CÔTE D'IVOIRE : A SUCCESSION OF UNPUNISHED CRIMES

FROM THE MASSACRE OF GENDARMES AT BOUAKÉ TO THE MASS GRAVES OF DALOA, MONOKO-ZOHI AND MAN

"Remember Yopougon? Now it's your turn." 1

(A) INTRODUCTION

At Bouaké, on 6 October 2002, about 60 gendarmes, accompanied by about 50 of their children² and some other civilians were arrested at their barracks by armed personnel of the *Mouvement patriotique de Côte d'Ivoire* (MPCI), Côte d'Ivoire Patriotic Movement, who had taken control of the country's second largest town on 19 September 2002. They were taken to the 3rd infantry battalion's military camp prison. That same evening, MPCI armed personnel entered the prison several times and opened fire, killing and wounding dozens of the prisoners. The survivors were left for two days among the wounded and the decomposing bodies, without being given any food. Some of them were forced to carry the bodies out and bury them in mass graves, and a dozen of them were very probably killed on the site of the mass graves after they had buried their colleagues.

This information was gathered by an Amnesty International delegation from interviews with some of the survivors of the massacre, during the course of a research mission to the area held by the MPCI, in December 2002. Their statements were later compared to the testimony of other survivors who had been released and who had reached areas under government control.

Amnesty International did not at first make this information publicly available because such a step may have endangered the lives of the gendarmes who witnessed the massacre and who remained in custody in Bouaké. All these gendarmes have since been released after having paid very large ransoms, and Amnesty International can

AI Index: AFR 31/007/2003

¹ Pronounced on 6 October 2002 by MPCI armed personnel to their future victims, dozens of gendarmes and their children, killed at the military camp, Bouaké.

² Throughout this document, the term "children" refers exclusively to the children of the gendarmes –

² Throughout this document, the term "children" refers exclusively to the children of the gendarmes – minors and young people over the age of 18.

now report the details of this massacre as far as it has been able to reconstruct what happened.

In Paris, on 29 January 2003, on the morning after the signing of the Linas-Marcoussis Accords, intended to provide a political solution to the conflict that has torn the Côte d'Ivoire part during the last five months, Amnesty International raised the issue of the massacre during a meeting with some of the MPCI's main leaders, including the movement's general secretary, Guillaume Kigbafory Soro. The organisation asked the MPCI representatives to immediately identify those responsible for the massacre and remove them from any position of responsibility that might provide opportunities to commit other atrocities. The MPCI representatives did not deny the truth of the information presented by Amnesty International, although they said they were not personally aware of the facts. They said they were ready to accept an international commission of inquiry, on condition that the remit of such a commission should include an investigation of atrocities committed by all parties to the conflict since the beginning of the Côte d'Ivoire crisis in September 2002.

The summary execution of the gendarmes at Bouaké inevitably evoked memories of the massacre at Yopougon (a neighbourhood to the north of Abidjan), where about 50 bodies were dumped after having been killed by gendarmes based at the Abobo barracks on 26 October 2000. In this case as well, survivors of the massacre were killed on the site where the bodies of the other victims were left. In this case as well, the survivors had to hide under the dead bodies to escape death. All the victims of this massacre belonged to the *Dioula* ethnic group, a name often used to describe Côte d'Ivoire nationals from the north of the country, and with Muslim names. This term is also sometimes used to describe nationals of neighbouring countries, especially those from Burkina Faso, Mali and Guinea.

We refer to the Yopougon massacre not only because of its similarity to the Bouaké massacre, but also because it was explicitly invoked by those responsible for the massacre of prisoners at Bouaké, who justified their actions to their future victims by telling them: "Remember Yopougon? now it's your turn".

Between the Yopougon massacre on 26 October 2000 and the Bouaké massacre on 6 October 2002, almost two years went by. Two years in which those responsible for the Yopougon massacre benefited from total impunity, despite the recommendations made by several human rights organisations, notably *Human Rights Watch*, *Reporters sans frontières*, the International Human Rights Federation and Amnesty International, who all conducted field investigations and questioned the two survivors of the massacre. All these investigations highlighted the role played by the gendarmes stationed at the Abobo camp, presumed to be responsible for the massacre.

In July 2001, a United Nations international commission published a report that reached the same conclusion. It stated that the involvement of the gendarmes based at the Abobo camp in the massacre appeared to be "indisputable".

Despite all the requests made by these organisations for justice to be done and despite explicit promises by the Côte d'Ivoire President, Laurent Gbagbo, during a meeting with Amnesty International in June 2001, not one of those responsible for the massacre has been punished. A sham trial took place in August 2001, when eight gendarmes were acquitted due to a "lack of evidence".

The numbers involved in the Yopougon massacre and its purely ethnic character means that this crime will long haunt the collective memory of Côte d'Ivoire. This unpunished crime was explicitly invoked to justify the massacre of gendarmes at Bouaké. The spectre of this crime reappeared in the killings at Daloa in October 2002, Monoko-Zohi in November 2002 and Man in December 2002, when government forces killed dozens of people because of their political views and ethnicity, including nationals of other countries in the sub-region, especially from Mali, Burkina Fasso and Guinea, suspected of opposing the government in Abidjan.

Many witness statements show the central place that the Yopougon massacre occupies in the consciousness of the people of Côte d'Ivoire, whether they deny it ever happened or whether they have repeatedly called for those responsible to be brought to justice. Human rights violations in Côte d'Ivoire did not, of course, begin in October 2000. During the last ten years, Amnesty International has constantly denounced the impunity enjoyed by the security forces of the successive governments of Félix Houphouët-Boigny, Henri Konan Bédié and General Robert Gueï, who came to power in a coup d'état in December 1999.³

However, Amnesty International believes that the Yopougon massacre was a milestone in the history of the contravention of the law. Until then, the country had steered clear of ethnically motivated massacres and violence, even though for some years, certain sections of the press and the state media had been regularly publishing xenophobic material promoting the ideology of "l' ivoirité".

AI Index: AFR 31/007/2003:

³ See the following documents published by Amnesty International: *Côte d'Ivoire. Silencing the opposition - 77 prisoners of conscience convicted*, 2 July 1992 (AFR 31/08/92); *Côte d'Ivoire. Freedom of expression and association threatened*, 13 July 1994 (AFR 31/03/94); *Côte d'Ivoire. Government opponents are the target of systematic repression*, 28 May 1996 (AFR 31/01/96); *Côte d'Ivoire. Some military personnel believe they have impunity above the law*, 19 September 2000 (AFR 31/03/00).

