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CÔTE D'IVOIRE

Targeting women: the forgotten victims of the conflict

1. INTRODUCTION

Hundreds, possibly thousands, of women and girls have been victims of widespread and, at times, systematic rape and sexual assault committed by combatant forces or by civilians with close ties to these forces.¹ The scale of rape and sexual violence in Côte d'Ivoire in the course of the armed conflict has been largely underestimated. Many women have been gang raped or have been abducted and reduced to sexual slavery by fighters.² Rape has often been accompanied by the beating or torture (including torture of a sexual nature) of the victim. Rape has been committed in public and in front of family members, including children. Some women have been raped next to the corpses of family members.

In the context of the political and military crisis which has divided Côte d'Ivoire since September 2002, leaving the south controlled by the government and the north by an armed opposition group, the New Forces (*Forces Nouvelles*), national and international human rights provisions are no longer observed. All armed factions have perpetrated and continue to perpetrate sexual violence with impunity. Hundreds of thousands of internally displaced persons (IDPs) have sought refuge in the government-controlled south and hundreds of thousands of refugees have fled to neighboring countries, including Liberia, Guinea, Mali and Burkina Faso. The resulting humanitarian crisis has placed women in particular in positions of extreme vulnerability, leading to increased poverty and higher rates of sex work as women separated from their families struggle to survive.

¹ Unless otherwise stated, the term "women" will be used to denote both women and girls under the age of eighteen.

² The update to the final report submitted by Ms. Gay J. McDougall, Special Rapporteur of the Sub-Commission on the Promotion and Protection of Human Rights on Systematic rape, sexual slavery and slavery-like practices during armed conflict, has defined sexual slavery as "the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised, including sexual access through rape or other forms of sexual abuse." The report also specified that, "Slavery, when combined with sexual violence, constitutes sexual slavery." E/CN.4/Sub.2/2000/21, 6 June 2000, para 8 and para 47 respectively.

Women's rights have also been violated in the aftermath of rape, adding to their trauma and suffering. Most women suffering injuries or illnesses caused by rape – some of them life-threatening – have been unable to access the medical care they need. Stigmatized by rape, some women have been abandoned by their partners or families, and condemned, often along with dependent children, to extreme poverty. A collapsed judicial system in the north and the absence of political will in the government-controlled south means there is no possibility of justice or effective redress for the crimes they have endured. Owing to continuing insecurity, women often live in fear of further attacks or reprisals if they speak out against the perpetrators.

This report is the result of research conducted primarily in 2005 and 2006, including interviews in Côte d'Ivoire with rape victims and their relatives, local human rights activists, local and international humanitarian organizations. The interviews were carried out in and around Abidjan and in the area around Guiglo, in the west of the country. The rapes and sexual assaults highlighted in this report occurred between 2000 and 2006. In all cases, names have been changed to protect the identities of the women whose testimonies appear in this report. Complete versions of some of these and other testimonies are being published simultaneously in an accompanying document.³

This report contains recommendations addressed to the Ivorian government as well as the New Forces, asking them to prevent and eradicate sexual violence committed by their forces and supporters and put an end to impunity by bringing those responsible to justice. The report also calls on all the parties, as well as the international community, to address the urgent needs of rape victims, in particular, access to adequate medical care.

Unless an organized and comprehensive programme is developed to respond to their various needs, victims of sexual violence will continue to suffer and die needlessly and many more women will remain at risk of such violence. All parties and international actors must acknowledge the gravity of the situation and take effective action to respect and protect the human rights of these forgotten victims.

2. BACKGROUND

In September 2002, an armed uprising led to the most serious political and military crisis in Côte d'Ivoire's history since independence from France in 1960. Following a failed coup attempt, the country was divided *de facto* in two, with the south controlled by the government and the north held by an armed opposition group, the Côte d'Ivoire Patriotic Movement (*Mouvement patriotique de Côte d'Ivoire*, MPC), which later became the New Forces after merging with two other armed opposition groups, the Ivorian Popular Movement of the Far West (*Mouvement populaire ivoirien du grand ouest*, MPIGO), and the Justice and Peace

³ Amnesty International, *Côte d'Ivoire: The words of women and girls, forgotten victims of the conflict*, 15 March 2007, (AI Index: 31/002/2007).

Movement (*Mouvement pour la justice et la paix*, MJP).⁴ The two parties have been separated for over four years by a buffer zone controlled by more than 12,000 international troops, including UN peacekeeping forces participating in the United Nations Operation in Côte d'Ivoire (UNOCI) and a contingent of French soldiers participating in Operation Licorne.⁵

Political instability in Côte d'Ivoire dates back more than a decade. In December 1999, President Henri Konan Bédié was overthrown by a military coup. The coup placed General Robert Gueï at the head of a transitional government which included representatives of the main political parties. Presidential elections in October 2000 were won by Laurent Gbagbo of the Popular Ivorian Front (*Front populaire Ivoirien*, FPI). However, the result was adamantly disputed as most of the election front runners had been declared ineligible by the Supreme Court. Disqualified candidates included former president Henri Konan Bédié and former prime minister Alassane Ouattara, leader of an opposition party, the Rally of Republicans (*Rassemblement des Républicains*, RDR), who was excluded because of questions about his nationality.⁶

The situation was further aggravated by xenophobic hate speech propagated by broadcast and print media close to President Gbagbo focusing on the concept of "Ivorianness" (*ivoirité*). This concept distinguished "true" Ivorians from the so-called foreign (*allogène*) population, commonly referred to as Dioula.⁷ Xenophobic rhetoric led to human rights abuses targeting Dioulas, including Ivorians and citizens of other countries in the sub-region, many of whom had been living and working in Côte d'Ivoire for decades.

Xenophobic speech aimed specifically at women from the "enemy" community, puts them at increased risk of sexual violence. As Amnesty International's report, *Lives blown apart: Crimes against women in times of conflict*, states:

⁴ On 22 December 2002, an accord was signed by representatives of the MPCI, the MPIGO and the MJP. The three groups agreed to merge, forming the New Forces.

⁵ France first sent troops to Côte d'Ivoire on 22 September 2002 to secure the safety of French nationals and other foreigners. The presence and role of the French troops was subsequently endorsed and clarified by several UN Security Council resolutions. About 4,000 troops were taking part in Operation Licorne by the beginning of 2007. For further details, please see Amnesty International's report: *Côte d'Ivoire: Clashes between peacekeeping forces and civilians: lessons for the future*, AI Index: AFR 31/005/2006, 19 September 2006, pp 7-9.

⁶ In July 2000, a new Constitution was approved by public referendum. It stipulated that presidential candidates must be born of Ivorian parents and have never held another nationality. This provision focused public debate on Alassane Ouattara's nationality.

⁷ This term has been used to describe, depending on the circumstances, any person with a Muslim family name and originating from the north of Côte d'Ivoire or other countries in the sub-region (including Mali, Burkina Faso, Guinea, Senegal, etc.). For further information on the concept of "Ivorianness," see Amnesty International's report: *Côte d'Ivoire: Clashes between peacekeeping forces and civilians: lessons for the future*, op. cit, 13-15.

“Inherent in much of the sexualized and gender based rhetoric present before and during conflict is a clear incitement to violence against women. As a result, sexual violence often becomes an intentional strategy to terrorise, demean and ‘defeat’ an entire population, as well as a way of engendering hatred and destruction. An attack on women can be seen as an attack on the entire community – an affront not only to the women assaulted also to those who should have protected them. Victory over an enemy force can be interpreted as a license to rape, with women’s bodies seen as the spoils of war. Throughout history, women’s bodies have been considered the legitimate booty of victorious armies. Tacit or explicit license to rape is given by commanders as a means of ‘bonding’ with the men in their units.”⁸

Following the armed insurrection in September 2002, widespread human rights abuses were committed by all parties to the conflict. Many of the most serious abuses were committed between late 2002 and the first few months of 2003, prompting hundreds of thousands of civilians to flee to neighboring countries, including Liberia, Guinea, Mali and Burkina Faso, or to become internally displaced. Walter Kälin, the Representative of the UN Secretary-General on the human rights of internally displaced persons, who visited Côte d’Ivoire in April 2006, estimated the number of internally displaced persons at between 500 000 and one million people.⁹ Displaced and refugee women in Côte d’Ivoire, including women who had fled the civil war in Liberia in the 1990s, often became extremely vulnerable to poverty, sexual violence and exploitation. Walter Kälin also drew attention to the “heightened risk of sexual abuse as a result of the presence throughout the country of large numbers of armed combatants, whether from national forces, the Forces Nouvelles or neutral [international peacekeeping] forces.”¹⁰ The situation was particularly serious in western Côte d’Ivoire where mercenaries, largely recruited from neighbouring Liberia, were recruited to serve both in pro-government militias in southwestern Côte d’Ivoire and in armed opposition groups in the northwest, including the MPIGO and the MJP. These mercenaries took part in raids on towns and villages, killing civilians, raping women and abducting them to serve as sex slaves.

All parties to the conflict also forcibly recruited civilians, in particular Liberian refugees, including both boys and girls under the age of 18.

⁸Amnesty International, *Lives blown apart: Crimes against women in times of conflict*, November 2004, (AI Index: ACT 077/075/2004), p. 15.

⁹ Report of the Representative of the Secretary-General on the human rights of internally displaced persons, Walter Kälin, Addendum, Mission to Côte d’Ivoire, 18 October 2006, A/HRC/4/38/Add.2., para 12.

¹⁰ Ibid, para 46.

2.1 International peacekeeping

The international community intervened immediately after the September 2002 uprising, to prevent the political and military crisis from escalating into a full-scale conflict. French peacekeeping forces and later, Economic Community of West African States (ECOWAS) troops monitored a buffer zone separating the parties. In February 2004, the UN Security Council adopted Resolution 1528 which authorized the deployment of the United Nations Operation in Côte d'Ivoire (UNOCI) mandating it in particular "to contribute to the promotion and protection of human rights in Côte d'Ivoire with special attention to violence committed against women and girls, and to help investigate human rights violations with a view to help ending impunity."¹¹

The international community also worked intensively to reach a peaceful solution to the crisis. In January 2003, all parties to the conflict signed the Linas-Marcoussis Agreement. Endorsed by the UN, the European Union and the African Union, the agreement provided for the formation of a National Reconciliation Government and the regrouping, disarmament and demobilization of forces on the ground. Despite the creation of a National Reconciliation Government in April 2003, and an earlier ceasefire agreement signed in October 2002, the political situation remained volatile and human rights abuses continued to be committed by all parties.

Although international intervention prevented the conflict from escalating and reduced sporadic clashes, mediation efforts have not yet led to a peaceful resolution of the conflict. Despite intense diplomatic efforts by the African Union and pressure from the UN and the international community, the conditions required for presidential elections, originally scheduled for October 2005, were not met and the elections had to be postponed twice, primarily because of mutual distrust and disagreements between President Gbagbo's supporters and those of opposition parties and the New Forces. The President and his supporters demanded the immediate disarmament of the New Forces, while the opposition and the New Forces insisted on a programme to issue identity documents ahead of the presidential elections. In November 2006, the UN Security Council decided to extend President Gbagbo's mandate for an additional 12 months and to expand Prime Minister Charles Konan Banny's powers.¹² However, in January 2007, President Gbagbo and his supporters were still resisting implementation of the decision. In January 2007, the UN Security Council extended UNOCI's mandate and that of the French forces until 30 June 2007

¹¹ See the Resolution 1528 (2004) adopted 27 February 2004 by the UN Security Council, S/RES/1528 (2004), para 6(n). Resolution 1528 mandates UNOCI more broadly to observe and monitor the implementation of the comprehensive ceasefire agreement of 3 May 2003; to assist the programme for disarmament, demobilization, reintegration, repatriation and resettlement; to protect UN personnel and civilians; to support humanitarian assistance; to support implementation of the peace process; to contribute to the protection of human rights in Côte d'Ivoire; and to assist the government in re-establishing the judicial system and the rule of law.

