wê, UPRGO, MILOCI, FLGO) are affiliated with the Front de Résistance du Grand Ouest (FRGO) headed by "General" Denis Maho Glofiéi. Some militias are associated with Liberian militias.

Militias loyal to the Ouattara camp

29. The Dozo, who are traditional hunters, are FAFN sympathizers. They are suspected of arms trafficking along the north-west border and of armed attacks in the areas of Bangolo, Duékoué and Kouibly; they are also identified as the main perpetrators of the massacres carried out on 28 and 29 March in Duékoué, although pro-Gbagbo mercenaries are said to be responsible for some of the killings.

30. The "Invisible Commando" had a membership some 5,000 strong at the end of the fighting. Its heartland and field of operations was in the PK-18 district of Abidjan, in particular the local school where the militiamen received their training. It was officially under the command of Ibrahim Coulibaly, known as "IB", killed on 27 April during a standoff with the FRCI because of his refusal to disarm his men.

Mercenaries

31. The presence of mercenaries has been identified mainly in the pro-Gbagbo camp, but there are also a number of them in the pro-Ouattara camp. Some 4,500 of them are thought to have been involved in the conflict in Côte d'Ivoire. A large proportion are found in the west, near the border with Liberia, where they are recruited, often on an ethnic basis, as the same ethnic groups live on both sides of the border. The main elements that participated in the conflict are from the following groups: Movement for Democracy in Liberia (MODEL), National Patriotic Front of Liberia, and the LIMA (Libération du monde africain) special forces. LIMA, with some 2,000 men active mainly in Bloléquin, is said to have been led by commander Marc Gnatoa, killed on 6 May 2011.

32. In Liberia, the Commission met with a mercenary leader known by the name of Bob Marley and his deputy Prince Baroley. They operated side-by-side with the forces supporting Mr. Gbagbo in the region of Guiglo and are reported to have been responsible for an attack on the Bloléquin Prefecture, which took the lives of some 50 people.

E. Impartial forces

33. The United Nations Operation in Côte d'Ivoire (UNOCI) is a peacekeeping operation set up under United Nations Security Council resolution 1528. With a strength of some 10,000 men, ONUCI has been deployed since 4 April 2004 and is tasked with monitoring the application of the 2003 and 2005 cease-fire and peace agreements and assisting the Ivorian authorities in the implementation of the various measures provided for in those agreements. France participates in ONUCI through Force Licorne, a third-tier quick-reaction force with a strength of 1,650 men. It could intervene only after the Ivorian armed forces and the UNOCI forces.

III. Facts and characterization of the facts

A. Origin of the crisis: remote and immediate causes

Remote causes

34. Following the death in 1993 of President Houphouët-Boigny, a fierce struggle to succeed him broke out among Ivorian political figures. The ensuing tension helped pave the way for the development of the concept of "ivoirité", a political battle weapon created by Mr. Henri Konan Bédié, which he put into effect through rural land rights legislation that barred part of the Ivorian population from owning property.⁵ Xenophobia was rampant, targeting in particular Ivorian agricultural workers originating from Burkina Faso, Mali, Ghana, Togo and Benin or migrants from those neighbouring countries who in many cases had been living in Côte d'Ivoire for several decades.

35. It became common for politicians and the media to speak of the inhabitants of Côte d'Ivoire as being indigenous or non-indigenous or indigenous of non-indigenous descent; in time, ordinary people did the same. From that time on, there were increasing numbers of political incidents tainted by xenophobia until the accession to power of President Robert Gueï, then Mr. Gbagbo in 2000, who remained in power until the 2010 presidential elections.

Immediate causes of the crisis: the 2010 elections

36. The electoral campaign and the first round of the presidential election took place in a peaceful and free atmosphere, notwithstanding a few sporadic incidents⁶ between

⁵ Under the 1998 Rural Land Act, only the State, public authorities and Ivorian natural persons are allowed to own rural land. Because of the fears expressed by a large number of non-Ivorian landowners who had been cultivating the land for sometimes as long as several generations, and in particular the exclusion of their non-Ivorian heirs from land ownership, the 1998 Act was amended pursuant to the Linas-Marcoussis Agreement. A law dated 14 August 2004 thus stipulated that rural land ownership rights acquired before 2004 are transmissible to heirs. Landowners to whom the exception applies are required to be included in a list drawn up by the Council of Ministers.

⁶ There were some isolated minor clashes in Bouaflé, Daloa, Guiglo, Katiola and Niablé, and election posters were destroyed in some regions.

supporters of the Front populaire ivoirien (FPI) and the Rassemblement des Républicains (RDR). Between the two ballots, the Rassemblement des Houphouëtistes pour la Démocratie et la Paix (RHDP), which grouped together several political parties opposed to FPI and to La Majorité Présidentielle (LMP) of former President Gbagbo, called on the population, through the mouth of Mr. Bédié and his supporters, to vote for Mr. Ouattara in the second round. On 10 November, Mr. Ouattara publicly pledged to share power with the Parti Démocratique de la Côte d'Ivoire (PDCI) if Mr. Bédié won.

37. On 27 November, the day before the second round, President Gbagbo decreed a curfew. The opposition political parties unanimously denounced that measure. The Forces Nouvelles announced that they did not wish to apply the measure in the northern part of the country. It was maintained nevertheless, despite the representations made by the Ivorian peace process facilitator, President Blaise Compaoré of Burkina Faso. In the circumstances, the Gbagbo camp described Mr. Ouattara as the “father of the rebellion” while inciting Gbagbo supporters to acts of violence against the Dioula ethnic group to which Mr. Ouattara belongs. The slogans “win or win” or “My votes goes 100 per cent to the original” adopted by President Gbagbo merely stoked up the tension.