The impunity of those responsible for these acts was seen by some as indicating government approval for the security forces to commit further serious violations without fear of being held to account. This was illustrated in December 2000, when gendarmes from the Agban barracks told prisoners they were inflicting torture and sexual ill-treatment on prisoners: "You saw what our colleagues did at Yopougon and nothing happened. We can kill all of you and nothing will happen to us".4

In the case of the massacre of the gendarmes at Bouaké by MPCI personnel in October 2002, explicit reference was made to Yopougon to justify the massacre that was about to be perpetrated and depict it as a reprisal against the gendarmes, considered to be collectively responsible for the first massacre.

In these two cases, the perpetrators of the crimes seem to have acted in the knowledge that they would not be held account for their actions.

The need to fight this impunity has become even clearer with the outbreak of the Côte d'Ivoire crisis in September 2002 and the series of massacres and assassinations committed since then by all parties to the conflict. These atrocities quickly provoked a sharp reaction from human rights organisations, especially the United Nations High Commissioner for Human Rights, Sergio Vieira de Mello, who, in October 2002, said that these actions constituted "serious violations of human rights which can be prosecuted either before the national judiciary or the International Criminal Court". Amnesty International is glad that the international community has called for the presumed perpetrators of the human rights violations committed by all parties to the conflict be brought to justice. However, it should be made clear that although Côte d'Ivoire has signed the ICC Statute, it has yet to ratify it. So, for the moment, the ICC is not competent to judge these acts unless the Security Council examines the dossier under the terms of article 13 (b) of the Statute of Rome, which established the ICC.⁵

(B) THE MASSACRE OF GENDARMES AT BOUAKÉ IN OCTOBER 2002

News of the MPCI massacre of dozens of gendarmes at Bouaké, at the beginning of October 2002, quickly spread in the form of rumours or as categorical public statements made by the press close to the government in Abidjan. However, the

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⁴ These people had been arrested after demonstrations protesting against the nullification of the candidacy of Alassane Ouattara in the legislative elections of 10 December 2000.

⁵ The ICC is only competent to judge crimes committed after it came into force, on 1 July 2002.

absence of eye-witnesses meant that few details were known about the exact circumstances of the massacre. The MPCI recognised that the gendarmes had been killed at the beginning of October 2002, but claimed they were killed in combat between MPCI and government forces when the latter tried to recapture the town of Bouaké before being repelled on 5 and 6 October 2002. The MPCI communicated this same version of events to the Amnesty International delegation visiting Bouaké in December 2002.⁶

Using eye-witness accounts, and after a detailed investigation, Amnesty International has been able to trace what happened in this massacre. The gendarmes arrested on 6 October 2002 at the 3rd gendarme legion headquarters in Bouaké were not killed in combat. Most of them were killed in cold blood by armed MPCI personnel while being held prisoner with about 50 of their children and some civilians in the 3rd infantry battalion military camp prison in Bouaké.⁷ Moreover, some of them, including the wounded, were very probably killed on the site of the mass grave in which they were forced to bury their colleagues. The survivors of the massacre were only saved thanks to an order given at the last moment by an MPCI officer. Finally, a dozen gendarmes, still detained in December 2002, were released after paying very high ransoms.

At Bouaké, during their research mission, the Amnesty International delegation formally asked representatives of the military wing of the MPCI for permission to visit the mass graves where the gendarmes were buried. The MPCI authorities replied that they did not know the exact place of the graves and that they only contained the bodies of gendarmes killed in combat.

Here, then, is a detailed chronological description of the massacre as reconstructed by Amnesty International. For security reasons, the names of gendarmes

Al Index: AFR 31/007/2003:

⁶ The authorities also gave this version of events to the United Nations Deputy High Commissioner for Human Rights, Bertrand Ramcharan, who visited Bouaké to investigate the fate of these gendarmes at the end of 2002. In his report to the Security Council, the High Commissioner pointed out that: "The mission asked about reports that a mass-grave site existed in Bouaké with the remains of dozens of executed members of the gendarmerie. The MPCI delegation denied this. They said that after the fighting there had been many corpses, of Government and MPCI soldiers, who had been buried in a common grave.." (Point 79. Report of an urgent human rights mission to Côte d'Ivoire, Doc UN, S/2003/90).

⁷ See appendix I for a list of the people killed during this massacre. This list is not exhaustive. It has been compiled from witness statements by gendarmes who survived the massacre and who may, in their confusion, have forgotten some names. It was especially difficult to obtain the names of about 30 of the gendarmes' children who were killed, because only their parents, many of whom were killed, knew their names.

6

who escaped the massacre are not divulged in this document because some of them received threats from the MPCI on their release.

a) The circumstances in which the gendarmes were arrested on 6 October 2002

The capture of Bouaké by armed elements who later adopted the name of *Mouvement patriotique de Côte d'Ivoire* (MPCI), Côte d'Ivoire Patriotic Movement, took all the security forces by surprise in this, the second largest city of Côte d'Ivoire.

One of the survivors of the Bouaké massacre told the Amnesty International delegation how the attack took he and his colleagues by surprise:

"We heard shots around 3 or 4 in the morning of 19 September. We raised the alarm signalling the need to protect the barracks from attack. We had learned from the radio that the "Zinzins" and the "Bahéfoués" had revolted (military personnel contracted by General Gueï in the transition period had just learned they were about to be demobilised). We stayed on guard throughout 19 September, but we were not attacked. We stayed within the camp perimeter. On 20 September, some four wheel drive vehicles approached the perimeter wall and armed personnel on board these vehicles fired into the air. We did not respond because we did not have enough ammunition. We decided to fly the white flag from the wall and to lay down our arms. We stayed in the barracks without a problem until 6 October, towards midday."

All the gendarmes met by Amnesty International stated that the white flag was flying continuously above their barracks and that they had no contact nor any problem with the MPCI during the first three weeks in which the town was occupied by the MPCI. Some gendarmes were even able to leave the barracks freely to return to their homes in Bouaké and civilians, relatives and friends were able to visit the barracks.

This information, which shows that the gendarmes had no problems coexisting with the MPCI for three weeks, was confirmed to the Amnesty International delegation in December 2002 by a senior MPCI officer in Bouaké. He confirmed that, "on the morning after we captured the town, the gendarmes laid down their arms and we thought that we could coexist. Everything was going well until the attack on Bouaké by government forces on 6 October".