¹² See the Resolution 1721 (2006), adopted by the UN Security Council on 1st November 2006, S/RES/1721 (2006).

and expressly reaffirmed UNOCI's mandate in relation to violence committed against children and women.¹³

3. THE NATURE AND SCALE OF SEXUAL VIOLENCE SINCE THE BEGINNING OF THE 2002 MILITARY AND POLITICAL CRISIS

3.1 Women targeted with impunity by all parties

After the September 2002 uprising and the *de facto* division of the country in two, women were raped and assaulted with impunity by all parties. As symbols of the "honour" of their communities, women were raped to humiliate them, the men in their families and their entire community.

In December 2000, a number of women had been raped and sexually assaulted on ethnic or political grounds. The failure to bring any of those responsible to justice may have fuelled this climate of impunity.

Cases of rape of Dioula women in December 2000: breaking a taboo

In December 2000, two months after Laurent Gbagbo's controversial electoral victory, a number of women, all of Dioula origin, were raped or sexually assaulted by, or in the presence of, members of the security forces in the context of a wave of attacks against opposition demonstrators protesting against the Supreme Court's decision to exclude RDR leader Alassane Ouattara from the 10 December 2000 legislative elections. These serious attacks on women, motivated solely by their supposed ethnic or political affiliation, were unprecedented in Côte d'Ivoire's recent history. Despite the seriousness of these crimes, confirmed by an official inquiry, those responsible were not brought to justice, sending a disturbing signal to future perpetrators of sexual violence in Côte d'Ivoire that women could be targeted on political or ethnic grounds with total impunity.

An Amnesty International delegation which was in Abidjan, the economic capital, when the protests took place, was able to investigate the cases of at least six women who had been raped or sexually assaulted and met several of them while they were detained at the Police Training School (*École de police*) in Abidjan following their arrest. Some of the women had been arrested on 4 December 2000 while demonstrating in the street, others in

¹³ UN Doc. S/RES/1739 (2007), 10 January 2007, para 2(k). Resolution 1739 mandates UNOCI "To contribute to the promotion and protection of human rights in Côte d'Ivoire, with special attention to violence committed against children and women."

their homes by supporters of President Gbagbo or by members of the security forces because of their Dioula origin and their presumed support for the RDR.

Habiba, born in 1974 and mother of a child, told Amnesty International that she had been on her way to a RDR meeting in the Houphouët Boigny stadium when she was attacked in the street by civilians seeking to oppose the gathering of RDR supporters: “They asked me for my name. When they [the men in plain clothes] learnt I was Dioula, they tore my clothes off before taking me into the bushes. One of them made me bend over and, in front of his two friends, penetrated me; neither the gendarmes present nor his friends intervened on my behalf. Instead, they took pleasure in watching me being raped. When he finished, his two friends also wanted their turn, but a policeman arrived and snatched me away from them under the pretext that he would personally take charge of punishing me appropriately...”

When taken to the Police Training School with four other women who had been stripped naked, Habiba was maltreated and sexually assaulted in the lavatory: “A policeman took me to the lavatory and undressed me with the intention of abusing me, but I begged him not to do so, insisting on the fact that I had just been raped without any protection and that, if he wasn’t thinking of me, at least he should think of himself since I might be a carrier of disease. He then asked me to leave the shower. I should point out that, when we were in the shower, some of his colleagues were by the open door, watching us. When I came out I found other policemen sitting on benches near the shower. They asked me to lie on my back with my legs apart and to masturbate until I came. Unfortunately for me, I couldn’t manage it; then each of them came up and shoved into my vagina anything that was at hand (baton, wood, sand, bamboo branch).”

Aminata, who also was taken to the Police Training School in Abidjan after being arrested on her way to the RDR meeting, stressed that sexual assaults were committed in presence of police superiors: “At the police school they decided to beat us, and for that we were suspended by our feet and beaten about our private parts, into which they stuck bits of wood. They then made us open our legs and they squirted water into the vagina. In the presence of some of their superiors, we were stripped on stage and ordered to show how we made love with our partners..”

Dioula women were also publicly handed over by security forces to civilians who raped them in front of a mob of other people. Some of these women were on their way to visit relatives or run errands when they were arrested in the street and accused of being RDR supporters. **Fatima**, a 25-year-old dressmaker, was arrested by gendarmes on 4 December 2000 while on her way to visit her aunt. In her deposition, recorded at the Police Training School on 12 December 2000 (and of which Amnesty International has obtained a copy), she specifies: “We were taken to Cocody, to a place where there were already other people who had been rounded up, including a young woman. At that place the gendarmes asked me to undress, which I did, and they asked some young men to ‘make love’ to me. I was thus raped by five young men (...)”

Following concerns raised by national and international human rights non-governmental organizations (NGOs) including Amnesty International, an official investigation was carried out and clearly concluded that women had been raped or were victims of sexual violence after being arrested by security forces.¹⁴ However, no further measures were taken. There was no attempt to bring the alleged perpetrators to trial nor to provide redress or health care to the victims sending a signal to perpetrators that women could be targeted for political and ethnic reasons with total impunity. These failures may have contributed to the rapes and other sexual abuses committed against women during the conflict that broke out in 2002.

The MPCCI pledged initially that it would not attack the local population, claiming to pursue purely political goals. However, very soon after taking control of the north of the country, including Bouaké, Côte d'Ivoire's second largest city which became their stronghold, armed MPCCI members began attacking civilians, particularly women. A number of women were forcibly enrolled into the MPCCI's ranks. According to information gathered by Amnesty International, practically all of these women were raped and sexually assaulted. Some of the rapes were committed before, during and after the looting of houses and villages, as if women were 'property' to be looted by the opposition forces along with other objects of material value.

Many of the most serious abuses took place in western Côte d'Ivoire between late 2002 and the first half of 2003. During this time, women were systematically attacked by both pro-government militias and armed opposition groups such as the MJP and the MPIGO, all of which resorted to the use of mercenaries, including Liberians. These groups and militias used sexual violence against women to terrorize the civilian population and extort money, reducing many women to sexual slavery. Amnesty International collected testimonies from a number of survivors of sexual violence who had succeeded in reaching Abidjan after escaping their abductors.

Government security forces also targeted women on political or ethnic grounds. In the days and weeks that followed the September 2002 attempted coup, women, particularly women refugees and Dioula women, were raped and sexually assaulted by government security forces in Abidjan. Several women refugees who had fled conflicts in their country of origin, notably Liberia, and who had sought refuge in Côte d'Ivoire, were raped during an operation carried out by security forces in Abidjan aimed at destroying several shanty towns on the grounds that they sheltered "assailants".¹⁵ These shanty towns were inhabited by

¹⁴ See box, Part 4.2. below.

¹⁵ "Assailants" is a generic term used by the Young Patriots (*Jeunes Patriotes*) and the press supporting President Gbagbo to designate armed members of the New Forces. The Young Patriots are a loosely defined nationalist movement that claims to defend Côte d'Ivoire against internal and external enemies and that unashamedly uses blatantly xenophobic rhetoric. This "patriotic" movement is composed of members of several organizations, notably the Panafrikan Congress of Young Patriots (*Congrès*

Ivorians as well as by members of communities from other countries of the sub-region, in particular Liberia.

A number of women were also raped and sexually assaulted by members of the government security forces while having their papers inspected at one of the many checkpoints set up along roads in the parts of the country under government control. Dioula women, who are easily identified by their names, were particularly targeted. Women were also sexually assaulted at checkpoints maintained by the New Forces in the areas under their control. Rape has therefore been used strategically and tactically as a weapon of war to fulfil many of the objectives of all parties to the conflict in Côte d'Ivoire.

Amnesty International has previously concluded that rape:

“As a weapon of war, rape is used strategically and tactically to advance specific objectives in many forms of conflict. It is used to conquer, expel or control women and their communities in times of war or internal conflict. As a form of gender-based torture it is used to extract information, punish, intimidate and humiliate. It is the universal weapon employed to strip women of their dignity and destroy their sense of self. It is also used to terrorize and destroy entire communities.”¹⁶

Conclusions of the UN International Commission of Inquiry (October 2004)

In 2004, the UN Security Council requested the establishment of an international Commission of Inquiry (the Commission) into allegations of serious violations of human rights and international humanitarian law which occurred in Côte d'Ivoire from 19 September 2002 to 15 October 2004.¹⁷ The Commission's report was submitted to the United Nations High Commissioner for Human Rights in October 2004 and was then presented to the UN Security Council in December 2004. Despite repeated requests by international human rights NGOs, including Amnesty International, the report has not yet been made public by the UN.

However, a copy of the report was leaked to the press in December 2004. According to the leaked version, the authenticity of which has never been questioned, the Commission investigated allegations of human rights violations including those committed against women during the armed conflict in Côte d'Ivoire and concluded that women were used by both parties to the conflict to satisfy the sexual desires of fighters, some of whom were under the influence of drugs.

panafricain des jeunes patriotes, COJEP), and the Ivorian Federation of Students and School Pupils (*Fédération estudiantine et scolaire de Côte d'Ivoire*, FESCI).

¹⁶Amnesty International, *Lives blown apart: Crimes against women in times of conflict* (AI Index: ACT 077/075/2004) p. 20.

¹⁷ See Statement by the President of the Security Council regarding the situation in Côte d'Ivoire, S/PRST/2004/17, 25 May 2004.

The Commission reportedly documented cases of rape of women of all ages, including minors under the age of 12, rape preceded or accompanied by cruel, inhuman and degrading treatment, rape in the presence of partners/children, forced incest, sexual harassment, indecent assault, abduction and sexual slavery and reportedly noted that violence against women was not yet perceived as a serious crime in Côte d'Ivoire.

Furthermore, the Commission reportedly found that since 19 September 2002, rape had frequently been used as a weapon of war against populations in combat zones, as well as in residential zones and in zones where people were displaced.

The Commission also reportedly addressed the dramatic social consequences of rape during the armed conflict, stating that hundreds of women and girls who had been victims of rape had been rejected by their communities, given birth to children conceived during rape and many were seriously ill (HIV/AIDS and other sexually transmitted infections (STIs), psychological problems).

A confidential list attached as an annex to the Commission's report, allegedly identified and named some of those responsible for rape in the context of the conflict.¹⁸

Although accurate statistics are difficult to obtain, it is estimated that hundreds, possibly thousands of women were victims of sexual violence as a result of the armed conflict. Large movements of IDPs and refugees fleeing the conflict have resulted in increased vulnerability for IDP and refugee women, particularly Liberian women, in Côte d'Ivoire. Recent information gathered by Amnesty International shows that women continue to suffer sexual assault committed with complete impunity by members of the security forces as well as by members of armed opposition groups. Civilians and militia members benefiting either from the political backing of government authorities in the south, or from the support of the New Forces in the territory under their control, also commit sexual violence against women with total impunity.