38. On 28 November, the day of the second round of the election, attempts to prevent members of the Dioula and Baoulé ethnic communities from voting, particularly in Lakota, Issia and San Pedro, led to violent clashes between supporters of Mr. Gbagbo and those of Mr. Ouattara. In both camps, the obstacles put in the way by the opposing party in the area under its control were noted and condemned.

B. Description of the facts

39. The crisis can be said to have developed, broadly speaking, in four stages, as reflected in the sequence of events.

40. The first stage, running from 27 November to mid-December 2010, was characterized by protest demonstrations in Abidjan and other cities following the curfew decreed on the eve of the second ballot and, later, after the results had been proclaimed.

41. The second stage began with the crackdown on RHDP marches on 16 December 2010 and continued until the end of January 2011. During that operation, the law enforcement services (police and gendarmerie) sought help from the military (FUMACO, BASA, BCS, BCP, DMIR, CECOS, Garde républicaine) and thereafter ceased to intervene except at the request and under the command of the chief of the army general staff. The clashes of 16 December marked a turning point in the conflict, not only because they clearly pointed to mounting tension but also because it was then that the use of organic weapons and the maintenance of law and order by security forces gave way to the deployment of weapons of war.⁷ Self-defence groups were then formed by local youths to protect the population, headed by FAFN commanders. They armed themselves by recovering weapons abandoned by FDS, as in San Pedro.

⁷ The following weapons were found to have been used: RPG-7 rocket launcher, heavy military weapons: mortar 82 (mine launcher), 120 mm. mortar, BM-21 multiple rocket launcher (or Stalin's organ), one of which was captured by FRCI in Toulepleu, T55 tanks, AML-90 (light armoured car), BTR-80 (armoured personnel carrier, seen in particular during the demonstration of 16 December 2010), BMP-2 (armoured personnel carrier), 12.7 machine-gun, 20 mm. cannon VLRA (light reconnaissance and support vehicle), ZSU-23-4 (anti-aircraft gun), ZSU 23-2, ERC-90 Sagaie (light armoured reconnaissance vehicle mounted with 90 mm. cannon), Mamba tank (vehicle with medium-range ground-to-air missile defense system).

42. The third stage began with the FDS attack on the FAFN positions in Bounta (western region) and ended with the arrest of Mr. Gbagbo on 11 April 2011. FAFN, joined by FRCI from 17 March onwards, started to gain control of the towns and finally of Abidjan. The troops still loyal to Mr. Gbagbo sought the support of militias (FESCI and the Groupement des patriotes pour la paix (GPP) in Abidjan, AP-Wê, FLGO and UPRGO in the western part of the country) and mercenaries to make up for the defection of some elements of FDS, in order to hold out against the troops of the FAFN zone commanders with the added strength of their own militiamen (Invisible Commando in Abidjan, Dozo hunters in the western part of the country) along with FDS deserters. FDS that had remained loyal to Mr. Gbagbo seem, from that time, to have acted outside their usual, regular chain of command. In Abidjan, in the commune of Yopougan, forces favourable to either camp clashed in armed combat, while in the commune of Abobo and in the western part of the country, acts of violence were systematically committed by both camps against civilians targeted by reason of their supposed political affiliation.

43. The fourth stage, which extended from 11 April to 28 May 2011, was marked by the gradual establishment of calm and security in the capital and then in the rest of the country, except for some isolated fighting, when FRCI hunted down the last militiamen and mercenaries, thus committing in turn acts of violence in certain places against the civilian population (pillage, extortion, violence against persons, arbitrary arrests and detentions). On 27 April, Ibrahim Coulibaly, known as "IB", leader of the Invisible Commando, was killed by FRCI in the northern part of Abidjan.

Key events in Abidjan

44. During the pre-electoral period, acts of intimidation and violence were committed against certain campaign officials and against communities considered favourable to the candidate Ouattara. Several victims and witnesses stated that houses belonging to northerners and members of the Baoulé ethnic group were marked with the letters "X" or "B" in several districts of Abidjan to make it easier to identify the occupants.

45. Between 27 and 29 November, RHDP youth demonstrations in Akobo, protesting against the curfew announced by former President Gbagbo, were severely crushed by FDS, leaving 12 persons dead. At the end of the second ballot, witnesses also reported the existence of blacklists of people to be eliminated, including RHDP representatives at polling stations.

46. On 16 December, during the RHDP march, at least 18 people were killed in the PK-18 district of Abobo and 14 FDS members were also reported to have died.

47. On 4 January, elements of FDS attacked the headquarters of the Parti Démocratique de la Côte d'Ivoire (PDCI) in Cocody. One hundred and thirty-six RHDP supporters were arrested, including 19 women and a number of children. One person was killed and four were seriously wounded during the incident.

48. Between 11 and 12 January, FDS using vehicles of the anti-riot brigade (BAE) and the Security Operations Command Centre (CECOS) attacked the PK-18 district of Abobo killing at least nine people.

49. From 18 to 20 January, FDS (in particular, members of CECOS, the Compagnie Républicaine de Sécurité (CRS), agents of the anti-riot brigade and soldiers of the Marine) put down any demonstration of support for the civil disobedience operation launched throughout the country by RHDP on 18 January.