On 6 October 2002, government troops launched an offensive to recapture the town of Bouaké. MPCI personnel thought the attack had only been made possible thanks to "gendarmes that had infiltrated" the town. They therefore surrounded the

3rd legion barracks and arrested all the men there, about 60 gendarmes, accompanied by about 50 of their children aged above 12, and some civilians who happened to be visiting relatives or friends in the barracks at that time.

Several gendarmes described to Amnesty International the circumstances in which they were arrested that day:

"On Sunday 6 October, between midday and 13.00 hours, we were preparing our meal when the barracks was surrounded and the 'rebels' asked us to come out. They were firing all round the barracks. They told all the men to come out and so we went out, with our sons and the civilians who were with us. The women stayed in the barracks and I don't think they were harmed. The 'rebels' told us they had learned that Abidjan agents had infiltrated the group and they wanted to check this information. Some of them accused us of being combatants sent by Abidjan. They therefore took us to the military camp."

Another gendarme told us:

"I was in the barracks with my family. I was not wearing military uniform. I was dressed like I am now (shorts and T-shirt). The 'rebels' arrived in 4 wheel drive vehicles on Sunday and surrounded the camp. They fired into the air and one of my colleagues went out to ask what was happening. The 'rebels' replied that there were rumours that loyalists had infiltrated and they proceeded to carry out checks. We all came out of carrying white flags and they made us sit down on the tarmac while they checked us."

The 100 arrested and disarmed men were taken to the $3^{\rm rd}$ infantry battalion military camp about seven kilometres away. Some prisoners were put into the vehicles, others were made to walk. One of the latter group told the Amnesty International delegation:

"We had to walk for more than an hour. We were booed by the people. Near the police station, there was a group that shouted: 'Cut their throats, kill them'. People also threw stones at us, some of which hit us."

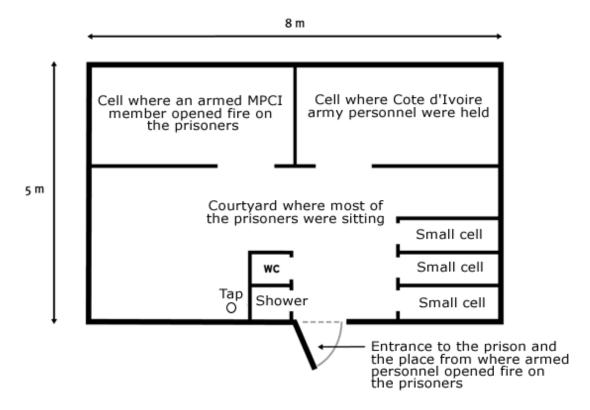
b) The massacre at the 3rd infantry battalion military prison

On arrival at the 3rd infantry battalion military camp, the approximately 100 detainees were taken to the camp prison. As the prison was relatively small (about eight metres long by five metres wide, with three small cells without electricity), most

8

of the prisoners sat down in the prison courtyard (see drawing). It was about 14.00 hours.

Drawing of the military prison where the gendarmes were held in Bouaké



Although the massacre only began towards 20.00 hours, it was preceded by several warnings, in which the MPCI personnel tried to justify their intended actions and torture the prisoners psychologically by telling them what they intended to do.

All the gendarmes met by Amnesty International still recall the threats made to them a few hours before the killing started:

"On several occasions, armed men entered the prison and stared at us. One of them said: 'Can you remember the White Horse⁸, the black Mercedes⁹, Yopougon? I had to go into exile. You are all going to die.' Another came in later and said: 'Remember Yopougon? Now it's your turn. Whatever will be, will be'."

Despite these threats, many prisoners did not seem to realise the danger they faced. One of the survivors told Amnesty International: "We couldn't believe it, we thought they were just saying that to demoralise us, we didn't think they were actually going to do it."

Suddenly, towards 20.00 hours, two armed men entered the prison, including a Dozo.¹⁰ All the witnesses met by Amnesty International agree on what happened next:

"Two men came in, a Dozo and another man in military uniform. They stood on the threshold of the door and shouted at us aggressively, threatening us. Then, suddenly, against all expectations, the Dozo opened fire with his Kalashnikov, hitting everybody in front of him. Some prisoners were sitting, others were laying on the floor, a lot of them were hit. I was able to escape alive because I was leaning on the tap, near the WC, in the left hand corner of the prison (see above drawing), and so I was outside the firing line. They then closed the door and left."

The prisoners realised that these armed men would return and everyone tried to find a hiding place in the small building. Half an hour later, a second group of armed men opened the prison door. One of the survivors told Amnesty International what happened:

"I hid in one of the cells at the far end. Other more agile prisoners climbed up on the roof. A half hour later, armed men came in and fired blindly at us. I heard children shouting: 'We are not gendarmes, don't kill us!'"

Towards 22.00 hours, a third group came in. One of them shouted: 'Kill them all'. Then, one of the members of the group entered the prison compound, climbing

arrows and hunting guns. The Dozos also carry a gris-gris to protect themselves from enemy bullets.

AI Index: AFR 31/007/2003:

⁸ This is a reference to a presumed attack on the home of the then Head of State, General Gueï, in September 2000, which resulted in the arrest of many military personnel, including members of General Gueï's personal guard. Some victims of this repression joined the MPCI. The white horse belonging to the Head of State was the only victim of the "assailants".

⁹ The "black Mercedes plot" was the name given to an attempted coup d'état that failed. It was planned to take place in January 2001 and led to the arrest of many people close to the *Rassemblement des républicains* (RDR), Republican Assembly, or suspected of being sympathisers of this party.

¹⁰ "*Dozos*" are desert hunters, native especially of northern Côte d'Ivoire, and usually armed with

over the dead and wounded, who were motionless on the floor. A witness told Amnesty International how this armed man moved towards him:

"I was hiding in the cell on the left. The wall protected us against the bullets, but one of the 'rebels' approached and had a look in our cell. He said: 'Shit, there are still a lot of them in here'. He sprayed the room with bullets, then he reloaded and opened fire again indiscriminately. When he left, I was covered in blood. I hid under a body to protect myself."

Another witness survived by hiding in the cell on the right. The MPCI soldiers did not fire on the people in this cell, because members of *the Forces Nationales de Côte d'Ivoire* (FANCI), National Côte d'Ivoire Forces, were held there, and had been apparently held there since the MPCI captured the town on 19 September 2002. This testimony clearly shows that the killings were not carried out in an uncontrolled manner. Despite the hate articulated by the MPCI personnel and the blind violence of their attacks, they maintained a distinction between the different security forces.

