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# CÔTE D'IVOIRE

## Clashes between peacekeeping forces and civilians: lessons for the future

### 1. INTRODUCTION

International peacekeeping forces (French soldiers of the Force Licorne and United Nations (UN) peacekeepers) have played an important role in Côte d'Ivoire since the beginning four years ago of the armed conflict that has resulted in the *de facto* partition of the country. The legitimacy of their presence has, however, been called into question by supporters of President Laurent Gbagbo in the wake of two very serious confrontations – in November 2004 and January 2006 – between Ivorian civilians, the majority of them unarmed, and international peacekeeping forces. During large-scale demonstrations and confrontations with civilians, who had the tacit and at times explicit approval of the security forces and some Ivorian politicians, international peacekeeping forces used lethal force in November 2004 and January 2006. Dozens of civilians were killed and injured. In both cases, the peacekeeping forces maintained that they had acted in self-defence. Political parties and groups professing support for President Gbagbo have, for their part, repeatedly insisted that peacekeeping forces fired live bullets at “*unarmed demonstrators*”. This report is based on information obtained during two investigative missions by Amnesty International – in 2005 and 2006 – following these clashes.

In January and February 2005 a delegation visited Abidjan, the economic capital of the country, to investigate the circumstances in which French soldiers of the Force Licorne used lethal force in November 2004. Amnesty International researchers also investigated attacks against French nationals and Ivorian journalists by self-professed supporters of President Gbagbo, during which the Ivorian security forces failed to intervene to protect them and their property.

Amnesty International has not been able to establish the exact toll of the victims of the clashes in Abidjan of November 2004, although it is clear that dozens of civilians were killed or injured. Amnesty International's delegates were unable, despite requests, to meet either the forensic doctor or the public prosecutor, or to visit the morgues in Abidjan, because the Ivorian authorities had initiated a judicial investigation into these incidents and all information was therefore *sub judice*. Amnesty International has, however, been able to gather a significant number of testimonies from victims and their relatives, as well as from representatives of the Ivorian and French armed forces. There is no doubt that French troops had to confront large numbers of demonstrators, who at times threatened their lives or those of others, and had to evacuate French and other foreign civilians in difficult circumstances. Information gathered by Amnesty International about the circumstances in which French soldiers deployed lethal weapons during confrontations with demonstrators in Abidjan in

November 2004, however, shows that French forces had, in some cases, used excessive force when faced by demonstrators who constituted no direct threat either to their lives or those of others.

In July 2005 the results of Amnesty International's investigation were sent as a confidential memorandum to the Ivorian President and the French Ministry of Defence, with the intention of obtaining their comments and opening a dialogue on the recommendations put forward by Amnesty International to ensure that such incidents did not recur. The Ivorian government has not, to date, responded to Amnesty International. The French Ministry of Defence has sent two letters to the organization denying that French soldiers of the Force Licorne used excessive force. In January 2006 an Amnesty International delegation met representatives of the French Ministry of Defence. Section 4.2 of this report sets out Amnesty International's position and the reaction of the French authorities.

Amnesty International visited Côte d'Ivoire in April 2006 in order to investigate the circumstances in which a Bangladeshi contingent of the United Nations Operation in Côte d'Ivoire (UNOCI) used lethal force in the town of Guiglo, in the west of the country, killing five people and wounding at least 20 others. In June 2006 Amnesty International sent a memorandum to UNOCI officials detailing its concerns and making recommendations for future action. On 10 July a response was received stating that UNOCI had taken several steps to clarify the events of January 2006, including launching an internal UN investigation, and requesting the Ivorian authorities to provide evidence collected in relation to its own investigation, including testimony and autopsy and ballistic reports.

The purpose of this report is to analyze the causes and sequence of events that led to the clashes with demonstrators in November 2004 and January 2006, which involved units of the French army and UNOCI, as well as incidents involving Ivorian government forces. On the basis of the information it has obtained, which includes a number of conflicting accounts, Amnesty International is not in a position to determine the respective responsibilities of these bodies for violations of human rights. Accordingly, the organization is calling for these matters to be examined by independent inquiries whose findings are made public. Amnesty International also in this report makes recommendations to the Ivorian and French authorities, as well as to UNOCI, for immediate measures to be taken to prevent a recurrence of the abuses that occurred in November 2004 and January 2006.

The Ivorian authorities, the French authorities and the UN each have a responsibility to ensure that appropriate investigations and inquiries take place into the conduct of their own forces. In addition, because of the complexity of the background context of the conflict in Côte d'Ivoire together with the interaction of the different peacekeeping and other forces, Amnesty International is calling for the establishment of an international commission of inquiry to consider all the evidence presented in this report and information from the individual inquiries. The purpose of that international inquiry should be to determine the possible respective responsibilities of the French army, UNOCI and Ivorian government

forces for violations of human rights, to examine other matters such as the failure of the Ivorian authorities to intervene to prevent abuses by self-styled “*patriotic*” groups, and to examine contextual factors which may identify important points to be taken into account in future peacekeeping operations. All inquiries should apply the legal framework of international human rights and humanitarian law and comply with the standards set out in the UN Model Protocol for a legal investigation of extra-legal, arbitrary and summary executions.<sup>1</sup>

The need for independent inquiries which will publish their findings is all the more pressing because such inquiries as have been initiated to date have been inadequate in that they have not met the requirements of international standards for an independent inquiry or published their findings. The French Ministry of Defence has indicated that it has undertaken an internal inquiry into the events of November 2004 and has concluded that French forces were not responsible for any breach of international law. The UN has informed Amnesty International that it has launched an internal inquiry into the events of January 2006.

In view of the allegations of excessive use of force by the French military and by UNOCI, which could have wide ranging implications of the lessons learned for peacekeeping operations in the future, Amnesty International does not believe that such internal inquiries are sufficient. The inquiries should apply the legal framework of international human rights and humanitarian law and examine allegations of possible excessive use of force in light of international standards on the use of force and firearms by law enforcement officials in order to establish possible individual responsibility and deficiencies in military operations. It is also important that the inquiries draw lessons for the future, in particular about the need to ensure that peacekeeping forces are equipped with non-lethal weapons and are given proper training on law enforcement and crowd control that would allow them to respond appropriately and proportionately to any similar situations that they may face in the future. The inquiries must be independent of the forces concerned and their findings must be made public.

The Ivorian authorities, for their part, have done nothing to end the hostile public statements, frequently xenophobic in nature, directed against France, the UN and the international community, as well as against political opponents of President Gbagbo. The attacks on Ivorian political opponents and French nationals during the events of November 2004 in Abidjan and against UNOCI personnel and premises in January 2006 can only be understood in the context of this climate of hostility, fostered by years of xenophobic rhetoric. Amnesty International is also concerned about the impunity that the perpetrators of these

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<sup>1</sup> UN Model Protocol for a legal investigation of extra-legal, arbitrary and summary executions (“Minnesota Protocol”), Section III of the UN Manual on the effective prevention and investigation of extra-legal, arbitrary and summary executions, New York, United Nations, 1991 (ST/CSDHA/12, Sales No.: E.91.IV.1, ISBN 92-1-130142-4). The Manual supplements the UN Principles on the effective prevention and investigation of extra-legal, arbitrary and summary executions, adopted by the Economic and Social Council in its resolution 1989/65 of 24 May 1989.

attacks continue to enjoy, and about the lack of action by the security forces, who have taken no steps to prevent violence.

The factors that led to these clashes and casualties remain and could result at any time in further confrontations and human rights violations. Above all, the continuing effectiveness of the international community's intervention in Côte d'Ivoire is at stake. Only a determined response by the UN and peacekeeping forces can prevent the conflict, which has torn the country apart for four years, from having a long-term destabilizing effect on the entire sub-region. An international independent commission of inquiry which examines the Côte d'Ivoire context and the demands made on, and the responses by, the peacekeeping forces there, identifies errors that have been made and the reasons for them, and makes recommendations for the future, and whose recommendations are implemented, would do much to restore the legitimacy and credibility of peacekeeping forces in the eyes of many Ivorians. Otherwise, these events could inflict long-lasting damage on the credibility of peacekeeping initiatives by the international community, not only in Côte d'Ivoire, but worldwide.