50. On 7 and 8 February, at least 10 people were killed by FDS-CI. In response to the violence, a self-defence group, later known as the Invisible Commando, was formed in the PK-18 district of Abobo. This was the beginning of the "Battle of Abidjan", when for the

first time since the elections an armed group engaged in military action against FDS in the capital. On 22 February, there was a violent fighting between elements of FDS, including CECOS, and members of the Invisible Commando, in which several people were killed.

51. On 3 March, seven women and one young man were shot dead by FDS in the crackdown on the “March of women”, in which nearly 3000 women had gathered at Carrefour Anador (Abobo) to call for the departure of Mr. Gbagbo and protest against human rights violations perpetrated in their area.

52. Between 6 and 7 March, retaliatory action by the Invisible Commando against members of the Ebrié group considered to be supporting Mr. Gbagbo in the village of Anonkoua-Kouté in Abobo left 15 dead and forcibly displaced the entire Ebrié population from the village.

53. Between 13 and 22 March, the use of heavy weapons by elements of FDS, including BAE, CECOS, the gendarmerie and the Republican Guard, against districts and populations accused of being favourable to the candidate Ouattara, particularly in Yopougon, Williamsville, Attécoubé, Adjamé and Abobo, resulted in the deaths of at least 40 people, including women, children and older persons. Several hundred people were injured and the inhabitants of entire neighbourhoods fled the ensuing violence.

54. From April onwards, and particularly after the arrest of Mr. Gbagbo, the Yopougon district became a symbol of fighting between the two camps. On 11 April, the great majority of the militias and mercenaries retreated to this last pro-Gbagbo bastion. It was also during that time that a large number of mercenaries were involved in attacks against communities. For example, on 8 April 2011, the Dioula majority village of Locodjro sustained an attack by several small joint groups of militiamen and mercenaries in which seven people were killed by shooting or by fire. Between 11 and 22 April, at least 24 were killed in the district of Yopougon.

55. On 26 April, FRCI made a violent incursion into the villages of Abobo, PK-18 and Anyama to crush the rebellion led by Ibrahim Coulibaly, who had appointed himself leader of the Invisible Commando and who was seen as a threat to the new people in power. This attack by heavy weapons left several dead and many wounded, including children and older persons.

56. On 6 May, Commander Cherif Ousmane declared the city liberated and the fighting over.

57. Since 11 April, and more particularly since early May, the city of Abidjan has seen a violent crackdown by elements of FRCI in search of members of militias. This search has resulted in abuses being committed against the Ebrié and Guéré populations. The Commission questioned witnesses and itself noted almost daily cases of arbitrary detention, torture and inhuman and degrading treatment suffered by individuals suspected of having been members of militias or informers.

Description of the facts in the western and south-western regions

58. According to information obtained from a variety of concordant sources,⁸ the fighting began in that region with an FDS attack, on 23 February, of an FAFN position in Bounta, in breach of the curfew. FAFN then launched a counteroffensive, attacking and taking the western towns one after the other.

⁸ The Commission took cognizance, in particular, of the UNOCI report on violations of human rights and international law in the western part of Côte d'Ivoire which, corroborating various information obtained on the ground, offers a detailed analysis of the events in that region.

59. Before the fighting, the human rights situation in that region was characterized by recurrent intercommunity violence connected with land disputes. Regular attacks against the non-native population were reported, particularly during roadblocks set up by young militiamen, often supported by FDS. Abuses committed included violations of the right to life and security of person and to freedom of movement. In San Pedro, for example, members of the United Nations peacekeeping force explained to the Commission that for several weeks the town had been under the control of the Jeunes patriotes and that they had been forced to negotiate with them whenever they wished to move from one place to another, even just to obtain fresh supplies.

60. After 28 November, the situation throughout the region grew considerably worse with a marked increase in violence against individuals seen as supporters of RHDP and originating from the north. In addition, inter-community tension was on the rise. Thus, in Duékoué, on 28 November, the representative of RHDP who had supervised the conduct of the elections in the Carrefour district was kidnapped and physically abused by UPRGO and AP-Wê militiamen in that district. During the same period, the death of three persons at a roadblock led to outbreaks of fighting between the Guéré and Malinke communities. The Guéré were accused of looting and killing. Members of the Malinke community attacked the Guéré neighbourhoods and, in the Malinke neighbourhoods, Guéré were ill treated and driven from their homes. In retaliation, the Guéré then drove out Malinke living in what were traditionally Guéré neighbourhoods, setting fire to houses inhabited by or belonging to Malinke and other northern ethnic groups. These clashes were reported to have left in their wake dozens of dead people, over 100 wounded and at least 450 houses destroyed.

61. In Divo, a Divo RHDP demonstration held on 16 December 2010 was crushed by the CRS, established in the city some months before, under the command of Mr. Seka Yapo, who hurled tear gas grenades and fired weapons of war at the demonstrators. At least four people were said to have been killed and 27 wounded, including an eight-year-old girl.

62. In San Pedro, in the weeks following the second round of the elections, les Jeunes patriotes and other organizations of the “galaxie patriotique”, under the sometimes disputed leadership of Mr. Blé Sépé and Mr. Sylla Youssouf, such as the “Blé Goudé generation” and the debating society “La Sorbonne” were active in the city with the full knowledge of the law enforcement services, publicly inciting violence against RHDP supporters and organizing unauthorized public demonstrations, as well as roadblocks and searches of vehicles and civilians.