According to the survivors, the three successive waves of firing killed about 40 gendarmes, about 30 of their children and five of the civilians arrested with them, including a teacher and a shop assistant working at the '18 logements' chemist in Bouaké.

Throughout the next day, Monday 7 October 2002, and for a good part of Tuesday 8 October, nobody came into the prison and the survivors remained alone, without food and with the dead and wounded, some of who died on that day.

One of the gendarmes met by Amnesty International lost three sons in the massacre. One of them died instantly on the evening of 6 October and two died in his arms on the next day:

"I was arrested with three of my children. The 21 year old died instantly on Sunday evening. My two other children, aged 19 and 23, were wounded. I stayed at their sides throughout Monday but they died on that day from their wounds." 11

One of the surviving gendarmes told the Amnesty International delegation that people regularly came to look through the keyhole. It was only at around 17.00 hours on Tuesday 8 October that the prison doors opened again and MPCI personnel told

AI Index: AFR 31/007/2003:

¹¹ The names of these young people are not given here to preserve the anonymity of the gendarme.

some of the prisoners to bring out the bodies for burial. One of the gendarmes given this task told Amnesty International:

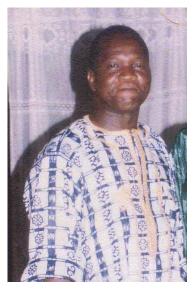
"Some of the bodies were already in a state of decomposition. The smell was so bad that the 'rebels' covered their nose and mouth. We loaded three vehicles with bodies and took them to the neighbourhood called 'Dar es Salaam' where we buried them in mass graves."

The people who buried the bodies that day were taken back to the prison. The guards told the survivors to wash the blood- spattered walls. However, they did not remove all traces of the massacre, because the Amnesty International delegation saw many bullet holes that had literally pierced the walls of the prison.

During the night of 8 to 9 October, seven other wounded died from their wounds. On Wednesday 9 October, the guards made some of the survivors bury the newly dead. But unlike the preceding day, none of them returned to the prison. All the survivors of the Bouaké massacre are convinced that they were killed on the site of the mass grave after being forced to bury their colleagues.

"They chose the heftiest ones, including Séry Sogor, Doua Gbongue, Brou Koffi Raymond and Obo Boni to take the dead away. They also took away three wounded on the pretext that they had no drugs. None of them returned."

Chief Master Sergeant Dosso Messolo



Among the three wounded who were taken away was Alain Messolo, one of the sons of Chief Master Sergeant Dosso Messolo. The latter, who had already seen another of his sons, Ladji, die before his own eyes, did not want to let his son Alain go on his own and insisted on going with him. They were never seen again.

That same Wednesday, 9 October, towards 17.00 hours, several vehicles came to pick up the last survivors, who now numbered about 40. One of them told us:

"In the lorry, they made fun of us and forced us to sing 'Jesus is good', 'Jesus is bad', to make sure we understood that we were going to be killed and make us understand that Jesus was going to desert us. We arrived at the place where some of our colleagues had buried the dead on the previous day. We saw that the well-sinkers had just dug another hole. Before we could get down from the lorries, one of them told us they were going to kill us. Then he told us that we could run if we wanted, and this would give them a bit of 'target practice'. Suddenly, someone said that 'the colonel' had told them to take the prisoners back and we returned to the prison."

A few days later, 26 of the gendarmes' children and one gendarme who had survived the massacre were released. But that did not put an end to the summary executions. On 14 November 2002, two gendarmes, Sergeant Vléi Déhé Paul and staff-sergeant Koué Bi Zanli, were taken from their cells by a member of the MPCI called Sékou, who had apparently been punished for an unknown reason. One of the surviving gendarmes told Amnesty International:

"These three people never returned. Prisoners were later told to bury them. Once again, we were afraid. We understood that nothing had finished."

c) The release of the last prisoners in exchange for very large ransoms

When the Amnesty International delegation managed to gain access to the 3^{rd} infantry battalion military camp prison, in December 2002, there were ten gendarmes left there, one police officer and one soldier. The latter two had been arrested after the gendarmes.

Since then, Amnesty International has obtained confirmation that all the gendarmes who survived the massacre were released after paying very large ransoms of between 750,000 and 1,000,000 francs CFA (between 1,100 and 1,500 Euro). The MPCI members guarding the prisoners blackmailed the gendarmes' families, threatening to kill their detained relatives if they did not pay the ransom they were demanding. In spite of the terrible economic crisis that has affected the whole country since the beginning of the crisis in September 2002, the families of the prisoners were able to raise the money thanks to extensive family solidarity.

One of the released gendarmes told Amnesty International: "All my family got together to raise the money. They borrowed money in order to free me. When I got back to Abidjan, they looked at me as if I were a ghost."

It seems that the soldier still detained had not been able to contact his relatives to ask them to raise money for the ransom. This soldier was not a witness to the

execution of the gendarmes and their children between 6 and 9 October 2002. He was arrested at a later date. Amnesty International insisted that the MPCI authorities provide this soldier with the protection afforded by the Geneva Conventions.

d) The MPCI's reaction to the information presented by Amnesty International

At the end of January 2003, Amnesty International met three of the movement's leaders in Paris. They had come to France to participate in the negotiations that resulted in the Linas/Marcoussis Accords. They did not refute the information presented by Amnesty International concerning the massacre of gendarmes, but said that they themselves were unaware of the facts of the case. It should be mentioned that, when the Amnesty International representatives said that about 30 children had been killed with their parents, one of the MPCI officials exclaimed: "The children as well?". With regard to the ransoms demanded to release the last gendarme prisoners, one of the MPCI officials admitted having heard talk of sums of money that had been demanded to free these gendarmes but that the sums mentioned seemed so high to him that he did not think it was worth investigating the matter further.

At its meeting with the MPCI representatives, Amnesty International emphasised the seriousness of what occurred in the 3rd infantry battalion military camp and insisted that whatever accusations could be brought against the gendarmes, nothing could justify their summary execution while they were being held prisoner and no longer represented a threat to the MPCI. The organisation demanded that those responsible for these actions should be identified as soon as possible and removed from any position of responsibility that might provide opportunities to commit other atrocities. Amnesty International also insisted on the importance of the issue of the chain of command and stated that the armed opposition movement's senior officers could not have been unaware of a massacre of such magnitude, perpetrated over a period of four days in the town's main military camp. The delegation also highlighted that Section IV, point 3, of the Linas/Marcoussis Accord, signed by the MPCI, expressly stated that "perpetrators of summary executions throughout the national territory... [and their] accomplices in these activities should be brought before the international criminal courts."