## 2. THE NOVEMBER 2004 CLASHES

In November 2004, four days of confrontations between Ivorian civilians and French soldiers of the Force Licorne resulted in dozens of dead and injured. These clashes were the most serious and bloody between Ivorians and French soldiers since the country gained independence in 1960. Amnesty International has not been able to establish the exact toll of the victims of the clashes between French soldiers and demonstrators in Abidjan in November 2004. Ivorian and French authorities have given completely contradictory figures of the number of victims. In an official statement read to the Council of Ministers on 25 November 2004, the Ivorian Minister of State for Health and Population asserted that, according to hospital sources, by 24 November 2004, 57 deaths and 2,226 wounded had been registered. This number did not take into account military sources. The statement specified: "*Of the 2,226 wounded referred to the principal health facilities, those wounded by bullets or shrapnel accounted for some 10 per cent and the remaining 90 per cent had suffered from the collateral effects of the demonstrations, that is: being crushed underfoot, knife wounds or wounds from traditional firearms (buckshot).*"<sup>2</sup> For the French authorities, the Minister of Defence acknowledged on 30 November 2004 that "*some 20 Ivorian civilians and military personnel*" had been killed during the events of 6 to 9 November 2004. The French authorities justified the use of lethal weapons, however, by the principle of self-defence and the need to protect its nationals from attacks, looting and rape by Ivorian civilians.

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<sup>2</sup> This report covered all victims of the events that occurred between 5 and 11 November 2004 in several regions of the area under government control.

Amnesty International sent a delegation to Abidjan in January and February 2005 to undertake research. This report includes witness accounts gathered during its investigations. Amnesty International's delegates met representatives of the Ivorian and French armed forces as well as victims of the confrontations. Investigations concentrated mainly on the events that shook Abidjan during the four days from 6 November 2004 to 9 November 2004: clashes between Ivorians and French soldiers, but also attacks on French nationals and others associated with the French and on Ivorian opposition politicians and journalists. This report does not therefore address other incidents that occurred during the same period elsewhere in the country, in particular, the inter-ethnic conflicts in the region of Gagnoa in the west, and the situation in the north, where the population has been subjected to shelling by the government air force and deliberate cuts in the water and electricity supply.

Amnesty International has obtained information about attacks on French nationals and others identified with the French. The French authorities have also drawn attention to cases of rape or attempted rape. Most were committed by Ivorian civilians, while the Ivorian security forces failed to intervene to assist the victims of these attacks. These acts of violence occurred in an climate of patriotic mobilization against "*the aggression of French troops*", strongly supported by the "Jeunes Patriotes" (Young Patriots), a loosely defined movement that claims to defend Côte d'Ivoire against internal and external enemies and that unashamedly uses blatantly xenophobic rhetoric.<sup>3</sup>

It is important to emphasize that Ivorian politicians and journalists were also assaulted during these events and that there were serious attacks on freedom of expression, in particular by Ivorian civilians associating themselves with the "Jeunes Patriotes". In these instances, too, the security forces apparently did nothing to come to the aid of Ivorians who were targeted because of their perceived political beliefs.

## **2.1 The contentious role of French forces in Côte d'Ivoire**

France reinforced its troops in Côte d'Ivoire from 22 September 2002, that is, three days after the uprising by former Ivorian military personnel who seized control of the northern part of the country. This intervention resulted in a *de facto* halt in hostilities, securing the positions of the two parties along a line that cut through the middle of Côte d'Ivoire.

The intervention by the French army in Côte d'Ivoire was immediately criticized by both parties to the conflict, each in turn accusing the Force Licorne of supporting the other

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<sup>3</sup> This "*patriotic*" movement is composed of members of several organizations, notably the Congrès panafricain des jeunes patriotes (COJEP), Panafrican Congress of Young Patriots, and the Fédération estudiantine et scolaire de Côte d'Ivoire (FESCI), Ivorian Federation of Students and School Pupils.

side.<sup>4</sup> Consequently, from 22 October 2002, several thousand demonstrators staged a protest outside the base of the French 43<sup>rd</sup> Bataillon d'infanterie de marine (BIMA), Marine Infantry Battalion, denouncing “*treacherous France*” and its “*army in complicity with the rebels*”.<sup>5</sup> French soldiers resorted to using sound grenades and tear gas to disperse demonstrators, some 20 of whom were slightly wounded.

As well as being criticized by supporters of President Gbagbo, France was also denounced by the armed elements that had taken control of the northern part of the country (later called the Forces nouvelles, New Forces). In particular, on 15 December 2002, they organized a demonstration in protest “*against the occupation of Côte d'Ivoire by France*” in Bouaké, the main town held by the insurgents, and submitted a statement to the French soldiers criticizing “*the complicity*” of France in the “*massacres*” committed by the regime – “*genocidal and destructive of freedom*” – of President Gbagbo.<sup>6</sup>

Criticisms of France increased noticeably in Abidjan after the signing of the Linas-Marcoussis Agreement, a peace agreement signed by the government, various armed groups and political parties in January 2003.<sup>7</sup> On 28 January 2003, thousands of “*Jeunes Patriotes*”, professing support for President Gbagbo, demonstrated in the streets, shouting slogans such as “*French out, Americans in!*”, “*Jacques Chirac and Bin Laden – one and the same*” and “*American friends, help rid us of the French terrorists and their hordes*”.<sup>8</sup>

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<sup>4</sup> It is, however, necessary to point out that some civil society groups as well as some opposition political parties, including the Parti démocratique de Côte d'Ivoire (PDCI), Democratic Party of Côte d'Ivoire, the former single party, and the Rassemblement des Républicains, Rally of Republicans, the party of Alassane Ouattara, had on several occasions expressed support for the presence of French troops and, more generally, UN troops, whom they considered the only guarantee for compliance with the ceasefire and a peaceful resolution of the conflict, thus preventing further serious human rights violations.

<sup>5</sup> Article published in the French daily newspaper *Le Monde*, 23 October 2002, entitled “*Violent demonstration denouncing Paris, Tuesday, in Abidjan*”.

<sup>6</sup> In the same vein, Guillaume Soro, one of the leaders of the armed elements that subsequently assumed the name of Forces nouvelles, declared at a press conference held in Lomé on 13 December 2002 that he considered the French presence as “*inexplicable and intolerable foreign interference*”, quoted in the Ivorian daily newspaper *Fraternité Matin*, 17 December 2002.

<sup>7</sup> In January 2003, the Ivorian government, the various armed opposition groups and political parties signed an agreement at Linas-Marcoussis, near Paris, in which they committed themselves to forming a government of national unity, beginning a process of disarmament, and bringing before Parliament several laws aimed at resolving the Ivorian conflict, in particular in relation to eligibility for the Presidency of the Republic, prerequisites for acquiring Ivorian nationality and reform of rural land ownership rights.

<sup>8</sup> See, in particular, the article of 29 January 2003 in the Ivorian daily newspaper *Notre Voie* entitled “*The Ivorian people appeal to Bush and the American people to come to their aid*”, and the article appearing the same day in the daily newspaper *Fraternité Matin* entitled “*President Bush, please help Côte d'Ivoire*”.



### The legal framework for the presence of French troops in Côte d'Ivoire

France and Côte d'Ivoire have been bound by several bilateral military agreements since independence in 1960, including a general defence agreement signed in April 1961. Within the framework of this military cooperation, French troops, that is, the 43<sup>rd</sup> Bataillon d'infanterie de marine (BIMA), Marine Infantry Battalion, comprising some 600 soldiers, were permanently based at Port Bouët, near Abidjan.

When armed elements led by former soldiers of the Ivorian army rose up against the government of President Gbagbo on 19 September 2002, the Ivorian authorities requested military intervention by France, maintaining that the insurgents were backed and had been armed by several neighbouring countries, in particular Burkina Faso, Liberia and Sierra Leone. The French government believed that the insurrection was an internal Ivorian matter and could not therefore be considered as "*blatant external aggression*" which could justify military intervention by France in support of the government of Laurent Gbagbo.

The French government, however, immediately sent troops to secure the safety of French nationals and other foreigners. In January 2005, a report drafted by French parliamentarians specified the legal basis for the deployment of French troops in Côte d'Ivoire following the beginning of the armed conflict in September 2002:

*"From 22 September [2002], French military reinforcements were deployed in order to ensure the safety of foreign nationals, under the principle of international customary law which allows a state to protect its own nationals abroad: constituted from the 43<sup>rd</sup> Marine Infantry Battalion, comprising 511 soldiers and based at Port Bouët, near Abidjan, the French military response was designated Operation Licorne."*<sup>9</sup>

The Economic Community of West African States (ECOWAS) subsequently entrusted French forces with monitoring the ceasefire signed on 17 October 2002 and observing the ceasefire line ("*ligne de non-franchissement*") which separated the two parties. This decision seemed to have been taken especially in order to allow monitoring of compliance with the ceasefire until the deployment of ECOWAS peacekeeping troops, who did not arrive in Côte d'Ivoire until March 2003.