63. Following the curfew violation, on 23 February, FAFN launched a counteroffensive, attacking and conquering one after the other the western towns, including Zouan Hounien, Toulepleu, Doké, Bloléquin, Duékoué and Guiglo. In a number of cases, FDS in position in those towns fled before the arrival of FAFN and, later, FRCI. Nevertheless, between their departure and the taking of the city by FAFN or FRCI, groups of Jeunes patriotes and militiamen, sometimes with the support of mercenaries, committed numerous acts of violence against the civilian population. This was true in particular of Guiglou and Divo. In Duékoué, on 28 March, FDS defended themselves for some 24 hours, receiving reinforcements from Guiglou.

64. According to some reports, FDS were supported by English-speaking mercenaries from Liberia, backed by armed local militias. On that same day, militiamen and mercenaries were said to have attacked civilians, leaving a number of dead and violating their physical integrity. It is alleged, for example, that at about eight o'clock AP-Wê militiamen and Liberian mercenaries killed the imam and his 72-year-old tutor. The attacks are said to have ceased in the early afternoon with the taking of the city by FRCI. As they retreated, the militiamen reportedly plundered and set fire to numerous houses. On 29 March, the Carrefour district, the home ground of several militias such as AP-Wê and UPRGO, was the scene of fighting between FRCI, supported by members of the Dozo

group, and militiamen. According to concordant testimony from relatives of the victims, once FRCI had gained control of the neighbourhood, they ordered women and small children to go off to the Catholic mission chanting the word “guerrier” (warrior). After the fighting, elements of FRCI, accompanied by Dozo men and armed members of Malinke militias, carried out searches, arresting individuals believed to belong to FDS. Some were executed on the spot.

65. The Commission was informed that, on arriving in the towns, FRCI and their allies also committed numerous acts of violence against populations considered to be favourable to former President Gbagbo and that such acts continue even today.

C. Characterization of the facts

1. Human rights violations

66. The events described above constitute serious violations of human rights under Ivorian positive law as well as under the international and regional human rights instruments to which Côte d'Ivoire is a party. The Commission noted that, right up to the end of its mission in Côte d'Ivoire, serious violations continued to be perpetrated every day.

67. According to information gathered by the Commission, the most serious incidents took place in Abidjan and in the west, particularly along the Duékoué-Toulepleu road, in San Pedro, and in the Divo-Lakota-Gagnoa triangle. The violations were committed by members of all the different groups involved. The Commission also noted that, within the same regions, the identities of the victims and perpetrators of violations changed as the conflict unfolded.

68. Thus, in Abidjan, it can be broadly said that, just after the presidential elections, those groups considered to be pro-Ouattara, by virtue in particular of their ethnic background, their political allegiances or their religion, suffered at the hands of FDS or militiamen or did not feel sufficiently safe to remain in their homes. Subsequently, from March onwards, those groups traditionally considered to be Gbagbo supporters were the targets of reprisals, particularly from the Invisible Commando in Abidjan and FRCI, as and when the various towns were taken.

Right to life

69. The Commission considers that every person killed is one victim too many and has chosen not to join the debate about numbers. The Commission does not have the time or the resources to do any more than give an estimate of the losses in human lives. It did not have the means to disinter bodies from mass graves, reconstitute skeletons or analyse ashes recovered from burned-down houses. Nevertheless, on the basis of information obtained during its field visits and by crosschecking, it can be reasonably estimated that at least some 3,000 people were killed. Many people were killed by barbaric methods, particularly the torture commonly known as “Article 125”, which denotes the price of the petrol (100 CFAF) and matches (25 CFAF) needed to burn a person alive. In other cases, they were put into a container and died of suffocation.

70. In Duékoué, for example, the Commission had access to five mass graves where 197 bodies had been buried. At the IVOSEP morgue in Abidjan, 1300 bodies had been placed. Many graves and bones were found in the area, some burned and with large quantities of ashes nearby.

71. Many of the bodies seen by the Commission, directly or in photos, or as shown in the registers of the health-care units visited, had been wounded by firearms, including

weapons of war such as heavy weapons and grenades. Marks of shooting, the shattering of projectiles and burns were visible on the bodies.

72. For instance, in Péhé, the presence was noted of a blue cord around what remained of the bones of the upper limbs of a body. Pieces of cord of the same kind were found in the Carrefour district in Duékoué. In Abidjan, witnesses spoke again of people being burned alive, using petrol and tires. In the west there are reports of many people having had their throats slit.

Right to physical integrity

73. The fact that there were many people injured demonstrates that the right to physical integrity was violated. Such was the case, for example, during the violent repression of non-violent civil demonstrations, particularly in Abidjan and Divo on 16 December 2010 and in Duékoué on 3 January 2011, when weapons of war, including heavy weapons, were used indiscriminately. Such was also the case in Bloléquin, Doké, Guiglo, Péhé, San Pedro and Toulepleu.

74. Other cases of violations of this right were noted by the Commission in the towns and villages where it conducted investigations, including the beating of arrested or detained persons. The Commission learned from the information provided by health-care professionals that at least 1,740 persons who had been injured, most of them by firearms or knives, had received care.

Violation of the right to freedom and security of person

75. Arbitrary arrests and detentions by FDS and FRCI, together with the absence of the effective possibility of taking proceedings before a court or any other competent judicial authority, constitute a violation of article 9 of the International Covenant on Civil and Political Rights. In Doké, for example, Mr. X. and Mr. Z. were arrested by FDS. They were tied up and taken away on the pretext that they were RHDP activists. When the village chief explained that Mr. Z. belonged in fact to LMP, he was released. Mr. X. is still missing. The Commission also saw for itself, in Abidjan, a number of cases of detention exceeding the legal time limits in many police stations under the command of elements of FRCI. It is clear that, during the period under consideration and in the places visited by the Commission, due process was not ensured.