The MPCI representatives replied that a UN mission had investigated the mass graves at Bouaké. They added that they were ready to welcome an international mission to investigate all atrocities committed by all parties to the conflict. The movement's General Secretary, Guillaume Soro, concluded by saying: "If the gendarmes were killed, an investigation is needed to throw light on who was

responsible. If individuals have to be convicted in order to end impunity, then we accept that they should be convicted."

In addition, the MPCI sent Amnesty International a memorandum, dated 10 February 2003, in which it noted "its surprise at many of the points in Amnesty International's report, especially in relation to extrajudicial executions [and the] release of prisoners in exchange for a ransom."

Amnesty International notes the MPCI's position, but considers that its investigation has already established various facts:

- The organisation cannot comment on the possible involvement of the gendarmes arrested on 6 October at the 3rd gendarme legion headquarters in Bouaké in the attack launched by government troops in an attempt to recapture the town on that day.
- However, all witnesses agree that more than 100 people (about 60 gendarmes, about 50 of their children and a few civilians) were disarmed and taken to the 3rd infantry battalion military camp prison. These individuals were, therefore, protected by common article 3 of the four Geneva Conventions. This article applies equally to government troops and armed opposition groups and, in particular, provides that: "Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed hors de combat by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely".
- Amnesty International has been able to establish, on the basis of witness accounts, a list of 60 people who were killed in a summary and deliberate manner inside the prison.
- Amnesty International believes that some survivors, including the wounded, were not killed at the site of the mass grave. Until an impartial and independent investigation has been able to identify the bodies buried in the mass graves at Bouaké, the organisation considers these people to be "disappeared".
- Amnesty International considers that these facts constitute a very serious breach of the Geneva Conventions, which binds the MPCI in the same way as it binds all other parties to the conflict.

(C) A BRIEF REMINDER OF THE YOPOUGON MASSACRE

As explained above, the perpetrators of the Bouaké massacre explicitly referred to the October 2000 Yopougon massacre when addressing their future victims. To understand how important this event seemed to be to the perpetrators of the massacre of gendarmes at Bouaké, at least to understand why they used it to justify their action in Bouaké, we should briefly recall the circumstances in which more than 50 people were killed and dumped on waste land at Yopougon towards 18.00 hours on 26 October 2000.

On Friday 27 October 2000, 57 corpses were discovered, unburied, on waste land at Yopougon, just to the north of the city. This atrocity, unprecedented in the recent history of Côte d'Ivoire, shocked the world and the Côte d'Ivoire government of Laurent Gbagbo, who had formally taken office as President on the previous evening. Several ministers, including the Minister of the Interior, the late Emile Boga Doudou¹², immediately went to the scene and affirmed their intention to find out what happened and punish the guilty parties. While entrusting the legal system with the job of investigating the facts, the Côte d'Ivoire authorities invited other organisations, notably Amnesty International and the UN, to come to the country and investigate the crime.

In the course of a research mission, in December 2000, an Amnesty International delegation was able to interview the only two survivors of the massacre, who gave detailed accounts of what had happened to them. Their coherent account was confirmed by statements given by other people who witnessed the arrest by the security forces of many people at their homes on Thursday, 26 October 2002. Moreover, a gendarme who was present at some of these killings in the Abobo camp, but who has requested anonymity for security reasons, confirmed these facts to an Amnesty International delegation in June 2001.

It is worth recalling that the Yopougon massacre took place within a context of sometimes violent demonstrations by supporters of the *Rassemblement des républicains* (RDR), Republican Assembly, which was demanding a new presidential election because the Supreme Court had rejected the candidacy of their leader, Alassane Dramane Ouattara, as well as that of the candidate of the former governing party, le *Parti démocratique de Côte d'Ivoire* (PDCI), Côte d'Ivoire Democratic Party. The October 2000 Presidential election was contested by only two main candidates, General Robert Gueï, who led the country after the coup d'état of January 1999, and

Al Index: AFR 31/007/2003:

¹² Minister Emile Boga Doudou was killed in the first hours of the armed uprising of September 2002. Armed men entered his home on the night of 18/19 September 2002 and killed him.

Laurent Gbagbo, President of the *Front populaire ivoirien* (FPI), Côte d'Ivoire Popular Front. The election result, which gave Laurent Gbagbo victory with 59% of the votes, was contested by General Gueï. He wanted to interrupt the vote counting and proclaim himself the winner. This position provoked massive demonstrations, which led to General Gueï being ousted on 25 October 2000.

Faced with RDR demands for new elections, the President-elect, Laurent Gbagbo, supported by a majority of the gendarmerie forces, insisted that the election result be respected. Subsequent street clashes resulted in the death of some members of the security forces and demonstrators as well as a massive number of arrests of supposed or avowed supporters of the RDR. Many foreign nationals from the subregion were also arrested purely because of their Muslim names, which were taken to indicate they were opposed to the newly elected President.

Dozens of people were detained at numerous places, including the Abobo gendarmerie commando camp in north Abidjan. It was here that all the people whose bodies were found on waste land at Yopougon were detained and here where some of them were killed. One of the two survivors of the Yopougon massacre told Amnesty International delegates:

"I was arrested on Thursday, 26 October, towards 16.00 hours while I was at my friend's house listening to rap on the radio. The gendarmes ordered all of us out of the house and checked our identity cards. I was arrested, along with seven other people, and we were all taken to the Abobo gendarmerie camp. Once there, they hit us and fired on us. Many of those detained were killed. They asked me, and other people who had not been killed, to load the bodies on to a lorry. At nightfall, we were taken to waste land at Yopougon and told to unload the bodies. I threw myself to the ground and pretended to be dead. Once all the bodies had been unloaded, the gendarmes told the detainees who had unloaded the bodies to sit down, and then they riddled them all with bullets."

These two witnesses told Amnesty International that they feared for their life and remained in hiding after the gendarmes threatened their families.