3.2. The perpetrators

Women were targeted by all parties to the conflict including government security forces, government-backed militias and armed opposition groups within the New Forces.

¹⁸The existence of this list has been publicly confirmed by then UN Secretary-General, Kofi Annan: "On 17 January 2005, the Secretary-General informed the President of the Council of his intention to make available to the Committee the confidential annex to the report, which contained the names of alleged perpetrators of serious human rights violations. Subsequently, Committee members were informed that the confidential annex was available for consultation in the files of the Secretariat." Report of the Security Council Committee established pursuant to resolution 1572 (2004) concerning Côte d'Ivoire, UN DOC, S/2006/55, 30 January 2006.

3.2.1 Government security forces

Government security forces have raped and sexually assaulted a number of women, mostly on ethnic or political grounds. The responsibility of the security forces in the rape and sexual assault of Dioula women in December 2000 and at checkpoints since September 2002 has been widely documented. Reports indicate that members of the government security forces continue to commit acts of sexual violence with impunity.

Amnesty International learned of the case of a 14-year-old schoolgirl, **Catherine**, who was raped on 5 March 2006 by a member of the Command Centre for Security Operations (*Centre de Commandement des Opérations de Sécurité*, CECOS)¹⁹. The girl was followed by CECOS members as she went to spend the night at a girlfriend's house. She told Amnesty International:

"They knocked on the door. They asked me to join them and threatened to make noise and break everything if I didn't obey. My friend's mother wanted to avoid trouble and advised me to go out and join them. One of the CECOS members asked me to spend the night with him. I told him I was tired but he wouldn't have any of that. He brutalized me and undid my trousers, and I think I passed out. When they left, my friend's brothers came to find me and took me to hospital, where I learned that I'd been raped."

The victim's uncle registered a complaint with the military tribunal. The girl was heard by the Alepe brigade commander in Abidjan, but, to Amnesty International's knowledge, the complaint was not investigated further and no one has been charged.

3.2.2 Government-backed groups and militias

Government-backed groups and militias were also responsible for the rape and sexual assault of women identified as enemies of President Gbagbo and of the nation by state propaganda disseminated by media outlets and politicians close to President Gbagbo.²⁰

Members of the pro-government student association, the Ivorian Federation of Students and School Pupils (*Fédération étudiante et scolaire de Côte d'Ivoire*, FESCI) also attacked and sexually harassed women perceived to be opponents of President Gbagbo. Several FESCI members took part in the rape of **Elisabeth**, a Cocody University student in Abidjan in June 2005. Her testimony shows the extent to which FESCI members were governed by their movement's hierarchy. The woman was distributing pamphlets

¹⁹ This unit brings together police and gendarmerie forces.

²⁰ The decisive role played by some sectors of the media in inflaming xenophobic sentiments was clearly emphasized in Resolution 1572, adopted by the UN Security Council on 15 November 2004. The resolution demanded that "the Ivorian authorities stop all radio and television broadcasting inciting hatred, intolerance and violence." S/RES/1572 (2004), 15 November 2004, para 6.

commemorating the anniversary of the killing of a student on the university campus when two FESCI members told her to follow them because "the general wanted to question [her]." At first she tried to resist, but a group of a dozen other students forced her to go with them to a place known as "the verandah". As her testimony shows, she was targeted for being a human rights defender. She was subjected to "sexuality baiting," where women are subjected to verbal abuse, to demean and humiliate them: "They then said I was playing with fire and that instead of giving out tracts I should have stayed in my proper place at home and looked for a husband. They said my name was in their files, they had already asked people about me and they knew where I lived. They said they had ways of making me talk. Then they said I was to be shut up in a room, they hit me and beat me. One of them said that they would make a clean job of it. There were six boys in the room and they said that anyone who wanted to could leave. Two of the students left and four stayed." The victim also stated that, in addition to the student who raped her, a number of other FESCI members watched without protesting or trying to help her: "I was struggling and, during the struggle, the glasses one of the students was wearing fell on the floor and the lenses broke. He was furious. They put a canvas bag over my face and one of them pressed my throat so that I couldn't scream while one of them was raping me. The others held on to my hands and feet and felt me up. Even though my face was covered, I realized that students were entering and leaving the room."

Pro-government militias in southwestern Côte d'Ivoire were also responsible for widespread acts of sexual violence. This was particularly the case of a pro-government militia known as LIMA (after the radio call sign L, the first letter of Liberia), composed of Liberian refugees who had resided in Côte d'Ivoire for years and were recruited by the Ivorian government.²¹ This militia was reportedly responsible for rapes and other crimes during its attack on Bangolo in March 2003. The UN Commission of Inquiry report, leaked to the press in December 2004, reportedly documented the mass execution of civilians who were not participating in hostilities by Liberian elements of LIMA. The report is said to confirm that the neighborhood that seemed to be the most targeted was inhabited by Dioulas from northern Côte d'Ivoire. In this zone, men, women and children were reportedly executed in their homes. Several of the dead reportedly had their hands tied behind their backs and several naked women appeared to have been raped before having their throats slit.

²¹ The recruitment of Liberian refugees was confirmed by a UN Panel of Experts on Liberia, whose research mission included Liberia and Côte d'Ivoire. The Panel of Experts found that "the government of Côte d'Ivoire mid-December 2002 began to recruit Liberian residents in Côte d'Ivoire for a militia that was identified by the radio call sign L (Lima), the first letter of Liberia. Many of these recruits came from the refugee camp of Nicla and were offered 10,000 CFA [about 15 euros] to join the ranks of the army. There has also been harassment and violence against those who oppose recruitment. Liberians are predominantly involved in the recruitment although Lima does have Ivorian liaison officers." Report of the Panel of Experts on Liberia submitted in accordance with Security Council Resolution 1458 (2003), (S/2003/498), 24 April 2003, para 57.

3.2.3 The New Forces

Members of the MPCJ, the MPIGO and the MJP were also responsible for rapes, forced recruitment and sexual slavery in the areas in which they operated.

All the survivors interviewed by Amnesty International who had been subjected to sexual violence by armed opposition groups in the west referred to their attackers as “rebels”. One of them told Amnesty International, “The rebels wore battle fatigues, were on foot and didn’t like being called rebels.”

Some women were able to identify the armed opposition group to which their attackers belonged. One Guéré woman told Amnesty International:

“Before the war we all lived together, we went to the same church, we prayed together. Then the war came and I ran away with my children. I fell, three ‘rebels’ caught me and took me to Toulepleu with MPIGO people. Some of them spoke English, others spoke French, some of them were Liberian.”

Although the armed groups that took control of the north of the country declared publicly that they would not attack local populations, they soon began targeting civilians, particularly women. This abrupt change of attitude was experienced by one of the victims Amnesty International met in Abidjan in May 2006. **Véronique**, a Baoulé dressmaker, aged 35, who had been living in Man (some 500 km northwest of Abidjan), had this to say:

“When the rebels arrived in November 2002, they told us they weren’t going to touch us and that they had come to overthrow the government. Some were in military uniform and others wore the outfit of the dozos [traditional hunters]. Some time later, however, they began to enter our houses and take women by force. One day before the end of 2002, five of them came to my house. Two of them raped me and two others raped my younger sister, aged 19. They took me off to Grand Gbapleu, where there were at least 200 rebels. Thirty women, including young ones, had been captured by them. They spoke French and Dioula; their French was a bit odd. They asked us to do the cooking for them, and in the course of that the other women told of how they were raped, some recounting that they were beaten when they refused to submit. When they found out that the loyalists [government security forces] were coming, they left for the front and the women were able to get away.”

Amnesty International also learned of the case of three sisters, aged 17, 16 and 12, who were abducted in Bouaké shortly after members of the MPCJ took control of the city in September 2002. Fighters occupied the home of the three girls and “kept them as wives”. The oldest and the youngest are reported to have finally managed to find refuge in their village of origin. The third sister tried to run off one evening and died on the way.

During the same period, a number of women were also raped in the area around Korhogo, the main city in the far north of the country, not far from the border with Mali. Amnesty International learned of the case of several women abducted by members of the MPCCI while attempting to reach Mali. One of them told Amnesty International:

“When the rebels entered Korhogo, many people went off into the bush in the heart of the forest. We were intending to reach Mali when we came across two rebels. They slit the throat of one person whom they accused of being a ‘*corps habillé*’.²² They let the other people go but took the girls. They raped us; one of them held our arms and the other raped us. Then they abandoned us and we managed to get to Mali.”

Some of the worst abuses were committed by MPIGO and MJP fighters. Both groups enlisted the help of mercenaries, notably from neighboring Liberia.

Several women interviewed by Amnesty International said that the fighters who had attacked, abducted and raped them spoke English, the official language in Liberia. **Jeanne**, a 23-year-old mother of several children who was assaulted in March 2003 in a village called Diourouzon, said: “The men who attacked us were Liberians, Burkinabès, Senufos.”²³ Some armed opposition group members appear to have operated within a very loose chain of command and seem to have been primarily interested in looting. In this context, women were often treated as objects to be looted along with material wealth. Jeanne told Amnesty International: “Two of them caught me. I was beaten with Kalashnikov rifle butts. Some of them said ‘Let’s finish her off’. The two who had caught me refused to kill me but they had sex with me. They raped me, one after the other.” As soon as they had raped her, the men went on looting: “After that, they left me lying there in pain, and they started searching the whole house and carried off our loinclothes (*pagnes*) and all sorts of things, some of them quite valuable.”

In some cases, women were raped because they refused to give their attackers money. **Anne**, a 40-year-old Guéré woman who lived near Toulepleu and kept a market stall, told Amnesty International how she was assaulted when armed men arrived in her village sometime between November and December 2002:

“The rebels found me in the village. They wanted money and I told them I didn’t have any. They took me into the forest. Two of them raped me, one after the other. While one was raping me, the other held his rifle to my head. I was dying of fear, I couldn’t move.”

²² Literally a “dressed body.” This term designates any member of the security forces (army, police or gendarmerie) in uniform.

²³ People belonging to the Senufo ethnic group live in Burkina Faso, Mali and Côte d'Ivoire.

3.3 Women as property

3.3.1 Abduction and sexual enslavement

Hundreds of women were abducted, raped and reduced to sexual slavery, particularly in western Côte d'Ivoire, by both pro-government militias and members of armed opposition groups. These practices were used to terrorize the civilian population living in the territory under their control. Some victims were forcibly recruited. Many of these women became the "property" of one or more fighters for whom they were forced to provide sexual services and perform domestic duties such as cooking and other chores.

Many women interviewed by Amnesty International said that the fighters who captured them in the west of the country regarded them as their property, using them both as sex slaves and as domestics. **Constance**, a young woman captured with her sister by armed opposition members in February 2003 and taken to Danane (some 600 km northwest of Abidjan), had this to recount: "They (...) put us in a big house with several rooms. There were 50 rebels; some spoke English, others Yacouba, Guéré and Dioula. (...) Our job was to draw water, fetch wood and do the cooking. We were constantly under threat." When verbal threats were not enough, the fighters, including Liberian mercenaries, used their physical strength to force the women to have sex with them.

"One of [the fighters] who had captured me, a Liberian asked me to take my clothes off. I refused, so he slapped me twice and knocked me over. He put a knife to my throat and in the other hand he had a revolver and was threatening me. He hit me with the butt of his weapon. He took off his clothes and raped me three times; he regarded me as his property."