The presence and role of French troops, which had increased to 4,700 soldiers before the events of November 2004, was subsequently endorsed and clarified by several UN Security Council resolutions.

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<sup>9</sup> Report prepared for the Foreign Affairs Committee in accordance with the provisions of Resolution No. 1968, relating to the creation of a commission of inquiry into the circumstances in which the Government intervened in the Côte d'Ivoire crisis after 19 September 2002, National Assembly, Report 2032, 18 January 2005, <http://www.assembleenationale.fr/12/rapprts/r2032.asp>.

UN Security Council resolution 1464 of 4 February 2003 authorized “*Member States participating in the ECOWAS forces in accordance with Chapter VIII together with the French forces supporting them to take the necessary steps to guarantee the security and freedom of movement of their personnel and to ensure, without prejudice to the responsibilities of the Government of National Reconciliation, the protection of civilians immediately threatened with physical violence within their zones of operation, using the means available to them...*”. In Resolution 1479 of 13 May 2003, the Security Council established “*a United Nations Mission in Côte d'Ivoire (MINUCI), with a mandate to facilitate the implementation by the Ivorian parties of the Linas-Marcoussis Agreement, and including a military component..., complementing the operations of the French and ECOWAS forces*”.<sup>10</sup>

The UN Security Council confirmed the legitimacy of the presence of French troops. This was clearly articulated in Resolution 1528 of 27 February 2004 that authorized the deployment of the United Nations Operation in Côte d'Ivoire (UNOCI) for a period of 12 months.<sup>11</sup> In this resolution, the Security Council authorized French forces to: “*use all necessary means in order to support UNOCI... and in particular to: contribute to the general security of the area of activity of the international forces, intervene at the request of UNOCI in support of its elements whose security may be threatened, intervene against belligerent actions, if the security conditions so require, outside the areas directly controlled by UNOCI, help to protect civilians, in the deployment areas of their units.*”<sup>12</sup>

The UN Security Council has therefore endorsed the presence and role of French troops in Côte d'Ivoire. The Force Licorne, however, was not integrated into UNOCI peacekeeping forces. Its role, as defined by the UN Security Council, was to “*support*” UNOCI in the implementation of its mandate.

Shortly after the events of November 2004, a further UN Security Council resolution confirmed the legitimacy and role of French troops in Côte d'Ivoire. Resolution 1572 of 15 November 2004 imposed an arms embargo on Côte d'Ivoire with immediate effect and provided for the freezing of financial assets and restrictions on travel abroad of anyone threatening the peace process and national reconciliation in Côte d'Ivoire. It specified that the

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<sup>10</sup> UN Doc. S/RES/1479 (2003), 13 May 2003, para. 2.

<sup>11</sup> Comprising more than 6,000 personnel, UNOCI has a mandate: 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, Ivorian institutions 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 restoring law and order, the judicial system and the rule of law.

<sup>12</sup> UN Doc. S/RES/1528 (2004), 27 February 2004, para. 16.

Security Council “reiterates its full support for the action undertaken by UNOCI and French forces in accordance with their mandate under resolution 1528 (2004)”.<sup>13</sup>

Since then, the Security Council has successively renewed the mandate of UNOCI and the Force Licorne. Most recently, in January 2006, Resolution 1652 specified that “the respective mandates of the United Nations Operation in Côte d’Ivoire (UNOCI) and of the French forces which support it shall be extended until 15 December 2006.”<sup>14</sup>

Faced with international support for the Force Licorne, supporters of President Gbagbo alternated between appeals for calm and criticism, veiled or overt, of French policy, depending on the prevailing political climate. One of the largest anti-French demonstrations took place shortly after an attack launched by unknown armed elements against the *Forces armées nationales de Côte d’Ivoire* (FANCI), National Armed Forces of Côte d’Ivoire, and Force Licorne troops on the 7 June 2004 in the village of Gohitafla in the central western region of Côte d’Ivoire. Some politicians close to President Gbagbo accused French soldiers and UNOCI peacekeeping forces of having helped the “*assailants*”<sup>15</sup> by providing transport or disguising them as peacekeepers.<sup>16</sup>

An Ivorian human rights defender told Amnesty International that during these demonstrations the “*Jeunes Patriotes*”, professing support for President Gbagbo, demonstrated in front of the French Embassy, throwing stones and setting fire to tyres.

*“White people were really hunted down. I saw French civilians attacked in their cars. The demonstrators also attacked UNOCI vehicles, some of them shouting: ‘All of you must go out and get a Frenchman’. I saw Ivorian security forces watching without making any attempts to stop it.”*

Two weeks later, on 21 June 2004, President Gbagbo strongly condemned the violence directed against France and its nationals, stating specifically that: “*France is not our enemy. The French living in Côte d’Ivoire are not our enemies. The UN is not our enemy.*”<sup>17</sup>

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<sup>13</sup> UN Doc. S/RES/1572 (2004), 15 November 2004, para. 2.

<sup>14</sup> UN Doc. S/RES/1652 (2006), 24 January 2006, para 1.

<sup>15</sup> “*Assailants*” is the generic term given by the “*Jeunes Patriotes*” and the press supporting President Gbagbo to designate the armed elements of the *Forces nouvelles*.

<sup>16</sup> A United Nations report stated that this attack “*spurred violent anti-french protests in Abidjan, San Pedro and Man, by Jeunes Patriotes, supporters of President Gbagbo. Apart from the destruction of an unknown number of civilian vehicles and the harassment and physical attack on French citizens, over 39 UNOCI vehicles were destroyed along with several UNOCI watch posts in San Pedro.*”. See OCHA, Humanitarian Situation Report Nr. 29 June 2004.

<sup>17</sup> Article published by *Le Monde* on 22 June 2004 entitled “*Conciliatory words for France and the United Nations from the Ivorian President*”.

## 2.2 The immediate causes of the clashes of November 2004 in Abidjan

From the morning of 4 November 2004, Ivorian government forces launched an attack against positions held by the Forces nouvelles. Several air raids, in particular by Sukhoï fighter-bombers, were directed against the towns of Bouaké and Korogho in the north of the country, resulting in several deaths and injuries. This attack, which ended the ceasefire that had held for 18 months, was strongly condemned by the entire international community and, in particular, the UN Security Council.<sup>18</sup>

Even before the government launched its offensive on 4 November 2004, many observers feared a resumption of hostilities because the two parties had not reached agreement on several key elements for a peaceful resolution to the conflict. The main stumbling block emanated from President Gbagbo's insistence that disarmament of the Forces nouvelles had to precede the passing of several pieces of legislation anticipated in the Linas-Marcoussis Agreement,<sup>19</sup> while the Forces nouvelles insisted that these political reforms be adopted before the start of any disarmament process.

This stalemate prevented the start of the disarmament process, scheduled for 15 October 2004, plunging the country into an impasse. During a press conference in Abidjan on 16 October 2004, Pascal Affi N'Guessan, chairman of the Front populaire ivoirien (FPI), Popular Ivorian Front, the party of President Gbagbo, requested the head of state: "*to respond to all the consequences of this situation; to establish a government of national security; and to mobilize and take action to liberate occupied areas and restore the authority of the state, without waiting for all political, diplomatic and military means to be in place.*"<sup>20</sup>

The refusal by the Forces nouvelles to disarm also provoked demonstrations in protest by the "Jeunes Patriotes", who had already called for a resumption of conflict in order to "*liberate the country*". These demonstrations took place in Abidjan, as well as in other towns, notably in Gagnoa and Duékoué, in the west of the country.

In the days preceding the government offensive against positions held by the Forces nouvelles, a more radical stance by all political parties was also evident. Forces close to President Gbagbo called for the resignation of Seydou Diarra, Prime Minister of the Government of National Reconciliation established after the Linas-Marcoussis Agreement,

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<sup>18</sup> In Resolution 1572, adopted on 15 November 2004, the Security Council condemned "*the air strikes committed by the national armed forces of Côte d'Ivoire (FANCI) which constitute flagrant violations of the ceasefire agreement of 3 May 2003 and demands that all Ivorian parties to the conflict, the Government of Côte d'Ivoire as well as Forces nouvelles, fully comply with the ceasefire*", UN Doc. S/RES/1572 (2004), 15 November 2004, para.1.

<sup>19</sup> Proposed legislation related notably to: eligibility for the Presidency of the Republic, prerequisites for acquiring Ivorian nationality and reform of rural land ownership rights.