Freedom of movement

76. The various roadblocks set up by organizations of the “galaxie patriotique” well before 28 of November and tolerated by law enforcement services, as well as those set up later by the FRCI, constitute violations of the right to freedom of movement. At these roadblocks, other violations were committed, in particular rape and racketeering. The roadblocks erected by the Jeunes patriotes and militia groups served as checkpoints for identifying persons considered to be pro-Ouattara and restricted the movement of such persons, confining them to particular areas for no reason. They also restricted the movement of United Nations civilian personnel and foreigners living in Côte d'Ivoire.

Freedom of expression and information and incitement of hate

77. In the context of the elections, most observers noted the professionalism and civic sense of the Ivorian media in their coverage of the first round of the presidential elections. However, the media put a negative slant on their campaign coverage for the second round, taking partisan positions and reporting incendiary speech. On the pretext of defending national sovereignty, the State media gradually developed a campaign calling for patriotic resistance through virulent writings and reports tainted by xenophobia. RTI appears to have

played a particularly noteworthy role in this regard and to have been transformed into “nothing less than a machine of warfare and propaganda for LMP”, monopolizing the media and putting out provocative messages. For example, on 25 February 2011, it rebroadcast a call from Charles Blé Goudé to the Jeunes patriotes: “You must contact neighbourhood leaders, you must (...) check people coming into and out of your neighbourhoods. And you must report any foreign person who comes into your neighbourhood”.

78. The Commission noted that during the crisis there had been considerably less respect for the rights to freedom of expression, opinion and information. Some opposition political parties and independent media outlets met with systematic difficulties in exercising those freedoms.

79. The Commission notes that newspapers and the media were divided into green newspapers supporting the Ouattara camp and blue newspapers supporting the Gbagbo camp, and that the former were treated harshly under Mr. Gbagbo's administration. When the city of Abidjan was taken, the premises of the blue newspapers were ransacked. Some of those newspapers were just beginning to reappear at the end of the Commission's visit to Côte d'Ivoire.

Right of demonstration and peaceful public assembly

80. The blanket prohibition of demonstrations that accompanied the curfew and the breaking up of demonstrations in Abidjan and Divo on 16 December 2010 and in Duékoué on 3 January 2011 are a violation of article 21 of the Covenant. The Commission notes that, in this framework, all attempts by members of the opposition to organize demonstrations were severely crushed by the FDS, sometimes with heavy weapons and weapons of war

Freedom of religion and desecration of places of worship

81. During its investigations and interviews, the Commission noted that churches and mosques had been attacked and illegally searched. For example, a Catholic church was destroyed in the Carrefour district of Duékoué by pro-Gbagbo Guéré militias and the cathedral was desecrated by FRCI.

82. In Bloléquin, the mosque was desecrated by Guéré militias and Liberian mercenaries. In Abidjan, a Pentecostalist church was attacked by members of FRCI looking for weapons.

Economic, social and cultural rights

83. The State of Côte d'Ivoire did not take the necessary measures to preserve and ensure the enjoyment of economic, social and cultural rights. These violations were notably worse during the post-electoral crisis from 28 November 2010 until the taking of Abidjan, particularly in respect of education, health care and access to drinking water, sufficient food and proper housing.

Right to education

84. The Commission noted that the post-electoral crisis nearly paralyzed the country's education system, consequently preventing hundreds and thousands of children for several months from enjoying the right to education.

Right to health

85. In a great many cases, health facilities were ransacked, one example being the Anonkoua-Kouté clinic, or had to close for a variety of reasons having to do primarily with safety considerations. In addition, pharmacies and other health services met with serious

difficulties in obtaining supplies, with grave consequences for the life and health of the people in those regions as well as for those in the west, where the situation was the same if not worse.

Right to food, water and housing

86. The human rights crisis went hand in hand with a humanitarian crisis in which hundreds of thousands of displaced persons were living in extreme conditions. An indeterminate number sought refuge in the bush and are still living there. The malnutrition rate worsened during the crisis, particularly in the west, above all in centres for displaced persons. The fact that many farmers' seeds were burned together with their houses, especially in the west, is a great concern for coming months because of the risk of famine. Moreover, as fighters threw some bodies into wells, especially in the west, the water used by the local people has become polluted. There are also serious consequences arising from the fact that mass graves are located near rivers, creating a potential risk of ground pollution. With regard to the right to housing, the Commission visited the ruins of hundreds of burned down houses, which had led to the forced displacement of entire communities.

Right of children not to be recruited by armed groups

87. On the basis of reports gathered and observations on the ground, the Commission noted that children were associated with armed groups throughout the conflict. The appeal made by the former Minister of Youth, Mr. Blé Goudé, on 19 March 2011, led to thousands of young people, including schoolchildren and students, sometimes still minors, to enroll in militias. The presence of children was also noted at FRCI roadblocks, in particular in Guiglo, Toulepleu and Bloléquin.

2. Violations of international humanitarian law

88. The FDS attack on FAFN positions in Bounta on 23 February marked the beginning of the armed conflict not of an international character in Côte d'Ivoire. The conflict which thus pitted FAFN against FDS, along with the various armed groups supporting them, meets the conditions of applicability of common article 3 of the Geneva Conventions and of the second Additional Protocol, to both of which Côte d'Ivoire is a party.

89. The conflict which then set FRCI against FDS loyal to former President Gbagbo does not, in the Commission's view, constitute a separate conflict but should, rather, be seen as the continuation of an already ongoing conflict. It is to be noted that the conflict was not waged throughout the full expanse of the country, so that international humanitarian law applies solely to the area where an armed conflict not of an international character actually took place.