The ethnic character of the Yopougon massacre is clearly illustrated by the tragic fate of little Yacouba Cissé, aged 14, who survived for a few hours after the massacre of 26 October 2000. Before dying from his wounds, the young Yacouba told his parents what had happened to him. He was returning from school with a friend on Thursday, 26 October 2000. Both of them were wearing khaki school uniform. The gendarmes asked so see their identity cards. The first, who had an Attié (part of the

Akan ethnic group) name, was released. Yacouba Cissé was arrested, only because his patronym was Muslim. He was taken to the Abobo gendarme camp. A short time before dying, Yacouba Cissé told his parents that he had been "forced to pour water on a pile of dead and wounded people and if one of them lifted their head, they were riddled with bullets." Yacouba Cissé was found crying, in the early morning of 27 October, sitting among abandoned corpses on waste land at Yopougon. He died from his wounds a few hours later. The autopsy report, consulted by his father, showed he had ten bullets extracted from his body. ¹³

After strong pressure from human rights organisations, the European Union and the UN, a sham trial finally took place in August 2001. Eight gendarmes from the Abobo barracks were tried for "murder and assassination" and acquitted for "lack of evidence". The conditions in which this court martial were held, in the Agban gendarme barracks, in the presence of many gendarmes, who whistled at the few witnesses who gave evidence and applauded the verdict of acquittal, clearly showed that justice was not being done. The behaviour of some of these gendarmes during the trial particularly affected the court president, who declared that he "no longer felt safe" and threatened to leave the court. In this environment, with this level of intimidation, it is easy to understand why many witnesses to the arrests made on 26 October 2000, as well the only two survivors of the Yopougon massacre, who went into hiding a short while after the event, did not dare to give evidence to court.

The acquittal of the eight accused gendarmes was greeted with indignation by the victims' families. It also apparently displeased some of the authorities. When the verdict was announced, the military prosecutor, who had asked for sentences of life imprisonment, announced he would appeal against the verdict. However, Amnesty International has heard nothing further about an appeal. In March 2002, the then Côte d'Ivoire Minister of Justice and Freedom, Oulaï Siene, told the UN Human Rights Commission in Geneva that the inquiry into the Yopougon massacre would be reopened. But neither did this commitment have any practical result.

These various promises, which were not complied with, clearly indicate the malaise of the government when faced with its need to pay the gendarmes off for their support for the new government after the October 2000 presidential election. In

¹³ Although there is no doubt that the Yopougon massacre victims were chosen on ethnic grounds, the same cannot be said for the massacre of the gendarmes at Bouaké, as shown by the list of victims in appendix I of this document. Among the Bouaké victims are people from various ethnic groups in the Côte d'Ivoire, including the *Dioulas*. That could be explained by the fact that the MPCI targeted the gendarmerie as a security force and not because the gendarmes they arrested came from any particular ethnic group.

18

addition to the criticisms that could be made of the conditions in which the trial of the eight gendarmes took place in August 2002, it seems that the Côte d'Ivoire authorities made no effort to investigate the role of senior officers stationed at the Abobo camp. It seems impossible that such a major massacre could have taken place in one of the main Abidjan barracks without senior military officers not at least being aware of it and possibly even giving their tacit or explicit approval.

(D) THE SPECTRE OF YOPOUGON BEHIND THE ETHNIC MASSACRES AT DALOA, MONOKO-ZOHI AND MAN COMMITED BY GOVERNMENT FORCES

In a press release published on 28 October 2002, Amnesty International affirmed that the Daloa killings carried out by men "dressed in military fatigues" after the recapture of the town by government forces, recalled the "spectre of Yopougon".

In fact, the purely ethnic character of the Daloa massacre, which targeted several dozen civilians, mainly nationals from other countries in the sub-region, could not but evoke memories of the ethnic criteria used by the Abobo barrack gendarmes to arrest people in October 2000 (see appendix II for a non-exhaustive list of Daloa massacre victims). In both cases, the information collected by Amnesty International shows that the security forces carried out selective arrests on the basis of denunciations. In the case of Daloa, the Côte d'Ivoire authorities recognised that the killings took place and ordered an inquiry into the facts, though they claimed that "Republican forces [had] no responsibility" for these atrocities. However, Amnesty International has collected many eye-witness statements indicating that the men in fatigues who carried out the killings arrived on board tanks and military vehicles bearing the insignia of the Brigade anti-émeute (BAE), Anti-Riot Brigade. Moreover, some of the people arrested were taken to Daloa barracks before being executed.¹⁴

During its research mission in December 2002, Amnesty International collected overwhelming evidence from those who escaped from the two massacres carried out by government forces at Monoko-Zohi, at the end of November 2002, and at Man, near the border with Liberia, at the beginning of December 2002. Government forces briefly recaptured the town of Man, which had fallen under the control of two new armed opposition movements, the *Mouvement populaire ivoirien*

¹⁴ See the Amnesty International press release published on 28 October 2002: *Côte d'Ivoire : The killings at Daloa recall the spectre of Yopougon* (AFR 31/006/2002) and the document published on 19 December 2002: *Côte d'Ivoire. Without immediate mobilisation, the country will descend into chaos* (AFR 31/010/2002).

du grand ouest (MPIGO), Western Côte d'Ivoire Popular Movement, and the Mouvement pour la justice et la paix (MJP), Justice and Peace Movement. In both cases, witnesses affirmed that government soldiers referred to hand-written lists when arresting and killing dozens of people, notably Mali and Burkina Faso nationals. ¹⁵

(E) CONCLUSION

For the last two years, the collective imagination of the people of Côte d'Ivoire has been haunted by a succession of very serious human rights violations. These violations have remained unpunished in spite of repeated demands by human rights organisations for justice to be done.

The impunity, from which especially those responsible for the Yopougon massacre have benefited, has fed the resentment of relatives of the victims and undermined the Côte d'Ivoire people's confidence in their country's judicial system. For some people, this inability to punish those responsible for the Yopougon massacre also reduced their faith in international human rights organisations. During its investigation of the areas of the country held by the MPCI, in December 2002, the Amnesty International delegation was questioned by some armed members of the movement. Although they recognised that human rights organisations had denounced the massacre, they pointed out they had proved powerless to make sure that those responsible were punished.

In his report to the Security Council, the United Nations Deputy High Commissioner for Human Rights, Bertrand Ramcharan, also mentioned the devastating effects that impunity has on the credibility of human rights organisations: "many persons with whom the mission spoke were incredulous that no follow-up had been given to the report of the United Nations inquiry mission into the Yopougon massacre. They thought that adequate follow-up to that report might have helped prevent the subsequent slide into violence. Lack of follow-up had contributed to widespread impunity. In the wake of their experience with that report, some people met the mission with scepticism." ¹⁶

The massacre of gendarmes at Bouaké was explicitly invoked and justified in the name of the Yopougon massacre, which is a tragic illustration of the effects of the impunity that has corroded Côte d'Ivoire for years. Since the September 2002 uprising, all parties to the conflict have committed serious human rights violations. If

¹⁵ See the document, *Côte d'Ivoire. Without immediate mobilisation, the country will descend into chaos* (AFR 31/010/2002).