<sup>20</sup> Quoted in the daily newspaper *Notre Voie*, official voice of the FPI, on 18 October 2004.

while the Prime Minister and opposition political parties decided to boycott the meeting of the Council of Ministers on 3 November 2004. The following day, government forces launched an aerial offensive against Forces nouvelles positions.

The failure by French and UN troops to act in response to this violation of the ceasefire provoked consternation among supporters of the Forces nouvelles. On 6 November 2004, they attacked the French military barracks in the town of Man, in the west of the country, and called for the French contingent to leave, accusing soldiers of the Force Licorne of “*complicity with the Gbagbo regime*”.<sup>21</sup>

### ***2.2.1 The bombing of French military barracks in Bouaké***

The pace of events quickly accelerated. On 6 November 2004, planes of the Ivorian armed forces shelled a French military barracks in Bouaké, resulting in the deaths of nine soldiers and an American citizen working for a humanitarian non-governmental organization. Immediately after this incident, French troops of the Force Licorne almost totally destroyed the Ivorian air fleet.

In February 2005, during a meeting with the Amnesty International delegation, Major General Henri Poncet, commander of the Force Licorne, justified the French military reaction by stating:

*“It was not an unfortunate mistake, the aggression [by the Ivorian armed forces] was deliberate and intentional, there was no misunderstanding. We were no longer within the confines of [Resolution] 1528; France was in a position of self-defence, we had to carry out the orders of the French government in order to prevent further strikes. The Ivorian planes were destroyed on the ground, no one was in them.”*

For much of the Ivorian population living in the area under government control, this action was perceived as unprovoked aggression, all the more so since at that time many Ivorians did not know that French soldiers had been killed by government armed forces.

Very shortly afterwards, rumours that French troops were about to overthrow President Gbagbo compounded this reaction to what was seen as an unjustified attack. Many witnesses to whom Amnesty International delegates spoke emphasized that fears of a coup were based primarily on the fact that soldiers of the Force Licorne had launched a military

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<sup>21</sup> During a meeting in Abidjan in February 2005, when questioned by Amnesty International about the reasons for this “*inaction*” by UN and French forces, Major General Henri Poncet, Commander of the Force Licorne, pointed out that these forces had no mandate to intervene: “*The enabling decree of Resolution 1528 requests UN and French forces to ‘monitor and report’.* In order to intervene in such a case, the rules of engagement would have to be modified”.

operation to take control of Abidjan airport on the afternoon of 6 November 2004. Many Abidjan residents, galvanized by calls in the media from the "Jeunes Patriotes", saw the French military intervention in Abidjan as a coup attempt aimed at installing Alassane Ouattara, the main political opponent of President Gbagbo, as head of state. Some rumours went as far as claiming that Alassane Ouattara was already in Gabon ready to take off for Abidjan aboard a French plane.<sup>22</sup>

Several accounts gathered by the Amnesty International delegation in January 2005 stressed the role played by these rumours in the mobilization of some sectors of the population against French soldiers of the Force Licorne. An Ivorian teacher of French told the delegation that on 6 November: "*in the evening, we heard that they wanted to make an attempt on the life of the head of state and that they were firing at his residence. When we heard that, we made our way towards his residence; there was a crowd of people; we sang out until the early hours.*"

One particular incident exacerbated fears of a coup against President Gbagbo: the fact that a column of French tanks that had arrived from Bouaké found itself in front of President Gbagbo's residence at dawn on 8 November 2004. Denying any intention to overthrow the Ivorian head of state, officials of the French forces insisted that they had simply taken the wrong turning. One of the most senior officials of the Force Licorne explained to Amnesty International: "*At the crossroads, instead of continuing straight ahead in the direction of the Hôtel Ivoire and turning off at the next crossroads, our guide turned left and we inadvertently found ourselves in front of the President's residence.*" For many of the residents of Abidjan who had protested for two days against the actions of the French army, such a mistake was inconceivable. A witness told Amnesty International that on 8 November: "*we headed towards the RTI [Radio-télévision ivoirienne, Ivorian radio and television] and the head of state's residence; planes flew over the city but we heard no firing. Then, we were informed that a large number of tanks were at the head of state's residence.*"

Newspapers supporting the policies of President Gbagbo also played a decisive role. On 8 November 2004 the daily newspaper *Notre Voie* published an article entitled "*France declares war on Côte d'Ivoire*" that began in the following terms:

*"We have always said that it was France who was really behind the Ivorian rebellion that aimed to bring down the Gbagbo government. Things have since become clear for anyone who still had doubts. Since the day before yesterday, Saturday, 6 November, Chirac's France has officially declared war on Côte d'Ivoire. In fact, using as a pretext the accident that occurred at Bouaké during fighting between*

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<sup>22</sup> In an article in *Notre Voie* on 8 November 2004 entitled "*The French come to the aid of the rebels*", the journalist Franck Dally evoked an image of "*Dramane Ouattara, who it seems is putting the finishing touches to his speech to be made on assuming power in Côte d'Ivoire in the Gabonese capital*".

*Defence and Security Forces and rebels at Bouaké, which is reported to have resulted in eight deaths and 15 wounded in the French military barracks, the Force Licorne, on the orders of Jacques Chirac, has put into effect what it had long been concocting. To declare all-out war against the Ivorian army after the failure of the rebellion that their country had instigated in order to bring down the government of President Laurent Gbagbo. So, on Saturday, France destroyed all the combat aircraft acquired by Côte d'Ivoire at great cost and attacked the head of state's residence at Yamoussoukro."*

### **2.2.2 The impact of xenophobic rhetoric**

Over and above these particular incidents, the decisive role played over many years by the xenophobic rhetoric spread by some newspapers and politicians must be stressed: foreigners living in Côte d'Ivoire – and more widely all Ivorians originating from the north of the country and of Muslim heritage – have been accused of being responsible for the economic and subsequent political crises that the country has experienced for more than a decade.

#### **Xenophobic rhetoric in the name of 'ivoirité'**

In the name of a theory known as "*ivoirité*" ("*Ivorianness*"), developed by some intellectuals close to former President Henri Konan Bédié, some news media and politicians have for around a decade increasingly made calls and published articles setting "*true*" Ivorians against the "*allogenuous*" (*allogène*) population, commonly known as Dioulas. 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 (Mali, Burkina Faso, Guinea, Senegal etc.).

The theory of "*ivoirité*" was developed in particular during a conference that took place in Abidjan in March 1996 under the rubric "*Ivoirité*", or the spirit of the new social contract of President H.K. Bédié. One of the participants provided a definition of "*ivoirité*" that drew on an analysis of both economic and psychological factors:

*"Several factors can be shown to justify the disquiet of Ivorians. First of all, the large number of foreigners in Côte d'Ivoire [...] added to a high rate of immigration and a high birth rate [...]. Foreigners [...] occupy a dominant and sometimes overwhelming place in the Ivorian economy. This foreign presence therefore threatens to destroy the socio-economic balance of the country. Secondly, striving to understand what it is to be Ivorian goes back to the search for a national cultural identity. [...] Finally, what it is to be Ivorian is an expression of the political claim to be at home in your own country. [...] "Ivoirité" is, we believe, a requirement of sovereignty, identity, creativity. The Ivorian people must first of all*

*assert their sovereignty, their authority in the face of threats of dispossession and subjugation: whether it concerns immigration or economic and political power.*"<sup>23</sup>

These expressions of xenophobia found a fertile breeding ground in the economic crisis that had gripped the country since the beginning of the 1990s when the price of cocoa, the country's main commodity, collapsed. Tensions were exacerbated when former Prime Minister Alassane Ouattara declared his candidature in the presidential election of 2000 but was refused the right to take part on the grounds that he was Burkinabè, not Ivorian.

Following the armed insurrection of 19 September 2002, the Dioulas as a whole were considered "*rebels*" by some news media and political leaders close to the President. This resulted in serious abuses against the Dioulas, in particular extrajudicial executions and "*disappearances*".