90. The parties to the conflict together with their auxiliary armed forces violated the provisions of statutory and customary international humanitarian law, in particular the right to life and to the physical integrity of protected persons; in some cases, the protected persons were raped and their property plundered. The Commission also noted, in Abidjan and in other towns in the western and south-western regions, cases of summary executions of civilians or non-combatants. In other cases, as in the Carrefour district of Duékoué, or in heavy-weapon attacks against areas of Yopougon or Abobo, armed groups used blind force.

3. Violations of international criminal law

Crimes against humanity

91. The information received, the testimony taken and observations on the ground reflect the seriousness of the violations and crimes committed by the various actors during

the period under consideration. Serious crimes such as murder or rape perpetrated during widespread and systematic attacks against populations targeted on the basis of their supposed political sympathies or their ethnicity might constitute crimes against humanity. In that connection, the Commission noted in particular attacks by FDS elements with militiamen and allied mercenaries against the inhabitants of the Abobo and Yopougon districts of Abidjan, in particular the PK-18 district and the Sikasso village in Abidjan; looting and killing by elements of the Invisible Commando in the Ebrié village of Anonkoua-Kouté; along the Duékoué-Toulepleu axis, attacks and brutalities by FRCI and their allies against people of Guéré origin and the destruction of their property. Some of these events might constitute crimes against humanity. However, owing to lack of time, the Commission was not able to study the matter in sufficient depth for it to propose a definitive characterization of specific events.

War crimes

92. Some of the acts described above are serious violations of common article 3 of the four Geneva Conventions of 12 August 1949 within the meaning of article 8 of the Rome Statute. Those acts committed during the fighting in Abidjan and other towns since late March 2011 are attacks on life and corporal integrity, cruel treatment and torture, and humiliating and degrading treatment violating the dignity of persons who took no direct part in the hostilities.

93. Those acts may also be described as serious violations of laws and customs applicable to armed conflict not of an international character. These include attacks directed intentionally against the civilian population as such or against civilians not taking direct part in the hostilities, attacks directed intentionally against buildings, material, medical units and transport, attacks directed intentionally against personnel, installations, material, units or vehicles involved in a UNOCI peacekeeping mission, attacks directed intentionally against buildings dedicated to religion, education and hospitals, pillaging towns and villages, as well as rape and other forms of sexual violence. The Commission was unable to confirm that children under the age of 15 years had been conscripted or enlisted by parties to the conflict, but expresses serious concerns about the presence of juveniles in FDS and FRCI units.

D. Responses of the Government to the situation

94. The Commission notes that, on the ground, the legitimate Government has recognized the seriousness of the facts and has taken certain measures. The Government has initiated judicial and military procedures at national level against certain suspects. It has set up a Dialogue, Truth and Reconciliation Commission and has decided to refer to the International Criminal Court.

1. Military procedures

95. On 12 May 2011, the Military Prosecutor submitted an application for the investigation of 52 military personnel belonging to FDS, essentially joint task forces, such as the Garde républicaine, CECOS, BAE and special gendarmerie units which, according to the Military Prosecutor, were under the dual command of the chief of GR and the chief of CECOS. The investigation will be extended, according to the findings, to any person suspected of a crime, including FRCI.

2. Judicial procedures

96. The Government decided to set in motion a judicial process at the national level in order to prosecute persons responsible for crimes under Ivorian law who do not come

within the jurisdiction of the International Criminal Court. An investigation was initiated on 13 May 2011 against Mr. Gbagbo and his entourage for corruption, destabilization, confiscation of power after the results of the elections and criminal abuse of office. The Government Prosecutor heard Mr. Gbagbo on 6 May and his wife, Simone Gbagbo, on 8 May. In the west, the Commission met with the Daloa Prosecutor who informed it that preliminary investigations had begun into the events that had occurred in the region.

3. The Dialogue, Truth and Reconciliation Commission in Côte d'Ivoire

97. At the beginning of May, President Ouattara appointed Mr. Charles Konan Banny, former Prime Minister, to chair a Dialogue, Truth and Reconciliation Commission tasked with restoring social peace and achieving reconciliation among Ivorians following the serious erosion of social cohesion in the country after a decade of political and armed crises. Mr. Banny explained to the independent, International Commission of Inquiry on Côte d'Ivoire that he had already begun consultations with social and political groups in order to have their views on the mandate and composition of the Dialogue, Truth and Reconciliation Commission. He also said that the basic texts of the Commission were currently being drafted. According to him, the Commission would not have a "judicial" dimension; judicial matters would be settled through Ivorian judicial process.

4. Referral to the International Criminal Court

98. President Ouattara informed the Commission that he had referred the situation in Côte d'Ivoire to the International Criminal Court.

IV. The victims

99. Although violence is a recurrent phenomenon in the recent political history of Côte d'Ivoire, most of the persons met by the Commission noted the unprecedented character of the violations committed on the occasion of the electoral crisis.

100. The Commission noted the varying degrees of importance attached by those responsible for violations to the ethnic, political or religious characteristics of the victims, according to the area where the violations had occurred and their perpetrators. The Commission noted, however, that it was generally felt that there was a close link between ethnic group and political allegiance. Accordingly, it was felt that persons from neighbouring countries and Ivorians belonging to the Malinke, Dioula and Senoufo ethnic groups supported Alassane Ouattara's RDR and that those belonging to the Guéré and Bété ethnic groups supported former President Gbagbo's LMP.

