

AMNESTY INTERNATIONAL

Public Statement

AI Index: AFR 31/006/2007 (Public Document)
Press Service Number: 087
4 May 2007

Côte d'Ivoire: crimes under international law cannot be amnestied

Amnesty International is extremely concerned about the scope of the recent regulation signed on 12 April 2007 by the Ivorian Head of State, Laurent Gbagbo. This regulation provides for an amnesty for most of the crimes committed during the conflict that has shaken Côte d'Ivoire since September 2000.

"The vague drafting of this regulation, which does not expressly exclude either war crimes or crimes against humanity, paves the way for total impunity for the perpetrators of very serious human rights violations and abuses in Côte d'Ivoire", said today Véronique Aubert, Deputy Director of the Amnesty International Africa Programme.

Amnesty International is particularly concerned that, contrary to the amnesty law adopted in August 2003, which excluded *"crimes constituting serious violations of human rights and international humanitarian law and crimes listed in articles 5-8 of the Treaty of Rome on the International Criminal Court"* and contrary to the terms of the recent Ouagadougou agreement, signed by the two parties to the conflict on 4 March 2007, the new law does not expressly exclude crimes that violate international law.

"Amnesty International issues a strong reminder that crimes under international law, especially war crimes, crimes against humanity and torture, cannot be amnestied under international law", explained Véronique Aubert today.

Since the beginning of the conflict, all parties were responsible for acts that could be described as war crimes. For example, the massacre of dozens of detained gendarmes at Bouaké, in October 2002, by an armed opposition group and the many rapes committed, sometimes systematically, by all parties to the conflict. The April 2007 regulation cannot apply to these acts.

Other very serious human rights violations and abuses have been committed, notably the extrajudicial execution of dozens of civilians by the security forces after a banned demonstration took place in April 2004.

Amnesty International is not, in principle, opposed to amnesty laws, as long as they do not apply to serious human rights violations and abuses. However, the organisation issues a reminder that measures promoting nearly general impunity cannot in any way contribute to national reconciliation.

"It is therefore essential that the Ivorian authorities openly state that no perpetrators of serious violations against human rights or international humanitarian law will benefit from the amnesty", said Véronique Aubert today.

Background

In accordance with the terms of the political agreement signed at Ouagadougou, on 4 March 2007, by President Laurent Gbagbo and Guillaume Soro, secretary general of the *Forces nouvelles*, New Forces (which have controlled the northern half of the country since the armed insurrection of September 2002), the two parties committed to create the conditions necessary for the holding of a free and democratic

presidential election, disarm and restructure the two armies and gradually dismantle the buffer zone that has divided the country in two since 2002. In April 2007, a new government was formed under the leadership of Guillaume Soro, who became prime minister.

The Côte d'Ivoire has signed, but not ratified, the Rome Statute establishing the International Criminal Court (ICC). However, the Ivorian government has asked the ICC to determine whether crimes committed in Côte d'Ivoire since 19 September 2002 come under its jurisdiction.