The frequent xenophobic pronouncements against the French, and the international press in general, by "Jeunes Patriotes" professing support for Laurent Gbagbo should be viewed in this context. The role of this xenophobic rhetoric in exacerbating existing tensions in Côte d'Ivoire was clearly demonstrated in March 2004 by Doudou Diène, the UN Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance:

*"... Côte d'Ivoire seems to be caught up in a dynamic of xenophobia stemming, in his view, from a concatenation of several factors, which, if proper solutions are not found urgently, may lead to the emergence of real xenophobia. Firstly, the imposition of the multiparty system introduced in 1990 on the multi-ethnic situation literally triggered the latent ethnic and cultural tension. In addition, in this context, the instrumentalization of the ethnic group in politics and the media constituted a temptation which politicians were unable to resist. The emergence of the concept of 'ivoirité' ('Ivorianness') in 1995 was given an ethnicist interpretation and profoundly influenced the political debate. Lastly, the irruption of war, which took the form of manifestations of ethnic violence, had a radicalizing effect and constitutes a major factor in this dynamic of xenophobia."*<sup>24</sup>

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

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<sup>23</sup> Proceedings of Conference organized by the *Cellule universitaire de recherche et diffusion des idées et actions du Président Bédié* (CURDIPHE) 20 to 23 March 1996, published under the direction of Saliou Touré, in *Politique africaine*, No. 78, June 2000, Karthala, Paris, pp. 65-66.

<sup>24</sup> Report submitted on 4 March 2004 to the UN Commission on Human Rights (UN Doc. E/CN.4.2002/18/Add.4). Amnesty International has also on several occasions denounced the repercussions of this trend towards xenophobia on respect for human rights. See, in particular, the press release published on 9 November 2004, *Renewed violence against civilians and incitement to xenophobia must stop immediately* (AI Index: AFR 31/012/2004).



on 15 November 2004 which demanded that “*the Ivorian authorities stop all radio and television broadcasting inciting hatred, intolerance and violence*”.<sup>25</sup> For his part, in December 2004 the UN Secretary-General denounced the fact that “*tensions in Abidjan*” were “*fuelled by messages broadcast on State-run radio and television by supporters of President Gbagbo inciting hatred and violence against the French forces and also French citizens*”.<sup>26</sup>

The government has an obligation to undertake a range of measures to prevent any advocacy of national, ethnic or racial hatred. This obligation is set out in several international instruments, including the International Covenant on Civil and Political Rights, to which Côte d'Ivoire is a party, which states in Article 20: “*Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.*” More specifically, the International Convention on the Elimination of All Forms of Racial Discrimination, to which Côte d'Ivoire is a party, requires states to prohibit and bring to an end racial discrimination by any persons, group or organization. Article 7 of that Convention requires States to “*adopt immediate and effective measures, particularly in the fields of teaching, education, culture and information, with a view to combating prejudices which lead to racial discrimination and to promoting understanding, tolerance and friendship among nations and racial or ethnical groups*” as well as human rights principles. Article 4 requires states, with due regard to other human rights principles, including the right to freedom of expression, to “*adopt immediate and positive measures designed to eradicate all incitement to, or acts of, [racial or ethnic] discrimination*”. Such measures should include “*not permit[ing] public authorities or public institutions, national or local, to promote or incite racial discrimination*”. In this regard, the Committee on the Elimination of Racial Discrimination, in its concluding observations on the fifth to fourteenth periodic reports of Côte d'Ivoire adopted in March 2003 noted that the “*misuse for xenophobic purposes of the concept of “ivoirité”, which does not appear in the Constitution, has been a key factor in the current crisis*”. Furthermore, the Committee expressed its concern that “*some of the national media have used propaganda to incite war and encourage hatred and xenophobia*”.<sup>27</sup>

### 2.3 Attacks on freedom of expression

From the time of the government offensive against the northern part of the country, bands of youths declaring themselves to be “*Jeunes Patriotes*” ransacked the premises of several newspapers, in particular *Le Patriote*, *Le Libéral Nouveau* and *Le Nouveau Réveil*, considered to be close to the Rassemblement des Républicains (RDR), Rally of Republicans, the party of Alassane Ouattara.

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<sup>25</sup> UN Doc. S/RES/1572 (2004), 15 November 2004, para. 6.

<sup>26</sup> Third progress report of the Secretary-General on the United Nations Operation in Côte d'Ivoire, UN Doc. S/2004/962, 9 December 2004, para. 19.

<sup>27</sup> See Concluding observations of the Committee on the Elimination of Racial Discrimination, CERD/C/62/CO/1.

A journalist of *Le Nouveau Réveil* described to the Amnesty International delegation how his newspaper's offices were attacked on 4 November 2004:

*"There was no sign indicating that the newspaper was there. We had received messages saying that the newspaper was going to be attacked in the afternoon. At 3pm, the head office of Le Patriote was attacked; 30 minutes later, it was in flames. After Le Patriote, 24 Heures as well as Le Libéral Nouveau were attacked. Towards 5pm people armed with clubs and machetes arrived; they were wearing T-shirts printed with 'FESCI for ever',<sup>28</sup> 'I am tired, I am a xenophobe' and then 'David against Goliath'."*

Another journalist, working for *Le Libéral*, whose offices were also attacked and destroyed on 4 November 2004, by elements claiming to be "Jeunes Patriotes", pointed out that this attack had been announced a week earlier by leaders of this movement who regularly came together in a square in Abidjan commonly known as "*La Sorbonne*". The journalist explained to Amnesty International: "*A week before this attack, the 'sorbonnards' published a notice saying that attacks against some newspapers were imminent. A list of the newspapers to be targeted was distributed and it included Le Libéral, Le Patriote, Le Jour, 24 Heures, Le Nouveau Réveil, L'Événement and Ivoire Matin.*"

During a press conference held in Abidjan on 23 October 2004, Idriss Ouattara, chairman of the Fédération des Agoras et Parlements de la Côte d'Ivoire, Federation of Agoras and Parliaments in Côte d'Ivoire,<sup>29</sup> announced his intention to impose "*an embargo on the free circulation and sale of newspapers*" that, he believed, supported "*the rebellion*" and the opposition in areas under government control. Following this announcement, from 25 October 2004, the "Jeunes Patriotes" started to prevent free circulation and sale of several newspapers, beating up newsvendors in the streets. This aggression was allowed to continue with complete impunity, as the security forces failed to intervene to protect those assaulted.

This serious attack on freedom of expression prompted public protest on 28 October 2004 by the Union des journalistes de Côte d'Ivoire, Union of Ivorian Journalists, and the Organisation de la liberté de la presse, de l'éthique et de la déontologie (OLPED), Organization for Freedom of the Press, Ethics and Deontology), which denounced the fact that: "*hundreds of copies of nine newspapers – Le Patriote, Le Nouveau Réveil, 24 Heures, Le*

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<sup>28</sup> The Fédération estudiantine et scolaire de Côte d'Ivoire (FESCI), Ivorian Federation of Students and School Pupils, is the main student union in Côte d'Ivoire. At the beginning of the 1990s it was at the centre of the struggle against the single party of President Félix Houphouët-Boigny before splitting into opposing groups, which clashed violently with each other. The current Secretary-General of the Forces nouvelles, Guillaume Soro, as well as Charles Blé Goudé, leader of the "Jeunes Patriotes", were both leaders of FESCI.

<sup>29</sup> These "*Parlements*" and "*Agoras*" are informal forums for debate where the "Jeunes Patriotes" can express their views and address the population.

*Jour plus, Ivoire Matin, L'Événement, Le Libéral nouveau, Le Front, Le Journal – have mainly been seized and destroyed. The violence that began in the districts of south Abidjan (Vridi, Port Bouët, Treicheville) culminated on 27 October by attacks with knives against young newsvendors and kiosk holders in the Plateau district.”<sup>30</sup>*

Muzzling of newspapers not sharing the views of the “Jeunes Patriotes”, and attacks on individuals associated with them, occurred simultaneously with elements of the “Jeunes Patriotes” taking control of *Radio-télévision ivoirienne* (RTI): they installed Jean-Paul Dahili, communications adviser to President Gbagbo, at the helm of the RTI. An RTI journalist told Amnesty International:

*“On Thursday [4 November 2004] I went to the RTI; the security forces had encircled the courtyard. We were told that Jean-Paul Dahili was the new DG [Director-General]. In the afternoon, a new list of presenters was distributed to us; all those who were not overt supporters of President Gbagbo had been thrown out.”*

Another journalist who was present at the RTI that day described the hostile attitude among demonstrators towards any journalist suspected of not sharing completely the “patriotic” convictions of President Gbagbo’s supporters. *“Militia wearing black T-shirts invaded the courtyard of the television building. They said to us: ‘We are in charge now’. They set upon a journalist whom they had surrounded saying: ‘It’s you who doesn’t want Gbagbo to govern in peace; you, the rebels’.”* Again, as with the ransacking of newspapers associated with the opposition, the security forces did nothing to intervene. Consistent reports even indicated that some gendarmes joined together with the “Jeunes Patriotes” to take control of the RTI.