Thérèse, aged 22 in 2002, told Amnesty International how she was abducted by the MPCJ in Bouaké a few days after the capture of the city and forcibly recruited:

"The rebels caught me. There were some other young girls who had also been captured. On the way they told us to put on some of their combat uniforms. They started to beat us. Some of us took off our wraps in order to put on the uniforms. Others refused to change. They were killed there on the road. Once inside the camp the rebels began to maltreat us. They would hit me with pieces of iron, pieces of wood. Sometimes I would faint. The rebels raped us from the first day. For the first two days all of them raped the women. Later they shared out the girls among the rebels and after it was one person who raped a woman. They kept us there for a long time. Sometimes we would go out to the camp with the rebels."

3.3.2 "I can't even count how many men had sex with me."

Amnesty International met a number of women who had been gang raped. Nearly all of them reported that the rapes were committed by members of armed opposition groups.

Delphine, a Guéré women born in Toulepleu in 1958, was gang raped for several weeks after being abducted by MPIGO members in late 2002. She told Amnesty International: "I stayed with them for a month and 10 days. On the first day, 40 men had sex with me, at night, when they came back from the fighting; they washed their penises before having sex with me. I can't even count how many men had sex with me."

Sylvie, a 48-year-old women living in Logoualé, near Man (some 500 km northwest of Abidjan), who was raped by members of an armed opposition group, told Amnesty International:

"In April 2003 the rebels surrounded the village. Everyone ran away; I couldn't run and I was caught. They took me to their camp at Logoualé, there were about 40 rebels. Some of them spoke English. They had about 30 prisoners and 10 of us were women. Children were told to watch us and make sure we didn't escape. In the evening, seven of the rebels came and beat me. Then they held down my hands and feet and raped me, one after the other (...) at least 30 men raped me. The next day, they asked me to do jobs for them and to prepare food for them. The other women in the camp were raped too. I left them behind because after three days the rebels left me on the road."

When women refused to have sex with their abductors, they were often beaten and tortured. **Isabelle** was abducted in April 2003 in Babli, near Bangolo in Man Province. Her case demonstrates how vulnerable women and children were when a village was attacked by members of an armed opposition group. She told Amnesty International: "When the rebels arrived in our village in April 2003, we fled. Our husbands had already fled and left us with our children. We joined up together in an encampment and (...) the rebels came and caught us there." These women became sexual slaves; they were forced to prepare food for the men who had captured them and to have sex with them: "If a woman refused to have sex, they'd call for others to help them and they'd threaten us. Two rebels would hold the woman's hands down and two others would hold her feet while a fifth raped her. They took turns, sometimes they'd sit on our hands and feet while one of them raped us. They hit and beat us too. After some time they left for the front and we escaped."

Some of the women who were gang raped reported having been forced to take drugs. **Alice**, a 36-year-old woman, mother of four children, who was living in Toulepleu when she was assaulted by members of an armed opposition group, told Amnesty International: "In January 2003 the rebels killed my parents and burnt down their house. I was spared and they said I'd be their wife. They took me to their camp between Bloéquin and Toulepleu, where they already had eight other women. They raped us regularly. To stop us from struggling, they tied our hands and feet to stakes stuck in the ground and made us drink palm wine mixed with

a drug; they took turns going from one woman to another. They spoke English among themselves and Dioula.”

3.3.3 Girls and elderly women

The information collected by Amnesty International shows that very young girls and elderly women, particularly those who lived in the west of the country, were raped by members of armed opposition groups and pro-government militias in particular during the last three months of 2002 and the first few months of 2003.

Two sisters, both under the age of 18, were stopped by members of an armed opposition group in February 2003 at a checkpoint near the village of Dioulabobou. Both girls were on their way to seek refuge in Abidjan aboard a vehicle with about two dozen other people. Armed men at the checkpoint asked the two sisters to get out. Their uncle refused to leave them and got out with them. The younger of the girls, **Christelle**, aged 14 at the time of the rape, told Amnesty International:

“One of the rebels said to me: ‘You, you’re going to be my wife and the other my brother’s wife.’ They threatened to kill our uncle if we refused to sleep with them. The rebels told us we were dirty and that we had to wash. We obeyed. Somebody went off with my sister and I remained behind. A rebel asked me to undress. I told him I wasn’t presentable. He brought in two other rebels and ordered them to shoot at me if I didn’t do what I was told. One of the rebels had sex with me while the other two kept their weapons pointed at me.” After raping her, her attacker told her to join a group of other abducted women. The girl refused to go without her older sister, then aged 17, who afterwards arrived in tears. The two girls were finally freed with their uncle and allowed to proceed to Abidjan.

Another schoolgirl, born in 1986, related how, as a victim of gang rape, she was tied up by her attackers during the day. **Sandrine**, a member of the Baoulé ethnic group, was captured by members of an armed opposition group in December 2002 in the Duékoué area (450 kilometres northwest of Abidjan):

“I was the only captive. There were 15 of them and they took me into the Duékoué forest. One of their leaders told me in English that I’d be his wife. I replied that I couldn’t be, and he threatened to kill me. He then raped me in front of the others while I struggled and the others laughed at me and insulted me, and I was crying. After the rape by the leader, six other rebels followed suit. I tried to struggle but rebels held my hands and feet while another raped me. They kept me in the forest for two weeks, and during the day I was tied up. They raped me regularly and each time the others held my hands and feet.”

Among the elderly women victims interviewed by Amnesty International was **Mireille**, a 58-year-old Guéré woman who lived in a village near Toulepleu. She told Amnesty International:

“When the fighting began, I was in the village. When I heard the shooting (...) I went into the bush. I’m old, I couldn’t run as fast as the others and I fell. The rebels caught up with me and one of them wanted to rape me. His friends tried to tell him I was too old but he insisted that he was going to rape me. He threw me on the ground and tore off my clothes. His two friends held my hands down while he raped me and then they left me there. I lay in the bush all night and the next day I heard a car. It was a Red Cross car and the people inside it told me not to be frightened.”

In another case documented by Amnesty International, **Sabine**, a member of the Oubé ethnic group and a cocoa farmer from a village in the sub-prefecture of Facobly in the west of the country, shared her story. Sabine was 63-years-old when she was raped in January 2003 in front of her five-year-old granddaughter. She explained to Amnesty International how, like the rest of the population, she was trying to flee the arrival of armed opposition fighters:

“The people fled, but I couldn’t run as I had my youngest granddaughter with me. When they arrived, the rebels slapped me, pulled my loincloth (*pagne*) and took all the money I possessed, a sum of 215,000 CFA francs [approximately 320 euros]. I fell down and a rebel raped me while little Violette was crying at my side.”

3.3.4 “They raped me in front of my husband and children.”

Amnesty International met a number of women who had been raped in front of family members including young children. Rape was used to humiliate victims, their husbands and the communities to which they belonged.

Benedicte, a Baoulé woman in her forties, was raped in Bouaké when the city was captured by the MPCCI in September 2002, by MPCCI members who accused her husband of being a gendarme. He was in fact a Ministry of Finance official working in Bouaké. She told Amnesty International:

“The attackers came to our home. They hit my husband and my son and they threatened to kill us if ever we cried. They thought my husband was a military man, for he is very tall, and they accused him of being a gendarme. He replied that he wasn’t and they beat him hard, using rifle butts and also kicking and punching him. I cried a lot and one of them rushed at me and tore my skirt. They raped me in front of my husband and children, and they spoke Dioula among themselves. They pushed me to the ground; one held my arms and another was standing, forcing my legs apart with his own while another raped me. They did that in front of the children, the youngest of whom was a year old.”

Women were also raped in front of other people who were captured with them at road blocks. **Julianne**, aged about 40 and mother of 11 children, fled from her home in Diozon, in Bangolo district, in December 2002. She lived in the bush with her family for three months. During that time, she returned to her village to fetch medicine for her sick children. She told Amnesty International:

“The fighters had set up a road block just outside the village and they said I had to show my identity card or give them 1,000 CFA francs (about 1.50 euro). The boys manning the road block were no more than 18 years old. I was with my cousin, who started to plead with them to show mercy. That word made them very angry and they said they’d kill him if he ever uttered it again. One of them threw me on the ground, tore my dress and raped me; one of them was holding my arms under my body, another was threatening us with his rifle and the third was raping me. There were five people watching but they couldn’t do anything because of the gun pointing at them. When the one raping me had finished his dirty work, they let me go.”

3.3.5 “When he discovered I was Malian, he began assaulting me.”

Women were raped and sexually abused on the basis of their nationality or ethnic or political affiliation. In addition to the Dioula women who were raped and sexually assaulted in December 2000 (see above), many other women were targeted because they had Dioula names and were suspected of being supporters of RDR president, Alassane Ouattara, and of armed opposition groups.

In the days and weeks that followed the uprising, security forces targeted Dioula women and refugees, including Liberians who had fled to Côte d'Ivoire after conflict broke out in their country at the beginning of the 1990s. Amnesty International recorded the testimony of **Mary**, a Liberian refugee woman living in a shanty town on the edge of the Cocody district in Abidjan, who was raped on 27 October 2002 by several gendarmes who had come to search the area: “Men in uniform came aboard two trucks and began searching all the shacks. [Two gendarmes] came to my place and asked me for my identity card. (...) The taller of the two gendarmes (...) pushed me onto my bed and asked me to undress, intimidating me with his Kalashnikov. As I tried to struggle, the gendarme said, ‘Get fucked, you bitch, it’s your men who are killing our relatives, you’ll all see...’ I let him have his way since I was powerless to do anything about it, and a few moments later he had himself replaced, saying ‘It’s your turn’. The two colleagues raped me one after the other while chuckling.” After that assault, she tried to run away via the backyard but she was caught by another group of gendarmes. One of them grabbed her by the hair and dragged her to her room. “He pulled my loincloth (*pagne*) and tore my blouse; when I tried to resist by holding tight to the bed, he threw himself on me and took me from behind. He sodomized me several times. (...) I screamed to let his colleagues know I was in danger. Drawn by the noise, another one — very young that one — got down to it by also taking me from behind. They took pleasure in seeing me suffer like that.”

Government security forces at checkpoints also targeted women whose names identified them as Dioula. For example, **Fatou**, a Malian woman, was on her way to join her partner in Abidjan when she was detained at the Duékoué checkpoint in May 2005. She told Amnesty International how frightened all foreigners were of the checkpoints: "I didn't really want to show my identity papers because friends had warned me about how the security forces behave to foreigners. A soldier asked for my papers and I said I didn't have any. He told me to follow him with my bags and he searched me (...) When he discovered I was Malian, he began assaulting me. The one who searched me (...) put two fingers in my vagina and then wiped them on my body." The soldier came back a few minutes later and asked her to have sex with him: "I said I couldn't and he threatened to shut me up with prisoners who wouldn't hesitate to rape me. He said I had no choice: either I had sex with him or it would be with several prisoners. He dragged me to a car and drove to another place. He told me to wash and then came back and said he wanted to have sex with me. I pleaded with him but he threw me on the floor and raped me and then put two fingers in my vagina. Then he told me to get in the car and, while we were driving, he told me to fellate him and hit me until I did. Then he pulled me out of the car, stripped me and sodomized me." After assaulting her, the soldier let her go. She met a representative of the Malian community in Côte d'Ivoire who took her to the police station to register a complaint. To Amnesty International's knowledge, no investigation has been conducted.