¹⁶ Point 137. Bertrand Ramcharan's Report of an urgent human rights mission to Côte d'Ivoire, Doc UN, S/2003/90.

20

there is going to be an end to this infernal cycle, in which each unpunished massacre is used to justify new atrocities, it is indispensable to bring those responsible for such acts to justice, as highlighted by the Linas-Marcoussis Accords, signed by all Côte d'Ivoire parties to the conflict in January 2003 and United Nations Security Council resolution 1464, adopted on 5 February 2003.¹⁷

The end of impunity should be an essential objective, not only to avoid new massacres but also to ease the minds of surviving victims and to allow the relatives of victims to grieve for those who have died, in the knowledge that the law has run its course.

More generally speaking, it is on this issue of impunity that the whole future of Côte d'Ivoire depends. In its July 2001 report, the UN international commission of inquiry given the task of investigating the Yopougon massacre affirmed that "reconciliation will be difficult while there are people, Côte d'Ivoire nationals and others, who do not feel safe from serious attacks on their individual rights, and while the security forces are able to operate with impunity." ¹⁸ This conclusion, so dramatically prescient, is more than ever relevant at this critical moment, in which Côte d'Ivoire is on the verge of chaos, with all the risks that such an implosion of the country would imply for the whole sub-region.

¹⁷ Point 7 of this resolution "condemns violations of human rights and international humanitarian law that have taken place in Côte d'Ivoire since 19 September 2002, and stresses the need to bring to justice those responsible and urges all parties, including the government, to take all necessary steps to prevent further violations of human rights and international humanitarian law, in particular against civilians regardless of their origins."

¹⁸ International Commission of Inquiry into the Côte d'Ivoire, *Côte d'Ivoire: Rapport de la Commission d'Enquête internationale pour la Côte d'Ivoire, February-May 2001*, published by the United Nations (French only) on 19 July 2001, p. 2.

RECOMMENDATIONS

In order to end the impunity that has generated a continuous cycle of massacres in Côte d'Ivoire, Amnesty International makes the following recommendations to all parties to the conflict and to the international community:

Amnesty International requests:

All parties to the conflict to

- Immediately halt all human rights violations perpetrated against the civilian population.
- Respect the principles of international humanitarian law, especially common article 3 of the Geneva Conventions, which protects all those who are not participating directly in hostilities, including members of the armed forces who have laid down their arms, and other non-combatants.
- Co-operate with all national and international legal investigations that respect the principles of impartiality.

The Côte d'Ivoire government to:

- Halt its implicit and explicit support for independent and state-controlled media publishing xenophobic material against non-Côte d'Ivoire nationals and Côte d'Ivoire nationals from the north of the country.
- Promote conditions conducive to the immediate start of a detailed and impartial international investigation, in accordance with the international standards set out in the Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions. This should investigate all violations committed by government forces, notably at Daloa, Monoko-Zohi and Man, where dozens of people were killed because of their ethnicity.
- Ensure that all allegations of human rights violations are quickly the subject of independent, impartial and detailed investigation, and that if sufficient

- evidence is present, the suspects are tried by national or international courts that adhere to proper legal standards.
- Ensure that all victims and their families receive redress, including compensation and assistance with rehabilitation.
- Ratify without delay the Statute of the International Criminal Court (ICC) without recourse to article 124, which allows countries to reject ICC jurisdiction over war crimes committed by their nationals during the seven year period beginning on 1 July 2002.

The authorities and representatives of the MPCI to:

- Promote conditions conducive to the immediate start of a detailed and impartial international investigation, in accordance with the international standards set out in the Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions. This should investigate the atrocities committed by armed MPCI personnel, notably the massacre of dozens of gendarmes and some of their children at Bouaké in October 2002. This investigation must be exhaustive, able to rule on the responsibility for this massacre and clarify the fate of each victim.
- Immediately remove personnel implicated in the atrocities, including the killing of the gendarmes and their children at Bouaké, from any position of responsibility, so they are not able to commit new atrocities.
- Exercise strict control over their troops and make sure that other atrocities, including ill-treatment, torture and summary executions, are no longer committed by members of the MPCI throughout Côte d'Ivoire territory.

The international community, especially the French and ECOWAS peace-keeping forces to:

- Protect the civilian population as set out in United Nations Security Council Resolution 1464, adopted on 5 February 2003.
- Bring pressure to bear so that all those responsible for serious human rights violations are brought to justice, as required by the Linas-Marcoussis Accords, signed by all Côte d'Ivoire parties to the conflict in January 2003 and United Nations Security Council Resolution 1464, adopted on 5 February 2003.
- Arrange for the immediate start of a judicial investigation of anyone suspected of having committed crimes in Côte d'Ivoire, as defined in international law, if

- such individuals are within their jurisdiction. In cases where there is enough evidence, such individuals should be brought to trail in the country where they are found, in accordance with the highest international standards, or extradited to another country able and willing to bring them to trial in accordance with such standards or handed over to the International Criminal Court.
- Co-operate with other states pursuing legal investigations and proceedings concerning these crimes. If necessary, states must bring those accused of crimes that concern the international community as a whole before their own courts or other regional courts, if the Côte d'Ivoire criminal justice system refuses or proves incapable of conducting a fair trial.