All normal programmes subsequently ceased and were replaced by 24-hour non-stop discussions and speeches by people praising the “patriotism” of the Ivorians, and replays of images of those injured by French troops. On Monday, 8 November 2004, during a phone-in programme broadcast by *Radio Côte d’Ivoire* (RCI), Ivorian Radio, a listener proposed “taking the French hostage in order to force Paris to negotiate”.<sup>31</sup>

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<sup>30</sup> Persistent intimidation of newsvendors forced Édipresse, the news distribution organization, to refuse to distribute these newspapers. Édipresse explained its decision in a letter addressed to several editors of Ivorian newspapers on 18 November 2004 in which it asserted that: *“repeated threats to destroy your newspaper and ransack Édipresse’s offices if your newspaper is distributed are regularly directed at our organization. The recent socio-political events that have, moreover, resulted in the burning down of your newspaper’s offices are not conducive to the distribution of your newspaper; in addition, the diverse newsvendors and other partners on whom we rely for the distribution of your newspaper categorically refuse to accept your newspaper in their shops, for the reason that its presence constitutes a threat to their activities. The newsvendors and our partners consider that, in effect, the presence of your newspaper risks inviting acts of looting and vandalism”.*

<sup>31</sup> Quoted in an article in *Le Monde*, 11 November 2004, entitled “‘Satan’ Chirac, damned live on television”.

This distortion of the journalists' professional code of ethics prompted protests from the organization Reporters sans frontières which, in a press release published on 10 November 2004, stated:

*"With few exceptions, the reports carried on Radio Côte d'Ivoire (RCI) and Radio-télévision ivoirienne (RTI) have strayed completely from journalism into propaganda. Interspersed with nationalistic songs, phone-in contributions and interviews, RCI presenters flatter the 'Patriotism' of their listeners. Yesterday, shortly after 10am (local time and GMT), a preacher from the Church of the Living Word went on air with violent imprecations. 'The country must be delivered from the evil ones', he said, claiming that French President Jacques Chirac is 'inhabited by the spirit of Satan'. Ivory Coast was 'divided into two blocs, with the Devil's bloc on one side and God's bloc on the other' and it was up to the 'patriots' to ensure that the second prevailed, he said. His monologue ended with a ringing 'Amen, pastor' from the two RCI presenters."*<sup>32</sup>

If this is added to the sabotage that interrupted broadcasting of programmes by *Radio France Internationale* on 4 November 2004 – the day that the government offensive was launched – self-professed supporters of President Gbagbo can be said to have succeeded, within the space of a few hours, in monopolizing all public means of communication. They thereby denied access for most of the population of Abidjan to information that did not go along with the message of "patriotic" mobilization and demonization of the French army.

Self-professed supporters of President Gbagbo also attacked politicians of opposition political parties, again without any intervention by the security forces. For example, from the time of the government offensive on 4 November 2004, elements claiming to belong to the "Jeunes Patriotes" looted and ransacked the headquarters of two political parties, the RDR and the Parti démocratique de Côte d'Ivoire (PDCI), Democratic Party of Côte d'Ivoire, the former single party headed by former President Henri Konan Bédié. The homes of several PDCI and RDR politicians in Abidjan were ransacked, forcing many of them to seek refuge in the Hôtel du Golf where security was assured by a contingent of UNOCI soldiers.

## 2.4 Violence against foreign nationals and property

When the destruction of the Ivorian air fleet by the Force Licorne was announced on the afternoon of 6 November 2004, demonstrators attacked French nationals and property in

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<sup>32</sup> Reporters sans frontières, *Abidjan state media mix propaganda, disinformation and incitement to riot*, 10 November 2004. After the November 2004 crisis, the journalists that were targeted and expelled from the RTI were allowed to return to their work and the information given by this official organ retrieved some degree of independence.

Abidjan. Commenting on the speed with which these anti-French attacks took hold, an official of Operation Licorne told the Amnesty International delegation: *“Around 3pm, the first attacks followed television bulletins calling on people to take to the streets. Everything had been recorded in advance, the operation was planned.”*

Demonstrators set about destroying symbols of the French presence in Abidjan, including French schools and shops and businesses belonging to the French. An Ivorian woman who was in her car on the afternoon of 6 November witnessed the looting of the main French school in Abidjan, the Lycée Mermoz: *“Youths coming from the Mermoz university campus not far from the French school were coming along the street with clubs and they smashed the car stopped at the red light, shouting slogans against France. I saw smoke coming from the school.”* Other French schools were also destroyed, notably the Collège Blaise Pascal, the Jacques Prévert primary school and the École Eau Vive in Cocody (a district in Abidjan).

Several accounts obtained by Amnesty International indicate that these acts of violence were essentially directed against French property and nationals and others associated with the French. An Ivorian teacher of catechism classes told Amnesty International that on 6 November: *“youths began to take to the streets; some broke into buildings and threw stones at cars. People raging with anger went to UNOCI; they stopped a car carrying a white man but he was English and they let him go.”* A representative of the French Embassy described a demonstrator on that day declaring: *“That mustn't go on the list; it's an Italian restaurant.”* Amnesty International also obtained the account of an Ivorian journalist who had seen a leader of the “Jeunes Patriotes” that day saying to his colleagues in front of the American school in Abidjan: *“Be careful, don't lay a finger on anything American, because if you do and the Americans say that we are with al-Qa'ida, they will finish us off.”*

Destruction and looting took place, for the most part, without any intervention by the Ivorian security forces. When security forces intervened, their actions did not stop the looting. Several witnesses told Amnesty International that representatives of the security forces, having passively stood by as these acts of vandalism occurred, themselves took part in the looting. An Ivorian security guard said that on the afternoon of 6 November, he had seen:

*“scenes of looting in several shops. The military fired into the air but that didn't stop the looters from helping themselves. All in all, at least 12 shops were looted in the space of a few hours. When the looters left, the military also helped themselves in shops where stock was stored. They put their booty into stolen bags and used 'freighters' to transport them”.*

Demonstrators also attacked the homes of a large number of French nationals, including some who had been born in Côte d'Ivoire or had lived there for decades. An Ivorian woman married to a foreign national told Amnesty International how a group of youths had surrounded her home on Saturday evening:

*“My husband was travelling abroad and I was alone in the house with one of my daughters who was eight years old. Some French friends had warned me in the afternoon not to go out. Around 10pm, I heard banging at the door. I was able to barricade myself and my daughter in a part of the house that was secure. She was very afraid. I heard the looters ransack the house. I managed to get through to the mobile phone of a friend, a member of the Ivorian security forces, who came to find us. When we came out, we saw that everything had been looted: the video, the television, the fridge. As we left, I saw Ivorian policemen carry away looted goods from other houses.”*

In addition, there were several reports of women being raped. The victims were French women, other foreign women and Ivorian women associated with the French, such as the wives of French men or nannies of French children. These allegations were made public for the first time on 11 November 2004 by Major General Poncet who stated to the press: *“I confirm that rapes have taken place [...] there have been abuses, tragedies for a certain number of women. Out of respect for them, I shall make no further comment.”*

During its visit in January and February 2005, Amnesty International investigated the allegations of the rape of foreign women in November 2004 but was unable to meet any victim or witnesses. While there is no question that a number of rapes and sexual assaults did take place, Amnesty International has not been able to obtain any direct account of these abuses in spite of all its efforts in Abidjan, as well as approaches in Paris to the Ministries of Defence and Foreign Affairs. Available information indicates that the Public Prosecutor's office in Paris has officially registered three complaints of rape and one of attempted rape and murder (of the same person).

During their visit, Amnesty International delegates raised with the Ivorian authorities their concerns about these attacks against French nationals and people associated with the French. An adviser at the Ministry of Defence acknowledged that *“it is undeniable that looting took place”, but added that “the mass breakout by prisoners from the MACA [which took place on 2 November 2004] was a factor contributing to these incidents”*.<sup>33</sup>

## **2.5 Accounts of the use of force by French soldiers of the Force Licorne**

From the afternoon of 6 November 2004, soldiers of the Force Licorne launched a military operation to take control of Abidjan airport. An official of the Force Licorne pointed out to

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<sup>33</sup> On 2 November 2004, two days before government troops launched their offensive against positions held by the Forces nouvelles, nearly 4,000 prisoners escaped from the Maison d'arrêt et correction d'Abidjan (MACA), Abidjan's main prison.