A. Children

101. From the early days of the post-electoral crisis, children suffered from violations of their rights by all the parties to the conflict. Some of those violations concerned the civilian population as a whole (assassinations, whether targeted or not, injuries, mutilations, abductions, sexual violence, etc.), while others were specific violations of the rights of the child (enforced or "voluntary" recruitment/use, attacks against schools and hospitals).

102. The recruitment and use of children by all parties to the conflict were documented in the west and in Abidjan. Children, sometimes of very young age, were briefly trained and armed and were used at roadblocks, in neighbourhood surveillance and/or in fighting. In other cases, children were used to cook and help armed groups in other ways. Thus, a young Ivorian who had taken refuge in Liberia recounted to the Commission how he had been captured in Doko by members of FRCI under the command of a man by the name of

Tape. They had the support of Liberians. Upon his refusal to take up arms, they had forced him to prepare their food. They had explained to him that they would not let him leave as they feared that he would give FDS information about their positions. He had finally been able to escape and had fled to Guiglo.

B. Older persons and persons with disabilities

103. The Commission collected a great deal of testimony about older or disabled persons who had been killed or injured during the clashes. Because of their reduced mobility, such persons were often not able to flee and were hit by stray bullets, but sometimes they were victims of summary executions or violence. In a number of cases, older persons volunteered to attempt mediation with armed elements, in particular in Péhé. Lastly, older and/or sick persons also died through lack of care or food when their families were forced to flee.

C. Rape and sexual violence against women

104. The Commission heard several women and girls who testified to having been victims of sexual violence perpetrated by armed militiamen, uniformed men and men in traditional Dozo dress in the western region and by armed men accompanied by militiamen in Abidjan. Although many of them were held back by tradition and shame from recounting the suffering inflicted on them through sexual violence, the Commission was able to speak with a few courageous victims who described the brutal manner in which they had been raped. In Duékoué, San Pedro and Abidjan, as well as in refugee camps, the Commission thus met with girls and women who had been victims of rape.

D. Displaced persons and refugees

105. Enforced population displacements were one of the major characteristics of the conflict. Although it is extremely difficult to evaluate their number, humanitarian organizations estimate that more than 700,000 persons fled their homes because of the fighting, the general climate of violence or the persecution that they had suffered. The Commission met with a large number of displaced persons, in particular in Abidjan and Duékoué, but was also informed that an indeterminate number are still living in the bush in conditions of extreme hardship. At the time when the Commission was leaving Côte d'Ivoire, population displacements were still continuing, particularly in the direction of Liberia. In all the places visited, the Commission saw the state of destitution in which many displaced persons were living. Many of them had been taken in by foster families, thus putting a further strain on already limited resources.

106. In displaced persons sites as in refugee camps in Liberia, the Commission noted the presence of former combatants, in particular militiamen, associated with the “galaxie patriotique”, giving concern for the security of refugees and internally displaced persons.

E. Human rights defenders

107. In the tense and threatening circumstances prevailing, human rights defenders could not do their work. In talks with members of civil society, it was learned that many had suffered violence and persecution and indeed received death threats from both camps. Two of them are still reported missing. The current climate of insecurity and uncertainty does not encourage them to carry on with their activities without misgivings, particularly those who openly supported the Gbagbo Government.

V. Responsibilities

A. Responsibility of the Ivorian State

108. The aforementioned serious human rights violations committed by military and security forces, alone or in association with the non-State actors identified above, create responsibilities and obligations for the Ivorian State with regard to the victims of those violations. These obligations derive from the conventions already referred to above and from international customary law.

109. The prime responsibility of the State is to protect the population against serious violations of human rights. The Ivorian forces, alone or with the added strength of non-State combatants, showed not only that they had been incapable of protecting the population but also, in some cases, that they were directly responsible for certain violations. According to numerous reports, the following FDS units were concerned:

- Garde républicaine;
- CECOS;
- CRS;
- BAE;
- BASA;
- BCP;
- FUMACO.

110. Later, as they gradually gained control of the various towns, elements of the FRCI committed human rights violations.

111. Subsequently, the State has the responsibility to undertake prompt and effective investigations and to bring to justice those who committed the serious human rights violations identified. The Commission notes that steps have already been taken by the Ivorian Government. It nevertheless stresses that it has not as yet been informed of effective procedures against elements of FRCI accused of human rights violations.

112. Although there is still some dispute about the content of the right to truth, it is nevertheless generally agreed that families have the right to know what happened to those of their members who have disappeared. The process set in motion to set up a Dialogue, Truth and Reconciliation Commission is a first step in this direction.

113. The State also has the obligation to guarantee that the violations committed will not recur. To that end, Côte d'Ivoire should in particular, and as a matter of urgency, unify the chain of command of FRCI and reform the security services.

114. A further obligation that falls to the Ivorian Government following the post-electoral events concerns "adequate, effective and prompt reparation" for the harm suffered by the victims.

B. Responsibility of non-State actors and individual responsibilities

115. The Commission considers that the serious and massive violations of human rights and international humanitarian law described in the report and committed by non-State groups engage the individual responsibility of their sponsors.

116. The Commission is well aware that the final determination of individual criminal responsibility must be made by a court in order to ensure the human rights of the persons concerned; nevertheless, the Human Rights Council is required by its mandate to identify those responsible.