3.3.6 Sexual violence continues fuelled by impunity

Recent information obtained by Amnesty International confirms that women continue to suffer rape and other forms of sexual assault committed with total impunity by all parties, encouraging future rapes. Aggressors, who include members of both government forces and armed groups, as well as their supporters, appear to act in the knowledge that, given their function or connections, they are unlikely to face the consequences of their actions.

Amnesty International learned of the case of a 10-year-old girl raped in Man in May 2006 by a civilian with ties to the New Forces. The girl explained how the man who raped her

"pushed me and I fell. He ripped off my clothes and his. He said if I told anyone about what happened he would kill me. When I got home, I didn't say anything to my grandmother or my mother even though my stomach and my vagina hurt. After a couple weeks, my mother saw I was having a hard time walking. She undressed me and discovered my vagina was infected."

The girls' parents took her to the regional medical centre in Man, where civilians close to the New Forces intimidated medical personnel, preventing them from issuing a medical certificate confirming the rape. After the assault, the girl's health deteriorated and her parents took her to Abidjan in the hope of procuring better medical care.

UNOCI has also documented recent cases in which perpetrators of rape have operated with total impunity. In June 2005, a 19-year-old school pupil was raped in Tiébissou by a

member of the National Armed Forces of Côte d'Ivoire (*Forces armées nationales de Côte d'Ivoire*, FANCI) who threatened her with a Kalashnikov and held a knife to her throat. Despite the seriousness of this crime, the soldier was released after a few months in detention.²⁴ One month earlier, in May 2005, a 28-year-old woman was raped by two members of the Armed Forces of the New Forces (*Forces armées des Forces nouvelles*, FAFN) inside the military barracks in Bouaké.²⁵ No one has been brought to justice for these crimes.

4. END IMPUNITY FOR RAPE AND OTHER FORMS OF VIOLENCE AGAINST WOMEN

4.1 Rape as a weapon of war: a crime against humanity and a war crime

Rape and other forms of sexual violence committed by combatants or fighters during an armed conflict – whether international or non-international – are recognized as crimes against humanity and war crimes under international criminal law.

The Rome Statute of the International Criminal Court (Rome Statute), adopted on 17 July 1998, to which Côte d'Ivoire is a signatory but not a State party, defines rape, sexual slavery, enforced prostitution, enforced sterilization, forced pregnancy and any other form of sexual violence as war crimes, whether committed in an international or non-international armed conflict.²⁶ When such crimes are committed, even one individual act, as part of a widespread or systematic attack against any civilian population, they are crimes against humanity.²⁷

Human rights abuses targeting women in situations of armed conflict are contrary to the fundamental principles of international human rights and humanitarian law. All abuses of this kind, including crimes of sexual violence such as rape and sexual slavery, require effective response, including investigation and prosecution, and reparations for the victims. In Côte d'Ivoire, the widespread way in which rape and other forms of sexual violence have been used with such impunity, particularly in the months following the September 2002 uprising, indicates deliberate strategies by government and armed opposition forces to use rape and other forms of sexual violence against women to instill terror.

²⁴ Report on the human rights situation in Côte d'Ivoire from August to December 2005, UNOCI Human Rights Division, para 135.

²⁵ Report on the human rights situation in Côte d'Ivoire from May to July 2005, UNOCI Human Rights Division, para 130.

²⁶ Rome Statute, Article 8(2)(b)(xxii) and (e)(vi).

²⁷ Rome Statute, Article 7(1)(g).

Under international humanitarian law, rape and other forms of sexual violence are prohibited. Common Article 3 of the Geneva Conventions of 1949 which applies to non-international armed conflict expressly forbids: "(...) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture (...) outrages upon personal dignity, in particular, humiliating and degrading treatment (...)".

Article 4 of Additional Protocol II to the Geneva Conventions, ratified by Côte d'Ivoire in 1989, which applies to non-international armed conflicts, prohibits:

"violence to life, health and physical and mental well-being of persons, in particular murder as well as cruel treatment such as torture, mutilation or any form of corporal punishment; collective punishments; taking of hostages; acts of terrorism; outrages upon personal dignity, in particular humiliating and degrading treatment, rape, enforced prostitution and any form of indecent assault; slavery and the slave trade in all its forms; pillage; (...) threats to commit any of the foregoing acts."²⁸

Acts of violence against women amounting to crimes against humanity and war crimes are subject to universal jurisdiction. This means that, under international law, the authorities in any country where people suspected of such crimes are found can – and must – investigate them, regardless of where the crimes were committed. If there is sufficient admissible evidence, that state must prosecute the suspects, extradite them to a state able and willing to provide a fair trial or surrender the suspects to an international criminal court.

Rape and other crimes of sexual violence committed during armed conflict may also amount to violations of other international treaties to which Côte d'Ivoire is a State party including the UN Convention on the Elimination of all Forms of Discrimination against Women, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the Convention on the Rights of the Child, as well as regional treaties such as the African Charter on Human and Peoples' Rights (African Charter).

The UN Convention on the Elimination of All Forms of Discrimination against Women, which Côte d'Ivoire ratified in 1995, sets out a detailed mandate to secure equality between women and men and to prohibit discrimination against women. In 1992, the Committee on the Elimination of All Forms of Discrimination against Women adopted General Recommendation No.19 which confirmed that the definition of discrimination against women contained in Article 1 of the Convention included violence against women:

"The definition of discrimination includes gender-based violence, that is, violence that is directed against a woman because she is a woman or that affects women

²⁸ Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), Article 4(2).

disproportionately. It includes acts that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty.”²⁹

Côte d'Ivoire is also a state party to the African Charter which specifies that:

“Every individual shall have the right to the respect of the dignity inherent in a human being and to the recognition of his legal status. All forms of exploitation and degradation of man particularly slavery, slave trade, torture, cruel, inhuman or degrading punishment and treatment shall be prohibited.”³⁰

Côte d'Ivoire has also signed, but not yet ratified, the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, which was adopted by the African Union in 2003. The Protocol specifically obliges states to adopt appropriate and effective measures to enact and enforce laws to prohibit all forms of violence against women, including unwanted or forced sex, and to punish the perpetrators of violence against women and implement programmes for the rehabilitation of women victims. It also provides women equal access to justice and equal protection before the law. Article 11 of the Protocol specifically relates to the protection of women in armed conflicts. The Protocol entered into force on 25 November 2005 and had been ratified by 20 states by August 2006.³¹ Pending a final decision on ratification, however, under international law, Côte d'Ivoire is obliged to refrain from any acts which would defeat the object and purpose of the Protocol.³²

Those responsible for crimes against humanity, war crimes and other serious violations of international law, including rape and other forms of sexual violence, must be brought to justice, in accordance with internationally recognized fair trial standards.

²⁹ Committee on the Elimination of All Forms of Discrimination against Women General Recommendation No.19 (Violence against Women), UN Doc. A/47/38, 29 January 1992, para 6.

³⁰ African Charter on Human and Peoples' Rights, Article 5.

³¹ For further information, see Amnesty International, *The Protocol on the Rights of Women in Africa: Strengthening the promotion and protection of women's human rights in Africa* (AI Index: IOR 63/005/2004), June 2004.

³² The Vienna Convention on the Law of Treaties establishes in its article 18 the obligation not to defeat the object and purpose of a treaty prior to its entry into force and expressly stipulates that a State is obliged to refrain from acts which would “defeat the object and purpose of a treaty” when: “(a) it has signed the treaty or has exchanged instruments constituting the treaty subject to ratification, acceptance or approval, until it shall have made its intention clear not to become a party to the treaty; or (b) it has expressed its consent to be bound by the treaty, pending the entry into force of the treaty and provided that such entry into force is not unduly delayed.”

4.2 Bringing the perpetrators to justice

Despite the prevalence of rape and other forms of sexual violence committed in the context of the current political and military crisis in Côte d'Ivoire, virtually no one, to Amnesty International's knowledge, has been prosecuted for these crimes and no victim of rape and sexual violence has received redress and compensation.

The cases of December 2000: despite protests and an official inquiry, impunity has the last word

The total failure to prosecute members of the security forces responsible for the rape and sexual assault of Dioula women detained at the Abidjan Police Training School in December 2000 sent a disturbing signal to future perpetrators that they would not be held accountable for acts of sexual violence against women.

These acts of rape occurred while an Amnesty International delegation was in Abidjan and delegates of the organization were able to meet with the women detained and gather their testimonies. The delegates expressed their concerns regarding these grave human rights violations during a conversation with the then Ivorian Minister of the Interior and Security, Emile Boga Doudou, and in a report made public on 13 December 2000.³³

In the face of reports published and concerns expressed both in Côte d'Ivoire and internationally on these very serious allegations of torture, President Gbagbo ordered an investigation by the Inspector-General of Territorial Administration and Police Services. He submitted his report on 15 December 2000.

His report specifies that the investigators took statements from several of the six women detained at the Police Training School in Abidjan who alleged that they had been raped, and from the director and some of the personnel of the Police Training School.

The report does state in its findings that: "Three (03) of the six girls had been raped after being taken in for questioning." The report also notes in its conclusion: "All those we heard unanimously asserted that there were three instances of rape. They also asserted that all those rapes took place outside the Police Training School, at the time of their detention and before their arrival at the School. Some girls emphasize that the police action was a good thing since it saved them from the rapists and put them in safe keeping at the Police Training School."

The latter statement that the Police Training School constituted a refuge for the detained women is contradicted by all the testimonies gathered by Amnesty International. More serious still, one of the women the Amnesty International delegation met in detention in

³³ Amnesty International, *Côte d'Ivoire: Preliminary conclusions of the investigation conducted by Amnesty International*, 13 December 2000 (Index AI: AFR 31/009/2000).

December 2000 said that the young police cadets were prompted by their superiors to sexually assault the detainees: "The policemen asked young police school recruits to rape me while I was in the shower and I was only able to escape that when I said I was pregnant."

The report clearly states that women have been raped and sexually assaulted after their arrest, under police protection. Regrettably, to Amnesty International's knowledge, the report has not given rise to any legal proceedings against the suspected perpetrators.³⁴ Amnesty International once more raised its concern over the impunity enjoyed by the perpetrators of rape or other forms of sexual violence at a meeting with President Gbagbo in June 2001 in Abidjan. He promised to keep track of the matter, but, over six years after the crimes occurred, no one has been charged. Amnesty International believes that the impunity enjoyed by the perpetrators has opened the way to similar acts, which have increased alarmingly both in number and in gravity since the armed conflict began.

While impunity for serious human rights violations predates the armed conflict in Côte d'Ivoire, it has been aggravated by the total collapse of a functioning justice system in the northern part of the country, held by the New Forces. This collapse was due in large part to the departure of most of the civil servants working in the judiciary who fled to the government-controlled south at the beginning of the conflict. Although some state administration has been redeployed to the territory controlled by the New Forces, full redeployment has been impeded by lack of funding and concerns about the security of returning civil servants.³⁵ The importance of redeploying the judiciary in these zones was clearly stressed by the UN Secretary-General in December 2006 when he stated that: "to be sustainable, the redeployment of state administration should also include the redeployment of the judiciary in the zone of confidence and in the north. UNOCI intends to increase the

³⁴ The refusal of the authorities to prosecute has brought protests from several Ivorian civil society organizations, in particular the Ivorian Association for the Defence of Women's Rights (Association ivoirienne pour la défense des droits de la femme, AIDF). The AIDF president, Constance Yaï, former Minister of the Rights of Women and of the Family, publicly expressed regret, at a press conference in Abidjan in early January 2001, that "the Minister of Security has attached very little importance to these crimes, not deigning to tell us whether those who committed the rapes have been punished as the law requires."