Amnesty International that: *“It took 12 hours for French troops to gain control of the airport. The army did everything possible to avoid deaths. Around 3am control of the airport was achieved.”* A representative of the French Embassy in Abidjan justified this operation to the Amnesty International delegation by maintaining that: *“If the Ivorian military had control of the airport, they would have been able to prevent the evacuation of our nationals.”*

The fact that French forces had gained control of the airport and, more generally, French military operations in Abidjan between 6 November and 9 November provoked many calls for mobilization, in particular on radio and television by leaders of the “Jeunes Patriotes”. Demonstrations very quickly developed into confrontations with French soldiers who used lethal weapons at two key points in the crisis:

- during the clashes on the 6 and 7 November 2004;
- during the demonstrations in front of the Hôtel Ivoire on 9 November 2004.

### **2.5.1 Clashes on the 6 and 7 November 2004**

On the evening of 6 November, calls to go to defend Abidjan airport, which French forces were trying to take control of, were heeded by very large numbers of people and thousands converged at the two bridges linking the centre of Abidjan with the airport. In order to prevent demonstrators from crossing the bridges, French planes and helicopters opened fire on the bridges.

One of the demonstrators told Amnesty International:

*“I wanted to join the march. I crossed the city. Around 10.40pm, I arrived at the Pont de Gaulle on the way to the airport. I saw helicopters firing into the water [...]. The firing continued, two people were hit. It was total panic; at the end of the bridge French tanks prevented us from moving on; firing continued. Four people who had been hit were put into a bus. We turned back to go to the RTI and the head of state’s residence. When we arrived at the Indénie interchange the helicopters fired live bullets to disperse the crowd; more people were wounded.”*

An employee of the Hôtel Ivoire, a tower block of 24 floors that looks out over the city, stated:

*“At about 10pm, I heard firing coming from two planes that were firing over the lagoon. These planes converged towards the home of the head of state. At one point, there was firing on one of the two bridges [...]. From the Le Toit d’Abidjan [restaurant on the 23<sup>rd</sup> floor of the hotel], I saw the Pont Houphouët-Boigny; there was a huge crowd, there was firing, which prevented the demonstrators from going*

*forward. People were running away in all directions. French planes remained in the air until six in the morning.*"

An Ivorian woman told the Amnesty International delegation:

*"At about 11pm, we heard shots being fired. We didn't see the helicopters; we saw the infrared, red lights, the shots that rained down on the Cocody district [where the Presidency is situated]. The shooting continued for 15 minutes, we were very afraid."*

Soldiers of the Force Licorne also clashed with demonstrators who had gone beyond the bridges or who were coming from the southern part of the city. It seems that there were very large numbers of demonstrators and that they had benefited from logistical support to reach the places where the demonstrations were taking place. A witness met by the Amnesty International delegation explained that on the evening of 6 November 2004, *"buses dropped the demonstrators off, others headed towards the airport"*. Amnesty International has not been able to ascertain who organized the transfer of demonstrators by bus.

In order to contain the crowd, French soldiers placed containers to obstruct them and fired on demonstrators who were attempting to reach the airport. A teacher of catechism classes who was there at the time told Amnesty International:

*"At around 11pm, I arrived at Akwaba. Containers blocked the road leading to the airport. Three boxes of grenades were in one of the containers. The demonstrators shifted the containers at the first barricade and continued on their way towards the airport. A kilometre on from the first barricade of containers there was another but this time a tank was placed between two containers. French soldiers were opposite us on the container; the lights were trained on the demonstrators preventing them from seeing the French soldiers. We made a fire with some wood. It looked like a battleground. Mines had been placed at the roadside to protect the 43<sup>rd</sup> BIMA; a skull and cross-bones indicated danger. Explosions were going off and demonstrators were told to stay on the tarmac. Some of the French fired directly at the demonstrators and at the same time launched grenades, which exploded and burst into flames where they landed. They fired live bullets; many demonstrators were hit. I helped 10 youths; we were able to get them to Akwaba. Some youths wanted to skirt around the barricades into the bush to get to the airport; there was a hail of bullets. Grenades exploded; it was almost like playing hide-and-seek, we were jumping about to avoid the bullets."*

Many demonstrators were killed or wounded by French gunfire. A market trader from Marcoury (a district in Abidjan) recounted:



*“Following the call from the chairman of COJEP [Congrès panafricain des jeunes patriotes, Panafrican Congress of Young Patriots]<sup>34</sup> on Saturday, I made my way towards the airport which was being held hostage by the French. A rumour ran through the crowd that Ouattara was going to be installed as president. Shots rang out in front of the BIMA; soldiers fired from the Boulevard Valéry Giscard d’Estaing. These shots were not very accurate; one person was killed in front of me, another had his buttocks torn apart. I don’t know if that was caused by bullets or a grenade. Soldiers positioned on the tanks also fired at the demonstrators; five people were wounded.”*

Information obtained by Amnesty International indicates that French soldiers resorted to firing live bullets and grenades at demonstrators. A decorator recounted how, on the night of 6 November 2004, he left for the Presidency of the Republic, which, he believed, was being threatened by French troops.

*“Once we got there, we were told that that the airport was going to be taken. At the Akwaba roundabout, French soldiers had placed a contingent to prevent the demonstrators from moving forward; containers and barbed wire were placed across the road. We crossed the first barricade; once the first barricade had been crossed, on the road to the airport, soldiers fired at us with live bullets. When we arrived at the roundabout, I saw someone who had been hit in the head by a bullet. The French launched explosive grenades; there were many wounded. We moved back to the roundabout because there was too much firing; there were many wounded.”*

Clashes continued until the next morning. Amnesty International has been able to obtain the account of a demonstrator who suffered gunshot wounds on 7 November 2004:

*“Around six in the morning, we tried to reorganize ourselves. We barricaded the road with bits of wood. Twelve tanks were coming back from the airport to Abidjan. Around 8.30am, I was on the road. I tried to put down benches to prevent the tanks from moving forwards. I was hit by one bullet in the shin and another in the knee. I fell and the tanks were coming in my direction. The tank was three metres away from me; the soldier called to the demonstrators to move me out of the way. I was taken to the CHU [Centre hospitalier universitaire, university hospital centre] in Treicheville where I was taken care of.”*

On the morning of 7 November 2004, French tanks left the 43<sup>rd</sup> BIMA to patrol the city. The accounts of witnesses indicate that French soldiers fired on the crowd from their vehicles. A musician, who pointed out that he was not a supporter of Laurent Gbagbo, described to Amnesty International how he had been wounded:

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<sup>34</sup> The COJEP, one of the main components of the “Jeunes Patriotes”, is led by “Jeunes Patriotes” leader Charles Blé Goudé.

*“Towards 11.30am, tanks began to leave the 43<sup>rd</sup> BIMA. The road was blocked by cars. As they drew level with the barricades, the French began to fire into the crowd. The crowd threw themselves to the ground; I thought that they were going to kill us. There were many wounded. The French were lying on their tanks and firing at us. I was lying on the ground; they shot at me, a bullet hit me on my left side. The crowd asked me if I was able to get up; I tried but I fell. Someone came to get me and took me to the hospital in Treicheville. The wounded were lying on the ground. At the end of the third day, I left so that the hospital could take in other injured people. I had a relapse and returned to the CHU, where I stayed until 30 December.”*

The use of grenades by French soldiers caused serious injuries and burns to some demonstrators. One of them, hit by a grenade, told Amnesty International:

*“Around 8am [7 November 2004], a grenade was thrown in front of me. I saw everyone flee. I ran; a moment of inattention and then unexpectedly an explosion behind my back. I was on fire, my rucksack had caught alight, everything was burning. I rolled myself on the tarmac. My back was completely burned; all the flesh was torn apart, it was all gone. People comforted me and took me to Akwaba and from there I was evacuated to CHU in Treicheville. I remained in hospital for one month and two weeks.”*

Questioned by the Amnesty International delegation in February 2005, representatives of the Force Licorne and the French Embassy in Abidjan denied any excessive use of force during the confrontations with demonstrators on the Saturday evening and Sunday morning. An official of the Force Licorne pointed out that *“the army wanted to secure Zone IV [a district of Abidjan]. The French army did everything possible to prevent demonstrators from reaching the airport. We had to prevent them from getting across the bridges, hence the warning shots fired perpendicular to the two bridges”*. A representative of the French Embassy, for his part, pointed out that firing from the helicopters was aimed at *“sending a signal to the crowd”* and enabling soldiers of the Force Licorne to *“hold the two bridges leading to the airport and the BIMA”*.

