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Human Rights Council

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Agenda item 4

Human rights situations that require the Council's attention

Report of the independent, international commission of inquiry on Côte d'Ivoire

Summary

Human Rights Council resolution 16/25 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 comprised Mr. Vitit Muntarbhorn (president), Ms. Reine Alapini-Gansou and Mr. Suliman Ali Baldo.

The commission was in Côte d'Ivoire from 4 to 28 May 2011. Besides Abidjan it visited the west of the country, the north and the south, including the towns of Duékoué, Guiglo, Korhogo, Odienné and San Pedro. It had meetings with Ivorian authorities including President Alassane Ouattara and Prime Minister Guillaume Soro, political figures, national institutions, international organizations and civil society organizations. With the assistance of a technical team provided by the Office of the United Nations High Commissioner for Human Rights it heard hundreds of victims and first-hand witnesses of human rights violations, and took testimony from relations and other persons with indirect knowledge of certain violations. It also travelled to Liberia, where a great many Ivorians have taken refuge, and there met governmental authorities and representatives of the United Nations Mission in Liberia.

The commission concludes that during the period under consideration, many serious violations of human rights and international humanitarian law were perpetrated by different parties: some might amount to crimes against humanity and war crimes. They were perpetrated by the defence and security forces and their allies (militias and mercenaries) and later, during their counteroffensive and once they had taken control of the country, by the Forces républicaines de Côte d'Ivoire (FRCI). The many victims in the west, the south-west and Abidjan are paying a heavy penalty.

The commission considers that every person killed is a victim too many, and has chosen not to join the debate about the numbers of victims. Time and resource constraints have prevented anything more than an estimate of the lives lost during the crisis. On the

strength of the information the commission collected during its field visits and the cross-checking it has been able to do, it appears that some 3,000 people may have died.

The political crisis in Côte d'Ivoire stemmed from former President Gbagbo's rejection of the election results. The transformation of ethnic background into a political issue, the manipulation of young Ivorians by the various political groupings involved, turning them into instruments of violence, and unresolved rural land issues are among the underlying causes of the massive, serious human rights violations. The elections were only a catalyst for the violence.

The commission notes that most of the people it met would like Ivorian communities to continue to live together. It also observes that the Government has indicated at the highest level that national reconciliation is a priority. It points out, nonetheless, that there can be no lasting reconciliation without justice.

This being so, the commission's recommendations to the Government include one to the effect that it should see that those guilty of violating human rights and international humanitarian law are brought to justice. The inquiries that have been launched must be conducted exhaustively, impartially and transparently.

With a view to effective follow-up on its recommendations and support for the authorities as they strive to ensure that perpetrators of human rights violations are brought to justice, the commission recommends the establishment by the Human Rights Council of an independent mechanism to monitor the human rights situation in Côte d'Ivoire, and the publication of the report by the International Commission of Inquiry established by the Commission on Human Rights in 2004 so as to provide a comprehensive understanding of the human rights situation.

The commission recommends support, including financial support, from the international community for the Government's efforts to ensure that perpetrators of human rights violations are brought to justice and to uphold the rule of law. Lastly, it recommends a prompt assessment by the United Nations of the work accomplished during the crisis by the United Nations Operation in Côte d'Ivoire and the humanitarian agencies, among others, with a view to improving its ability to prevent conflict and protect the civilian population.

Conclusions and recommendations

1. The commission concludes that during the period under consideration, many serious violations of human rights and international humanitarian law were perpetrated by different parties in Côte d'Ivoire. The many victims, mainly in the west, south-west and Abidjan, are still paying a heavy penalty.
2. The political crisis and armed conflict stemmed from former President Gbagbo's refusal to recognize the election results. The commission considers that the impunity that prevails in Côte d'Ivoire explains in part the failure to give effect to the various recommendations made over the years following national and international initiatives to put an end to impunity. The recommendations of the numerous international commissions of inquiry on Côte d'Ivoire, in particular, have not been put into effect. There will be no lasting peace or stability in Côte d'Ivoire until those responsible for the crimes catalogued in this report are brought to justice.
3. The transformation of ethnic background into a political issue, the manipulation by the various political groupings involved of young Ivorians, turning them into instruments of violence, and unresolved rural land issues are among the underlying causes of the massive, serious human rights violations in Côte d'Ivoire. The elections were the event that catalysed the outbreak of violence.
4. The commission observes that, although the security situation in Abidjan and many western towns is returning to normal, many violations are still occurring. While the commission was in Liberia, Ivorian refugees continued to arrive, fleeing ill-treatment at the hands of the FRCI. The commission is troubled by the presence in the streets of Abidjan and other cities of large numbers of youths carrying weapons, adding to the general sense of insecurity. It is also disturbed by the adverse effect on the subregion of militia members and mercenaries crossing national borders, and of the weapons in circulation.
5. The commission is disturbed by the humanitarian crisis gripping the country, in particular the situation of thousands of displaced persons and refugees. An overall response is urgently needed that takes account of all aspects of the situation and is guided by the principles of non-discrimination.
6. The commission takes note of the domestic initiatives taken by the new Government, including the reform of the defence and security forces.
7. The commission notes that most of the people it met expressed a wish to live together on good terms. It also observes that the Government has indicated at the highest level that national reconciliation is a priority. It wishes to point out, nonetheless, that reconciliation without justice cannot last.
8. The commission notes that the United Nations played an important part during the crisis. Even so, many of the people it met, including victims, consider that the Organization did not make full use of the means available under its mandate to protect the civilian population.
9. In this context, the commission recommends:
that the Ivorian Government:
 - (a) See to it that those responsible for violations of human rights and international humanitarian law are brought to justice; the inquiries that have been launched must be conducted exhaustively, impartially and transparently;

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

(c) Ensure the safety of persons and property by, among other things, swiftly disarming persons not belonging to the defence and security forces;

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

(e) Ensure that initiatives taken with a view to reconciliation, including the establishment of a dialogue, truth and reconciliation commission, are consistent with established international principles and good practice, not least as regards fair and equitable redress;

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

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

(h) Take all urgent and appropriate measures for the prompt ratification of the Rome Statute, the African Charter on Democracy, Elections and Governance, the Protocol to the African Charter 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;

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 their efforts to ensure that wrongdoers do not go unpunished, an independent mechanism to monitor the human rights situation in Côte d'Ivoire, reporting regularly to the Council;

(b) Publish the report by the International Commission of Inquiry established by the Commission on Human Rights in 2004 so as to provide a broader vision of the human rights situation and help to ensure that wrongdoers in Côte d'Ivoire do not go unpunished;

that the Office of the United Nations High Commissioner for Human Rights:

Provide technical assistance to the Ivorian authorities in all initiatives relating to human rights, in particular the establishment of a dialogue, truth and reconciliation commission;

that the United Nations, humanitarian organizations and the international community generally:

(a) Offer the governmental authorities support, including financial support, in their efforts to ensure that wrongdoers do not go unpunished and to uphold the rule of law in Côte d'Ivoire;

(b) That the United Nations make a prompt assessment of the work accomplished during the crisis by the United Nations Operation in Côte d'Ivoire and the humanitarian agencies, among others, with a view to improving its ability to prevent conflict and protect the civilian population;

(c) Improve coordination among the various parties involved in order to ensure an appropriate response to the humanitarian crisis.