³⁵ According to the Eleventh progress report of the Secretary-General on the United Nations Operation in Côte d'Ivoire, published on 4 December 2006: "The National Committee for the Restoration of State Authority (CNPRA) has indicated that at least half of the 24,437 civil servants displaced by the crisis had been redeployed by October 2006, with 3,962 civil servants redeployed in the west and 8,424 civil servants in the central, eastern and northern parts of the country. The redeployment of the remaining 12,091 civil servants was impeded in part by the funding gap of \$30 million needed for the rehabilitation of infrastructure and the payment of allowances to the civil servants concerned. In addition, the Forces nouvelles should not place any preconditions for the return of civil servants to the north and should guarantee their security. In this connection, the CNPRA is expected to submit a revised redeployment plan." S/2006/939, 4 December 2006, para 34.

presence of civil affairs and rule of law officers throughout the country to support this process.”³⁶

Lack of political will has increased the reluctance of the judiciary in the government-controlled south to investigate cases of rapes and sexual abuse against women by security forces or pro-government groups or militias. In some of the cases highlighted in this report, complaints have been lodged before the military judiciary, but to Amnesty International's knowledge, none of the alleged perpetrators of sexual violence or rape has been brought to trial.

UNOCI has repeatedly denounced this climate of impunity noting that even when the authors of sexual violence were identified and arrested, they were “often symbolically arrested, but quickly released after spending only a few months in detention.”³⁷

Protection of women: part of UNOCI's mandate

When the UN Security Council decided in February 2004 to deploy a UN peacekeeping force to Côte d'Ivoire, it mandated UNOCI notably “to contribute to the promotion and protection of human rights in Côte d'Ivoire with special attention to violence committed against women and girls, and to help investigate human rights violations with a view to help ending impunity.”³⁸ This mandate was reaffirmed by the UN Security Council in January 2007.³⁹

UNOCI monitors the situation of women in Côte d'Ivoire and regularly documents cases of human rights abuses committed against women in its reports on the human rights situation in Côte d'Ivoire published by the UNOCI Human Rights Division.

That the humanitarian and human rights crisis women are facing in Côte d'Ivoire requires a much more pro-active response was recognized by the UN Secretary-General in April 2006 when he announced that “in cooperation with UNDP, UNOCI is developing a project for the creation of a centre for women and girls who are the victims of gender-based violence. The centre will also promote capacity-building in human rights issues, women's participation in peace and electoral processes, and the prevention and control of HIV/AIDS and sexually transmitted diseases.”⁴⁰ However, to date, this centre for women and girls has not been created.

³⁶ Ibid, para 35.

³⁷ Report on the human rights situation in Côte d'Ivoire from August to December 2005, UNOCI Human Rights Division, op. cit. para 133.

³⁸ UN Security Council Resolution 1528 (2004), S/RES/1528 (2004), 27 February 2004, para 6(n).

³⁹ UN Security Council Resolution 1739 (2007), S/RES/1739 (2007), 10 January 2007, para 2(k).

⁴⁰ Eighth report of the Secretary-General on the United Nations Operation in Côte d'Ivoire, UN DOC S/2006/222, 11 April 2006, para 65.

The UN Security Council also mandated UNOCI “to assist the Government of Côte d’Ivoire in conjunction with the African Union, ECOWAS and other international organizations in restoring a civilian policing presence throughout Côte d’Ivoire, and to advise the Government of Côte d’Ivoire on the restructuring of the internal security services.”⁴¹ Joint patrols conducted between UN police and the internal security forces (police and gendarmerie) of Côte d’Ivoire, which resumed in June 2006, have been gradually extended to the entire area controlled by the government, south of the buffer zone.

UNOCI was also mandated “to assist the Government of Côte d’Ivoire in conjunction with the African Union, ECOWAS and other international organizations in re-establishing the authority of the judiciary and the rule of law throughout Côte d’Ivoire.”⁴² UNOCI has stated its intention to increase the presence of civil affairs and rule of law officers throughout the country to support this process.⁴³ However, more than half of the civil servants who fled northern Côte d’Ivoire at the beginning of the conflict have yet to be redeployed there and nearly total impunity for sexual violence has continued.

4.2.1 Rape under national legislation

Rape is a crime in Côte d’Ivoire and is punishable under the Ivorian Penal Code. Chapter 2, section 1, article 354 of the Ivorian Penal Code states that rape is punishable by five to 20 years’ imprisonment. Rape is punishable by life in prison if the perpetrator is assisted by one or more people or if the victim is a minor under 15 years of age.⁴⁴ However, the Ivorian Penal Code does not define “rape,” which could make it difficult for victims to obtain effective remedies, including equal and effective access to justice and adequate, effective and prompt reparation.

Human rights organizations in Côte d’Ivoire, including the the Ivorian Association of Women Lawyers (*Association des femmes juristes de Côte d’Ivoire*, AFJCI) have publicly called on the authorities to include a definition of rape in the Ivorian Penal Code.

The penal code should define rape and other crimes of sexual violence in a way that is consistent with evolving international law. The definition of rape in national law should reflect the most advanced international principles, including some of the better aspects of recent jurisprudence. In particular, the elements of the crime of rape should include: (i) a

⁴¹ UN Security Council Resolution S/RES/1739 (2007), 10 January 2007, para 2(m).

⁴² *Ibid*, para 2(i).

⁴³ Eleventh progress report of the Secretary-General on the United Nations Operation in Côte d’Ivoire, S/2006/939, 4 December 2006, para 35.

⁴⁴ Art. 354. *Le viol est puni de l'emprisonnement de cinq à vingt ans. La peine est celle de l'emprisonnement à vie si l'auteur :*

*1. est aidé dans son crime par une ou plusieurs personnes ;
La peine est également celle de l'emprisonnement à vie si la victime est mineure de quinze ans.*

physical invasion of a sexual nature;⁴⁵ and (ii) the lack of consent of the victim.⁴⁶ Such a definition should specify that rape includes notably the penetration of the vagina or anus using an object, or the insertion of the penis into the vagina or anus without consent. It is a matter of concern that some states have used a narrower definition of rape in their implementing legislation.

4.2.2 International justice

As the Ivorian judicial system has collapsed in the north and is reluctant to pursue cases of rape in the government south, the international justice system must assume a key role in ending impunity for sexual violence in Côte d'Ivoire. Although only a signatory and not a State party to the Rome Statute, the Ivorian government itself seized the International Criminal Court (ICC) in April 2003 in order to determine whether crimes committed on Ivorian territory since 19 September 2002 were within the ICC's jurisdiction.⁴⁷

In February 2005, the Registry of the ICC confirmed that "the Republic of Côte d'Ivoire has accepted the exercise of jurisdiction by the ICC with respect to crimes committed on its territory since the events of 19 September 2002". However, recent developments indicate that the Ivorian government is reluctant to allow the ICC Prosecutor to carry out a preliminary visit to Côte d'Ivoire. The ICC prosecutor, Luis Moreno Ocampo, publicly declared in November 2006 that his office "endeavoured to carry out a mission in Côte d'Ivoire during 2006 for the purpose of preliminary examination. The Côte d'Ivoire government has agreed in principle that a visit can take place but postponed a planned mission earlier this year. We continue to believe that such a mission would be of considerable importance. We will contact the Government of Côte d'Ivoire and renew our request."⁴⁸

Amnesty International believes it is essential that the Ivorian government fully cooperate with the ICC prosecutor, including by removing all obstacles to the ICC prosecutor's visit to Côte d'Ivoire, so that the prosecutor may examine the situation, in particular by looking into gender-based violence, and determine whether or not to open an investigation into the alleged crimes committed in Côte d'Ivoire since 19 September 2002.

⁴⁵ See International Criminal Tribunal for Rwanda (ICTR), Trial Chamber, Prosecutor v. Akayesu, Case No. ICTR-96-4, Judgment, 2 September 1998, para 688. Amnesty International believes that this approach is preferable to the more restrictive one, adopted by the International Criminal Tribunal for the former Yugoslavia (ICTY) jurisprudence and partially incorporated in the Elements of Crimes.

⁴⁶ See Prosecutor v. Kunarac et al., Case No. IT-96-23, Judgment, Appeals Chamber, 12 June 2002, paras 127 and 128. Amnesty International is concerned that the more restrictive approach adopted in this respect in the Elements of Crimes does not take into account the central factor of the victim's free and voluntary consent.

⁴⁷ On 18 April 2003, Côte d'Ivoire issued an ad hoc declaration with the ICC accepting the court's jurisdiction over crimes committed on its territory since 19 September 2002 but it was not until February 2005 that the Registry of the ICC confirmed this declaration had been received.

⁴⁸ Fifth Session of the Assembly of State Parties, Opening Remarks, The Hague, 23 November 2006, pp. 5-6.

5. SURVIVING RAPE: THE PHYSICAL, PSYCHOLOGICAL AND SOCIAL AFTERMATH OF RAPE

“Armed violence and instability have diminished access to even the most basic health and social services in some parts of the country.”

UN Population Fund report 2006

5.1 Physical and psychological trauma of rape

5.1.1 Physical injuries

“I don’t have periods any more, I can’t see properly, and my womb is torn. I find it difficult to sit down, I’d rather lie down all the time.”

36-year-old woman gang raped by armed opposition groups in January 2003

Nearly all the women Amnesty International delegates met who had been victims of sexual violence continued to endure pain and discomfort as a result of the physical injuries they sustained at the time of their rape. Many of the women were suffering from pain in the lower abdomen, uterus and vagina; their menstrual periods were often irregular, some lasting for several weeks and extremely painful. Other women had stopped menstruating entirely. Many of the women had also been beaten, tortured and ill-treated and some reported spitting blood, having difficulty sitting or standing, uncontrollable shivering, blood loss and impaired vision.

A 48-year-old woman gang raped by members of an armed opposition group near Man in April 2003 told Amnesty International: “I’m spitting blood; they beat me a lot while I was there. I have pains in my womb and my vagina.”

A 35-year-old dress-maker of the Baoulé ethnic group who was abducted and raped by members of an armed opposition group in Man in December 2002 told Amnesty International, “I’m sore all over, particularly the womb and vagina. My periods last two weeks. I suffer a lot from memory loss.”

Another woman miscarried after being raped. **Salima**, a Dioula woman born in 1978 who had pieces of wood stuck into her vagina while detained at the Police Training School in Abidjan in December 2000, explained how, three days after her arrest, “Early in the morning I suddenly felt blood flowing between my legs; I had just lost my six-week-old pregnancy.”

The brutality of rape frequently causes serious physical injuries that require long-term and complex treatment including uterine prolapses (the descent of the uterus into the vagina or beyond), vesico-vaginal or recto-vaginal fistulas and other injuries to the reproductive system or rectum, often accompanied by internal and external bleeding or discharge.