117. Indeed, either through their actions or their positions, certain political figures can be held responsible. Thus, some political leaders, by refusing to recognize the results of the elections, calling for violence against particular individuals or groups and failing to condemn certain abuses committed by persons who claimed to be working for them, incurred responsibility. Of all the persons met, the Commission notes that former President Gbagbo and Chief of army staff Philippe Mangou are the only ones to have admitted to some form of responsibility in the events that occurred. The former stated that, as Head of State, he was also commander in chief of armies and, accordingly, was responsible for any acts that might have been committed by the Defence and Security Forces, while noting that, if there had been war crimes during a conflict, those who had committed such crimes should be questioned. The latter stated that, if incidents had occurred between the post-electoral period and his departure for the South African Embassy, he would not shirk his responsibilities.

118. In the light of the information that it has gathered, the Commission concludes that there are reasonable grounds for presuming, in relation to the post-electoral events, the individual criminal responsibility of certain persons whose names appear on the confidential list annexed to this report, which may be transmitted to the competent authorities for the purposes of a judicial investigation.

VI. Conclusions and recommendations

119. **The Commission concluded that during the period under consideration numerous violations of human rights and international humanitarian law were committed by different parties in Côte d'Ivoire. The many victims, mainly in the western, south-western and Abidjan regions, are continuing to pay a heavy price.**

120. **The political crisis and the armed conflict in Côte d'Ivoire stemmed from former President Gbagbo's refusal to recognize the results of the elections. The Commission considers that the impunity prevailing in Côte d'Ivoire is due notably to a failure to comply with the various recommendations made through the years within the framework of national and international initiatives to combat that scourge. In particular, the recommendations of the many international commissions of inquiry on Côte d'Ivoire have not been implemented. Côte d'Ivoire will know neither lasting peace nor stability unless it effectively brings to justice those who committed the crimes listed in this report.**

121. **The exploitation of ethnic identity, the manipulation of young Ivoirians by political figures, turning them into instruments of violence, and unresolved rural land issues are among the underlying causes of the massive, serious violations of human rights in Côte d'Ivoire. The elections served as a catalyst for the unleashing of violence.**

122. **The Commission notes that, notwithstanding a normalization of the security situation in Abidjan and in several western towns, many violations continue to be committed. At the time of its visit to Liberia, Ivorian refugees continued to arrive, fleeing acts of violence by members of FRCI. The Commission is concerned about the presence in the streets of Abidjan and other towns of a large number of young people carrying weapons, adding to the general sense of insecurity. The Commission is also**

concerned about the impacts at the subregional level of cross-border movements of militiamen and mercenaries and the circulation of weapons.

123. The Commission is concerned about the humanitarian crisis affecting the country, particularly the situation of thousands of displaced persons and refugees. A comprehensive response should consequently be developed as a matter of urgency that takes into account all aspects of the situation and is guided by the principles of non-discrimination.

124. The Commission takes note of the domestic initiatives taken by the new Government, in particular the reform of the Defence and Security Forces.

125. The Commission noted that most of the persons it met expressed a wish to live together on good terms. It also notes that the Government has indicated at the highest level that the question of reconciliation is a priority. The Commission wishes nevertheless to point out that there can be no lasting reconciliation without justice.

126. The Commission noted that the United Nations played an important role during the crisis. Nevertheless, many of the persons met, including victims, consider that it did not make full use of the means available to it under its mandate to ensure the best possible protection for the population.

127. In this context, the Commission recommends:

That the Ivorian Government:

(a) Ensure that those responsible for violations of human rights and international humanitarian law are brought to justice; in this context, the investigations initiated must be conducted in an exhaustive, impartial and transparent fashion;

(b) Ensure that the underlying causes of the crisis, in particular those relating to discrimination, are addressed;

(c) Ensure the security of persons and property, in particular through the rapid disarmament of persons not belonging to the Defence and Security Forces;

(d) As part of the reform of its security institutions, ensure that the persons responsible for violations are not integrated into the national army or into any other security force and that a professional army that respects human rights is swiftly established;

(e) Ensure that the initiatives taken towards reconciliation, in particular the establishment and operation of the Dialogue, Truth and Reconciliation Commission, comply with established international principles and good practices, notably with regard to fair and equitable reparation;

(f) Provide appropriate assistance to victims, in particular women, children, older persons and persons with disabilities;

(g) Take steps to develop lasting solutions for displaced persons;

(h) Take as a matter of urgency all appropriate steps to ratify without delay the Rome Statute, the African Charter on Democracy, Elections and Governance, the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, the African Charter on the Rights and Welfare of the Child, the African conventions on refugees, displaced persons and asylum-seekers and the Convention for the Elimination of Mercenarism in Africa;

That the Human Rights Council:

(a) Establish, with a view to effective follow-up on the Commission's recommendations and support for the Ivorian authorities in combating impunity, an independent mechanism to monitor the human rights situation in Côte d'Ivoire, which will be required to report regularly to the Council;

(b) Publish the report of the International Commission of Inquiry established by the Commission on Human Rights in 2004 in order to have a more comprehensive understanding of the human rights situation in Côte d'Ivoire and help combat impunity in that country;

That the United Nations High Commissioner for Human Rights:

Give technical assistance to the Ivorian authorities in all human rights initiatives, in particular for the establishment and operation of the Dialogue, Truth and Reconciliation Commission;

That the United Nations, humanitarian organizations and the international community in general:

(a) Support the governmental authorities, particularly at the financial level, in their efforts to combat impunity and promote the rule of law in Côte d'Ivoire;

(b) Ensure that the United Nations makes, as early as possible, an evaluation of the work carried out during the crisis, including by UNOCI and the humanitarian agencies, in order to improve its ability to prevent conflict and protect the civilian population;

(c) Strengthen coordination between the various parties involved so as to ensure an appropriate response to the humanitarian crisis.