APPENDIX I: NON-EXHAUSTIVE LIST OF BOUAKÉ MASSACRE **VICTIMS**

GENDARMES

	Title	Name	First name	Ethnic group
1.	SSg	ACHI (AUDI)	AUDY (ACHI)	Attié
2.	Sg	ADÉ	CAMILLE	Attié
3.	MSg/c	ADOU *	KOFFI	Anyi
4.	CMSg	ANGATÉ ALLA	MARTIN	Anyi
5.	Sg	ASSANDE	AMAN	Anyi
6.	CMSg	BAH *	BONFILS	Guéré
7.	Sg	BILÉ	NOGBOU	Anyi
8.	Sg	BLÉ SÉRY	LOUIS	Bété
9.	MSg	BROU *	KOFFI RAYMOND	Baoulé
10.	SSg	CISSÉ	MAMADOU	Dioula
11.	Sg	COULIBALY	NAMALA	Tagwana
12.	Sg	DIA BI	KOUASSI	Gouro
13.	SSg	DJAKI (DJATCHI)	DALY	Bété
14.	Lt.cl	DJAMA IBO	PIERRE	Mbati
15.	MSg	DOUA	GBONGUÉ	Yacouba
16.	Sg	ESMEL		
17.	Sg	GBORO GAKPA	HERVÉ	Yacouba
18.	Sg	GNAGNE	ALAIN	Adioukrou
19.	Sg	GOHORE BI		
20.	SSg	GOHOUN (GOHOU)	B MOMBONHIN	Guéré
21.	Sg	GORE BI	ZORO	Gouro
22.	CMSg	GOSSÉ (GOUESSÉ)	COULIBALY	Yacouba
23.	SSg	KAFOUMBA	KÉITA	Dioula
24.	SSg	KANHOU BI (KAHON)	BÉNIÉ	Gouro
25.	SSg	KAPIÉ	KONÉ	Sénoufo
26.	CMSg	KOLÉA	ZADI	Bété
27.	SSg	KONAN	YAO N.1	Baoulé

AI Index: AFR 31/007/2003:

28.	Sg	KOUAKOU	JEAN LOUIS	Baoulé
29.	Sg	KOUAMÉ	FAUSTIN JUNIOR	Baoulé
30.	Sg	KOUASSI	JEAN LOUIS	
31.	SSg	KOUÉ BI	ZANLY	Gouro
32.	MSg	KOUI	KADO	
33.	Sg	KOUMAN		
34.	MSg	KUIKADO	JEAN	Yacouba
35.	Sg	LIKPEU	BABO	Bété
36.	Sg	LOESS	ESSOH	Adioukrou
37.	Sg	MANZAN	KOUAHO	Anyi
38.	CMSg	MESSOLO *	DOSSO	Dioula
39.	SSg	N'CHO N'GUESSAN	LUCIEN	
40.	MSg	N'DRI	KONAN	Baoulé
41.	Sg	NÉNÉ BI	GOHA	Gouro
42.	MSg	OBO *	BONI	Mbati
43.	Sg	ОКОНІ	JÉRÔME	Bété
44.	SSg	OKOU	GBALÉ	Dida
45.	SSg	OUATTARA	KÉGBÉNIARÉ	Sénoufo
46.	SSg	OUSSOU	TANOU	Baoulé
47.	SSg	POHI	SENAYÉ	Ouébé
48.	MSg	SERY *	NESTOR	Bété
49.	Sg	SOUMAHORO	LOU	Dioula
50.	SSg	TOBO	MICHEL (GOMUN)	Yacouba
51.	MSg	VLÉI DÉHÉ	PAUL	Guéré
52.	CMSg	YAPO	ADIKO	Anyi

^{*} These people "disappeared" on Wednesday, 9 October 2002, when they were taken to the site of the mass grave to bury some of their colleagues who had died from their wounds.

CMSg = Chief Master Sergeant

MSg = Master Sergeant

Sg = Sergeant

SSg = Staff Sergeant

Lt.cl = Lieutenant Colonel

CHILDREN OF THE GENDARMES

	NAME	FIRST NAME	AGE	DATE OF DEATH
1)	KOLEA	ARMEL		6 October 2002
2)	OBO	ADIKO		6 October 2002
3)	SAÏRI	THIERRY	23	7 October 2002
4)	ZÉZÉ	TOUSSAINT	21	6 October 2002
5)	ZÉZÉ	VENANCE	19	7 October 2002
6)	ADE	ROMARIC	18	6 October 2002
7)	MESSOLO	LADJI	24	6 October 2002
8)	MESSOLO*	ALAIN	22	Disappeared since
				9 October 2002

AI Index: AFR 31/007/2003:

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APPENDIX II : NON EXHAUSTIVE LIST OF VICTIMS OF MASSACRE AT DALOA COMMITTED BY GOVERNMENT FORCES IN OCTOBER 2002

VICTIMS AT DALOA

	NAME	FIRST NAME	NATIONALITY
1.	BAMBA	Nouhou	Mali
2.	CAMARA	Moussa	Mali
3.	COULIBALY	Bana	Mali
4.	COULIBALY	Sekou	Mali
5.	DEMBA	Dembele	Mali
6.	DIALIBA	Bomou	Mali
7.	DIARRA	Moussa	Mali
8.	DJAGORAGA	Lansanna	Mali
9.	HAIDARA	Cheikna Amala	Mali (Imam's assistant)
10.	KEITA	Bala	Mali
11.	KONATE	Baba	Mali
12.	KONE	Adama	Mali
13.	MORY	Dembele	Mali
14.	SANOGO	Demba	Mali
15.	SIDIBE	Mokoba	Mali
16.	SYLLA	Gaoussou	Mali (Imam)
17.	TIOKARY	Moustapha	Mali
18.	TOURE	Amedy	Mali
19.	TOURE	Bakary	Mali
20.	TOURE	Bala	Mali
21.	TOURE	Daouda	Mali
22.	TOURE	Mamadou	Mali
23.	TRAORE	Makan	Mali
24.	TRAORE	Mamadou	Mali
25.	TRAORE	Moussa	Mali
26.	TRAORE	Youssouf	Mali
27.	NABALAM	Salif	Burkina Faso
28.	SAMASSI	Managbe	Burkina Faso

28 Côte d'Ivoire: a succession of unpunished crimes

29.	TAHIROU	El Hadj Tinta Saïd	Burkina Faso
30.	CAMARA	Abou	Guinea
31.	CAMARA	Ibrahim	Guinea
32.	DIALLO	Zoumana	Guinea
33.	FOFANA	Adama	Guinea
34.	FOFANA	Laye	Guinea
35.	KONE	Losseny	Guinea
36.	BAKARY	Sidibe	Côte d'Ivoire
37.	COULIBALY	Mamadou	Côte d'Ivoire
38.	FANNY	Maimouna	Côte d'Ivoire
39.	KONE	Djakaridja	Côte d'Ivoire
40.	SANGARE	Adama	Côte d'Ivoire
41.	SANGARE	Sekou	Côte d'Ivoire

PEOPLE ARRESTED AND "DISAPPEARED"

1.	CISSE	Abdoulaye	Mali
2.	COULIBALY	Bakroro	Mali
3.	DEMBELE	Moussa	Mali
4.	KONE	Ali	Mali
5.	KONE	Dramane	Mali
6.	SISSAKO	Diane Makan	Mali