Many of the women Amnesty International met had long-term sexual health problems related to their rape, including infertility and pain and difficulty in maintaining normal sexual relations, for physical and/or psychological reasons. Many had not been tested for sexually transmitted infections (STIs), but all of them, particularly those who were gang raped, risked having contracted an STI, notably HIV/AIDS. The risk of HIV/AIDS infection significantly increases when forced sexual intercourse is accompanied by injuries and bleeding, which enhance transmission of the virus. In general, the destruction of genital tissue caused by the violence associated with rape or gang rape, greatly increases the chances of the rapists transmitting STIs to the victim.

Although no accurate statistics are available, it is widely believed that rape and sexual violence committed in the context of the current conflict have worsened the HIV/AIDS crisis in Côte d'Ivoire.⁴⁹ HIV prevalence rates were thought to be significantly higher in regions most affected by the conflict.

Although most of the women Amnesty International met had not had an HIV/AIDS test, either because they were afraid the result would be positive or because they couldn't afford it, some had been able to get tested – and had dared to. One example was a 22-year-old Guéré woman who had been held in a camp near Bangolo with seven other women after being captured by members of an armed opposition group. She was raped for a week, in particular by a man who spoke English. At the end of the week, she was released by one of the fighters who decided that she was “too little”. She told Amnesty International that she had had a test which had shown that she was HIV positive: “I've been given medicines. My whole body aches. I'm losing blood regularly, my vagina and my womb hurt. I haven't had any periods since the rapes. I've lost a lot of weight and I've gotten very thin.” Amnesty International has since learned that this woman died of AIDS.

5.1.2 Psychological trauma

“Sometimes it all comes back into my head: they cut my husband's and mother-in-law's throats in front of me.”

30-year-old woman gang-raped in Man by members of an armed opposition group in December 2002

The devastating psychological consequences for victims of sexual violence include depression, post-traumatic stress disorder, shock, intense feelings of terror, rage and shame, loss of self-esteem, self-blame, memory loss, nightmares and daytime “flashbacks” to the rape. Physical symptoms of psychological trauma include headaches, nausea, stomach pains, rashes, sexual dysfunction, sleeplessness and fatigue. These effects commonly last for years.

⁴⁹ According to the most recent statistics available, the World Health Organization (WHO) estimated the prevalence rate of HIV/AIDS in Côte d'Ivoire at 7 % at the end of 2003, the highest in West Africa. See WHO, Côte d'Ivoire, Summary Country Profile for HIV/AIDS Treatment Scale-Up, December 2005, p. 1.

Many of the victims met by Amnesty International admitted suffering from psychological trauma linked to their rape. This was notably the case of women who witnessed the killing of family members before being taken as sexual slaves. **Mariame**, a 30-year-old Guéré mother of two, told Amnesty International: “We were in Man, with my husband, my mother-in-law and the children, in a group of 11 people. We went into the bush, making for Toulepleu. It was 13 December 2002, we were running, the rebels caught us. Sometimes it all comes back into my head: they cut my husband’s and mother-in-law’s throats in front of me. After they’d killed my family, they took me off as one of their women. The other people who had run away were killed too. When I got to their camp, there were other people; 10 of them had their throats cut and their bodies were left in the bush. A week later five more people had their throats cut, the bodies were rotting all around me. I pleaded with them: ‘Please, please, I’ve got children.’ There were 40 of them, they had sex with me – sometimes it all comes back into my head.” Mariame has since learned she is HIV positive.

The psychological trauma of rape had reportedly caused other victims to have suicidal thoughts. A mother whose daughter was 22-years-old when she was forcibly recruited, repeatedly raped and kept as a sexual slave by members of the MPC in Bouaké in 2002, explained to Amnesty International how her daughter had taken to drugs and alcohol after giving birth to a baby she conceived as the result of her rape. The mother spoke of how the psychological trauma of being raped had affected her daughter: “She says that she can no longer talk to me because her mind is loaded. She tells me that she needs room to breathe and she’s always saying she wants to die, as the suffering has been too great.”

The mental health problems suffered by victims of sexual violence were aggravated by their fear of being rejected by their husbands, their families and communities as well as the fear of having contracted STIs including HIV/AIDS and the fear of unwanted pregnancy.

5.2 The unavailability of health care

The political and military crisis has severely affected health sector infrastructure. In 2006, the UN Population Fund (UNFPA) stated that: “Armed violence and instability have diminished access to even the most basic health and social services in some parts of the country. In particular, the West of the country is affected by the weak presence of local public administration.”⁵⁰ In many regions, particularly in the areas controlled by the New Forces, it is very difficult, even impossible, for women who have been raped to obtain adequate medical care. Health care infrastructure, which was already insufficient and under-resourced before the conflict, has been either largely destroyed or looted by fighters or become obsolete or neglected. Victims of sexual violence all over the country are often unaware of what medical treatment is available.

⁵⁰ UNFPA, CAP 2006, p. 6, http://www.unfpa.org/emergencies/docs/cap2006_brochure.doc

Victims living in areas controlled by the New Forces are cut off from virtually all national public health services. However, some health care is available due to the presence of international medical and humanitarian NGOs. International NGOs such as *Médecins sans frontières* (MSF) provide some emergency care in main northern and western cities such as Man, Danané, Korhogo and Bouaké. Professional psychotherapeutic care to help survivors of sexual violence cope with the psychological trauma is reportedly extremely limited, if not entirely non-existent in isolated areas.⁵¹

There is a serious lack of trained doctors, including gynecologists, obstetricians and other medical personnel in the area under New Forces control. Following the 2002 uprising, over 90 per cent of public health personnel working in these areas were reportedly reassigned to the government-controlled south and health facilities in northern cities and villages were abandoned.⁵² More broadly, it is difficult to convince doctors and nurses to work in rural and isolated areas. The lack of qualified medical personnel in these zones leaves rape victims to seek treatment in large cities, often hundreds of kilometers away or to consult traditional healers whose methods are often ineffective and sometimes cause further harm which can be life-threatening.⁵³ This difficulty is particularly acute in the area controlled by the New Forces, where many victims Amnesty International met were raped, as doctors and nurses are neither paid nor supported by the government.

The lack of material and human resources adds to the ordeal women face after being sexually assaulted. Post exposure prophylaxis (PEP) treatments, which reduce the likelihood of a victim of sexual violence contracting an STI, including HIV/AIDS, if taken within 72 hours of the assault, are virtually unavailable in most parts of Côte d'Ivoire.

Many physical and psychological injuries resulting from rape generally require long-term treatment. The surgical reconstruction of sexual organs in particular may entail several relatively expensive operations. In the current circumstances in Côte d'Ivoire, few women have access to proper treatment due to the lack of functioning health centres and hospitals, equipped with the appropriate drugs, materials and trained personnel.

The impact of the conflict on the availability of healthcare for victims has been clearly highlighted by the World Health Organization (WHO) which reported in December 2005 that: "The political and military crisis in Côte d'Ivoire has limited the national capacity to respond to the HIV/AIDS epidemic for the past few years. Trained health personnel are lacking, and the situation has been aggravated by the displacement of existing human resources towards the non-occupied regions. Existing HIV/AIDS interventions are largely

⁵¹ The International Rescue Committee provides some counseling services, notably in Man and Danane.

⁵² The Global Fund to Fight AIDS, Tuberculosis and Malaria, report released in May 2006.

⁵³ Traditional healers reportedly sometimes advise rape victims to insert bark or crushed glass into their vaginas.

concentrated in Abidjan and some other large cities. Drug prices are prohibitive for most people attending accredited centres. Facilities for laboratory monitoring are inadequate.”⁵⁴

5.3 Inaccessibility of health care

5.3.1 Physical Accessibility

Victims of sexual violence in Côte d'Ivoire, particularly those who live in New Forces controlled areas, are often unable to access the health care facilities that do exist. Healthcare facilities are largely concentrated in Abidjan and a few other large cities. Victims of sexual violence who live in isolated rural areas may be too ill to travel to a healthcare facility and such travel is both costly and dangerous. In order to reach a healthcare facility to consult a doctor, get tested for STIs or receive treatment, in both the government and New Forces controlled areas survivors of sexual violence must pass through a series of roadblocks. Rampant extortion and harassment at roadblocks and the fact that some survivors were originally raped at road blocks inevitably deters some from traveling, denying them access to medical care.

5.3.2 Economic Accessibility

“I did the test and the ultrasound scan, and that cost me 13 000 CFA francs (approximately 20 euros). (...) The doctor diagnosed coagulated blood and recommended an operation that's expensive, costing 250 000 CFA francs (approximately 380 euros).”

35-year-old woman who was abducted near Man in November 2002 and held as a sexual slave by an armed opposition group

Even when it is available, in a country where 38 per cent of the populations lives on less than 1.30 euros a day, the prohibitive cost of health care often prevents rape victims from obtaining the care they need.⁵⁵ The economic inaccessibility of healthcare is particularly problematic for victims of rape. Although not required under Ivorian law, many reports indicate that in practice, in order to have their case investigated by the police and judiciary, survivors must first obtain a medical certificate confirming that they have been raped. The exorbitant price of such a medical certificate, which can cost between 25,000 and 35, 000 francs CFA (between 29 and 41 euros) is a further barrier to seeking redress and eventual compensation and rehabilitation. Amnesty International is concerned not only by the high cost of such certificates but also by the fact that they could expose women to damage or reprisal.

⁵⁴ WHO, Côte d'Ivoire, Summary Country Profile for HIV/AIDS Treatment Scale-Up, December 2005, p. 2.

⁵⁵ UNAIDS, Côte d'Ivoire: Country Situation Analysis, http://www.unaids.org/en/Regions_Countries/Countries/c%C3%B4te_d_ivoire.asp (consulted on 18 January 2007).

5.4 Stigmatization, rejection, social exclusion and poverty

In addition to the physical and psychological trauma of being raped, some of the victims Amnesty International met suffered from social stigma as a result of their rape. Some victims were rejected and abandoned by their fiancés or husbands; others did not tell their husbands for fear of being abandoned or ostracized. **Delphine**, a housewife born in 1958 who was raped by MPIGO militia members in late 2002 told Amnesty International: "My husband doesn't know about it, I haven't told him anything. He wants to have sex with me and I put him off, I've told him I'm exhausted."

Other victims were thrown out by their families or forced to leave the neighborhood in which they were living to escape be stigmatized. **Elisabeth**, a university student, was thrown out by the uncle she had been living with after she was raped by a FESCI member. The uncle accused her of "wanting to get the family into trouble."

A 14-year-old schoolgirl who was raped by a CECOS member had to leave her neighborhood and school for security reasons after the assault and was taken in by a relative.

Some of the victims Amnesty International met suffered extreme economic hardship as a result of their rape. One of the Dioula women detained by security forces at the Police Training School in 2000 reportedly lost her job on account of her ordeal.

One victim of sexual violence who had managed to flee from Bouaké to Abidjan, then had to resort to sex work to support herself and the child to whom she gave birth after being gang raped by MPCCI members. Amnesty International was also able to meet the victim's mother, who emphasized the difficult situation in which her daughter found herself:

"To begin with, she was everybody's woman; she remained in their hands, they got her pregnant and she gave birth. After the birth, she was able to leave the camp and she took to prostitution. She's already destroyed: she's on drugs and she drinks. She told me that several girls had been caught. I find it hard to talk with my daughter."

The virtual impossibility of obtaining effective/adequate medical treatment for the physical and or psychological injuries or illnesses that have resulted from rape constitutes a further violation of the rights to health and to an effective remedy of survivors of sexual violence perpetrated in Côte d'Ivoire.

International standards on the right to health

The right to the enjoyment of the highest attainable standard of physical and mental health is recognized in many human rights treaties to which Cote d'Ivoire is a state party, including the International Covenant on Economic, Social and Cultural Rights⁵⁶ and the UN Convention on the Elimination of all Forms of Discrimination against Women.

In its general comment on the right to health, the Committee on Economic, Social and Cultural Rights has specifically identified as a violation of the obligation to protect the right to health cases where states fail “to protect women against violence or to prosecute perpetrators.”⁵⁷

Under the UN Convention on the Elimination of all Forms of Discrimination against Women Cote d'Ivoire has an obligation to “ensure, on a basis of equality of men and women, access to health care services.”⁵⁸ The Committee on the Elimination of Discrimination against Women has expressly identified how “violence against women put their health and life at risk.”⁵⁹ In its General Recommendation No 24, the Committee further stated :

“The obligation to protect rights relating to women's health requires States parties, their agents and officials to take action to prevent and impose sanctions for violations of rights by private persons and organizations. Since gender-based violence is a critical health issue for women, States parties should ensure:

- (a) The enactment and effective enforcement of laws and the formulation of policies, including health care protocols and hospital procedures to address violence against women and abuse of girl children and the provision of appropriate health services;
- (b) Gender-sensitive training to enable health care workers to detect and manage the health consequences of gender-based violence;”⁶⁰

The Committee has further identified the obligation of states parties to “ensure that adequate protection and health services, including trauma treatment and counseling, are

⁵⁶ Article 12(1) of the International Covenant on Economic, Social and Cultural Rights recognizes “the right of everyone to the enjoyment of the highest attainable standard of physical and mental health”.

⁵⁷ Committee on Economic, Social and Cultural Rights, General Comment No. 14, para 51.

⁵⁸ Convention on the Elimination of all Forms of Discrimination Against Women, article 12.1.

⁵⁹ Committee on the Elimination of all Forms of Discrimination against Women, General Recommendation No 19, UN Doc. A/47/38, para 19.

⁶⁰ Committee on the Elimination of all Forms of Discrimination against Women, General Recommendation No 24, UN Doc. A/54/38/Rev.1, para 15.

provided for women in especially difficult circumstances, such as those trapped in situations of armed conflict and women refugees.”⁶¹

Cote d'Ivoire is also a party to the African Charter, which recognizes the right to health and expressly states that “Parties to the present Charter shall take the necessary measures to protect the health of their people and to ensure that they receive medical attention when they are sick.”⁶²

Furthermore, victims of rape and other forms of sexual violence have the right to effective remedies, including equal and effective access to justice and adequate, effective and prompt reparation for the harm suffered. Effective and prompt reparation includes the right to restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition. The Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law specifically state that “Rehabilitation should include medical and psychological care as well as legal and social services.”⁶³

6. CONCLUSION AND RECOMMENDATIONS

6.1 Conclusion

The current political and military crisis in Côte d'Ivoire has led to the most serious human rights abuses committed in the country since independence in 1960. The humanitarian and human rights crisis provoked by the displacement of hundreds of thousands of people both inside and outside Côte d'Ivoire has increased the vulnerability of women. Women of all ages and origins have been raped by all parties to the conflict and remain without access to effective remedy and medical care.

To Amnesty International's knowledge, virtually none of the perpetrators of these acts of sexual violence has been held accountable. This impunity has fuelled and continues to fuel rapes and sexual assaults.

If justice is essential, the victims of sexual violence in Côte d'Ivoire have a more pressing need: access to healthcare in order to remedy the physical and psychological trauma of rape and other sexual violence to save their lives. As demonstrated in this report, the impossibility for survivors to access adequate and effective medical care is a further violation of their rights.

⁶¹ Ibid, para 16.

⁶² African Charter on Human and Peoples' Rights, article 16(2).

⁶³ Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, adopted by the UN General Assembly on 16 December 2005, para 21.

The scale of rape and sexual violence in Côte d'Ivoire in the course of the armed conflict has been largely underestimated and women have become the forgotten victims of the conflict. Many victims of sexual violence are today suffering and risk dying needlessly while many other women remain at risk of sexual violence. An organized and comprehensive programme must be developed in order to accommodate the various needs of these women.

All parties to the conflict in Côte d'Ivoire as well as civil society, the international donor community and the international peacekeeping missions, notably UNOCI, to pay special attention to violence committed against women and girls and to work together to develop a program of promotion and protection of the human rights.

Amnesty International presents the following recommendations in order to promote a concerted and long term response to the ordeal suffered by women in Côte d'Ivoire in the context of the conflict. Eliminating sexual violence should be a priority for any programme aimed at developing a peaceful solution to the current crisis in Côte d'Ivoire.

6.2 Recommendations

A) TO ALL PARTIES INCLUDING THE INTERNATIONAL COMMUNITY

Condemn violence against women and girls in any circumstances:

Publicly denounce gender-based violence, whenever and wherever it occurs issuing clear warnings or instructions to their forces that violence against women will not be tolerated and that anyone responsible for any form of violence against women will be held accountable and prosecuted.

Involve women fully in peace processes and reconstruction programmes, ensuring the incorporation of gender perspective at all times:

- a) Ensure that women play a key role in the design and implementation of all peace-building initiatives, and access to resources and services;
- b) Ensure that impunity for violence against women by all parties is addressed effectively in the agenda and commitments of the political negotiations during the peace process, and that steps are taken to prevent its recurrence in future;
- c) Incorporate a gender perspective and promote gender equality in all peace processes, agreements and transitional government structures, ensuring that women have the right to participate at all levels of decision-making.

B) TO THE GOVERNMENT OF CÔTE D'IVOIRE

Provide immediate and effective assistance to victims of violence against women and take steps to prevent future violations against women:

- a) Establish, with the assistance of the UN, donors, national and international non-governmental organizations, programmes of humanitarian assistance to victims of rape and other forms of violence against women, including providing emergency health care programmes and rehabilitation;
- b) Ensure that victims of rape and other forms of violence against women have access to appropriate health care, including by providing the necessary funding;
- c) Give priority to programmes that provide medical, social and legal support for victims of rape and other forms of violence against women;
- d) Ensure the funding of appropriate health care, including for women and girls living with HIV/AIDS, in particular those who were raped in the context of the current military and armed crisis;
- e) Launch public awareness campaigns, in cooperation with the UN and national and international non-governmental organizations, to challenge the stigma of victims of rape and other forms of violence against women, as well as for people living with HIV/AIDS;
- f) Conduct, in cooperation with the UN and national and international non-governmental organizations, information campaigns on the prevention of violence against women;
- g) Ensure that economic and social programmes are gender sensitive and respond to the rights of women and girls in conflict and post conflict situations.

Commit to taking concrete measures to end impunity for violence against women:

- a) Ensure that laws, rules, regulations and military orders prohibit violence against women and are implemented;
- b) Ensure that officials suspected of having committed rape or other forms of violence against women are suspended from active duty pending investigation;
- c) Establish adequately funded, independent and transparent monitoring and investigating mechanisms, or adequately support existing national human rights institutions, with the power to promptly investigate any credible allegations of violence against women and make public their findings;
- d) Ensure that competent, independent and impartial national courts have the necessary powers and resources to investigate and to bring to justice suspected perpetrators of serious human rights violations, including rape and other crimes of sexual violence, in accordance with international fair trial standards, without recourse to the death penalty;
- e) Ensure that the procedure for the investigations, judicial and other proceedings are gender sensitive and respect the special needs of women subjected to violence

- including rape and other form of sexual violence, guaranteeing the safety, physical and psychological well-being, dignity and privacy of the victims and witnesses;
- f) Ensure that judges, prosecutors, the police and all other officials in the criminal justice system are trained how to treat victims of rape and other forms of violence against women with dignity and respect, and incorporate the investigation of crimes against women into all training programmes for the police, prosecutors, judges and other officials;
 - g) Ensure all victims of violence against women have access to an effective judicial remedy before national courts and to provide assistance to them in the process;
 - i) Ensure that all victims can obtain all forms of reparation, including restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition;
 - j) Fully cooperate with the ICC's prosecutor, including by removing all obstacles to the visit of the ICC's prosecutor to Côte d'Ivoire, so that the prosecutor can evaluate the situation and determine whether or not to open an investigation into the alleged crimes committed since 19 September 2002;
 - k) Ratify the Rome Statute of the ICC and adopt the necessary implementing legislation;
 - l) Ratify the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa and adopt the necessary implementing legislation;
 - m) Submit all overdue reports to international and regional treaty monitoring bodies, in particular to the Committee on the Elimination of Discrimination against Women;
 - n) Invite the UN Special Rapporteur on violence against women and the African Commission Special Rapporteur on the rights of women in Africa to visit Côte d'Ivoire.

Ensure human rights defenders can carry out their legitimate human rights work without fear of retaliation or punishment by adopting, publishing and implementing a comprehensive policy on the right to defend human rights.

Support efforts to agree an international arms trade treaty to help stop the proliferation of weapons used to commit violence against women and other human rights violations.

C) TO THE COMMANDERS OF THE NEW FORCES

- a) Order all members of the New Forces not to commit human rights abuses, including rape and other forms of sexual violence against women;
- b) Publicly commit to safeguarding human rights and ensure that their members do not carry out human rights abuses;
- c) Remove any members suspected of rape, sexual violence or other human rights abuses from positions and situations where they might continue to perpetrate these abuses;

- d) Publicly denounce gender-based violence, whenever and wherever it occurs, issuing clear warnings or instructions to their forces that violence against women will not be tolerated;
- e) Collaborate with investigations and prosecutions of those suspected of rape and other forms of violence against women.

D) TO THE UNITED NATIONS

- a) Increase UNOCI actions in terms of protection and prevention of sexual abuses against women, notably by creating a centre for women and girls who are victims of gender-based violence as announced by the UN Secretary-General in April 2006;
- b) Provide technical and material support to programmes for the immediate and effective assistance to victims of gender-based violence;
- c) Develop in cooperation with the government and national and international NGOs, public awareness campaigns on prevention of violence against women and aimed to challenge the stigma of victims of rape and other forms of violence against women as well as for people living with HIV/AIDS;
- d) Continue monitoring and publicly reporting human rights abuses committed by all parties to the conflict and insist that the perpetrators be brought to trial and that anyone suspected of serious violations of human rights, including rape and other forms of violence against women, be suspended from active duty pending investigation;
- e) Continue to support the reforming of the justice system in Côte d'Ivoire, including by providing political and technical assistance to ensure the establishment of competent, independent and impartial national courts;
- f) Provide training to members of the armed force, police, law enforcement officials, judges, prosecutors and other officials involved in the criminal justice system on international human rights and humanitarian law, in particular on the right to women and the prohibition of violence against women;
- g) Publish the Report of the UN International Commission of Inquiry into allegations of serious violations of human rights and international humanitarian law occurring in Côte d'Ivoire from 19 September 1999 to 15 October 2004 submitted to the United Nations High Commissioner for Human Rights in October 2004.

E) TO DONORS

- a) Provide technical assistance and funding to programmes for the immediate and effective assistance to victims of violence against women;
- b) Provide technical assistance and funding to the reforming of the justice system in Côte d'Ivoire.