The French government justified the decision of the French army to resort to the use of force on 6 November by the fact that the demonstrators were armed. The French Minister of Defence stated in an interview with the radio station *Africa No.1* on 3 December 2004:

*“First of all, these crowds did not arrive there spontaneously: they were to a very large extent incited by the media which advocated racism and hate. Moreover, these crowds were controlled and led by people armed with three types of weapons: kalashnikovs, pump-action shotguns and pistols. These people were therefore going to demonstrate with the intention of a real confrontation. At that time, we decided that, in order to avoid direct clashes between soldiers and a crowd that wanted to retake*

*control of the airport and therefore prevent evacuation, and to avoid clashes which could have resulted in hundreds of deaths, we decided to carry out deterrent operations on the bridges providing access to the airport. In particular, we used helicopters. And, as is always the case with the French military, the helicopters fired warning shots, then deterrent shots and, finally, shots in particular at the first vehicles ahead of the demonstrators in order to stop them.”<sup>35</sup>*

### **2.5.2 Incidents around the Hôtel Ivoire**

There was relative calm in Abidjan from the evening of 7 November 2004, following an appeal by President Gbagbo on national television. The head of state stated, in particular: “I once again urge people to be calm and I ask all demonstrators to return to their homes” and “not to succumb to provocation.”

Several accounts, however, indicate that Ivorian protesters remained highly mobilized against the French military presence in Abidjan and gathered together in front of strategic points such as the Presidency of the Republic and the RTI to pray and sing religious hymns. A teacher of French recounted to Amnesty International that she went out “on Sunday evening around 6pm to go to the RTI. People were singing; there were many men of the church; one of them asked for Ivorians to dry their tears since it was God who had destroyed the Sukhoï in order to lead Ivorians back to Him.”

### **8 November 2004**

On 8 November 2004, the presence of French tanks in front of the Ivorian Presidency at dawn led the population to mobilize once again against French soldiers. Information obtained by Amnesty International indicates that members of the Ivorian security forces and the “Jeunes Patriotes” asked the population to come to physically defend the Presidency. An Ivorian accountant told Amnesty International: “[On Monday morning], we left from in front of the RTI. From the RTI, we went to the presidential residence; a man in uniform told us that French tanks were behind the Presidency and we were asked to put up barricades against the French.”

Tension rapidly concentrated around the Hôtel Ivoire, a strategic point that dominates the city and had been identified by the Force Licorne as a focal point for French and other foreign nationals to assemble before evacuation. An employee at the Hôtel Ivoire told Amnesty International that the first evacuations were carried out from 7 November 2004: “During Saturday/Sunday night, some 30 people, including French and Lebanese, sought

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<sup>35</sup> Michèle Alliot-Marie, French Minister of Defence, interview with the radio station *Africa No.1*, 3 December 2004, extract published on the website of the Ministry of Defence, <http://www.defense.gouv.fr/>

*refuge in the Hôtel Ivoire. On Sunday morning helicopters landed at the hotel swimming pool; the military made at least three trips to evacuate those displaced."*

The situation became more fraught when the column of tanks that had been in front of the Presidency arrived in front of the Hôtel Ivoire and some 300 French soldiers surrounded the premises. Members of the Force Licorne created a security perimeter with barbed wire in front of the hotel entrance. The concentration of French soldiers in front of the Hôtel Ivoire, which is less than a kilometre from the Presidency and the RTI, drew a crowd of demonstrators protesting against what they considered a colonial occupation of their country.

An employee at the hotel told Amnesty International:

*"As well as positioning the tanks, the soldiers also laid down barbed wire. Shortly after the wire was put down, the demonstrators arrived. They danced and shouted abuse at the white people. The road around the hotel didn't clear; the crowd came and went; there were always so many people; the crowd demanded that the French leave. During that time, the French contingent was reinforced with men and equipment. The function room was full of weapons."*

French troops requisitioned part of the hotel, in particular in order to position armed soldiers to survey the situation from the windows. An employee at the Hôtel Ivoire told Amnesty International:

*"The French soldiers wanted to occupy the second floor where the Ivorian gendarmerie has its communications monitoring centre. The French asked the Hôtel Ivoire to put 12 floors, each of 12 rooms, at their disposal. French "snipers" climbed to the top of the hotel; they were armed with long rifles."*

An initial incident occurred at around 11am on 8 November 2004 when protesters gained access to hotel. The hotel management, however, succeeded in persuading them to leave. An employee of the Hôtel Ivoire told Amnesty International:

*"The hotel management offered food to some of the protesters and gave them 2,500 CFA. They were able to persuade them to leave by saying that the Hôtel Ivoire was the jewel in Côte d'Ivoire's crown and mustn't be wrecked."*

During the morning of 8 November 2004 demonstrators, some of them armed with machetes, infiltrated the hotel by passing around the swimming pool at the back of the hotel. An employee of the Hôtel Ivoire told Amnesty International:

*"Around 11am, more than a hundred protesters came through on the side by the swimming pool; some threatened the caretaker with a machete; others went into the swimming pool. French soldiers arrived and fired into the air; the protesters wanted*

*to surround them. The soldiers again fired into the air; in the ensuing panic, one man fainted. He was taken inside the hotel where they tried to revive him but he died of a heart attack. There were also injured people. The French repositioned themselves along the swimming pool. A security guard who tried to calm the crowd down was insulted; he was also threatened. A protester brandished a machete that he had been carrying under his shirt; it was tied with a rope around his neck. Another security guard was also threatened with a machete.”*

Throughout the day, 8 November 2004, negotiations between the Ivorian authorities and officials of the Force Licorne took place in an attempt to defuse the situation. The Chief of Staff of the Ivorian army, General Mathias Doué, and the Commander of the Force Licorne, Major General Henri Poncet, appeared on television together to call on demonstrators to return to their homes. Major General Poncet stated that “*there was absolutely no question of overthrowing President Laurent Gbagbo*”.

## **9 November 2004**

French troops and the Ivorian authorities have provided contradictory versions of the events that led to the decision by French troops positioned in front of the Hôtel Ivoire to fire live bullets at demonstrators on 9 November 2004.

According to the French authorities, these events were the result of orchestrated provocation by certain circles close to the Ivorian presidency. In an interview with the French daily newspaper *Le Figaro*, Major General Poncet stated: “*The government wanted to provoke a bloodbath in front of the Hôtel Ivoire. It would have been delighted if the French army had perpetrated a massacre on the day that the South African mediator Mbeki was in Abidjan.*”<sup>36</sup>

The Ivorian authorities, for their part, refuted the notion of provocation put forward by the French authorities and accused soldiers of the Force Licorne of having fired live bullets at “*unarmed demonstrators*” who did not in any way constitute a threat to them.

During its visit to Côte d'Ivoire in January and February 2005, Amnesty International attempted to obtain all possible points of view about this incident, meeting representatives of both the French and Ivorian security forces, witnesses as well as demonstrators themselves. From the information gathered, it is possible to retrace events fairly precisely, at least until the decisive moment when the French took the decision to open fire. Accounts obtained from the Ivorian and French authorities of the exact reasons and circumstances in which French soldiers opened fire diverge radically and only an independent inquiry with all necessary resources would be able to clarify this crucial point.

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<sup>36</sup> *Le Figaro*, 14 December 2004.

In this report, therefore, Amnesty International puts forward the versions of both the French and Ivorian security forces as well as accounts of employees at the hotel and witnesses who were present during some of these incidents.

Confronted by the crowd of protesters who had surrounded the Hôtel Ivoire and demanded that the French leave, officials of the Force Licorne seem to have envisaged finding an alternative assembly point for French nationals from 8 November 2004. The French military considered redeploying their troops to the Hôtel du Golf and contacted the Ivorian authorities to pursue this.

Several accounts describe the state of mind of the demonstrators in front of the Hôtel Ivoire during the morning of 9 November 2004:

*“On Tuesday morning around six, we went to the Hôtel Ivoire; there was a white tape, barbed wire and tanks. The crowd grew bigger and at about 10am we broke through the white tape and called on the French to leave the hotel; we sang patriotic songs, some people took their clothes off. It was total euphoria; we cursed the French. We also saw French soldiers positioned at the windows.”*

According to the French military, some protesters also provoked the soldiers by making obscene gestures: *“Women took off their clothes in front of us and insulted us,”* an official of the Force Licorne remarked.

An employee at the hotel who, at around 11am on Tuesday, tried to calm the demonstrators down was himself set upon. *“Some of the demonstrators were very worked up. I tried to calm them down by offering them something to eat. One of them said to me: ‘Me, I want to eat a white man. You grill him and send him out to me.’”*

According to the French army, one incident precipitated the course of events. The following version was obtained by Amnesty International from a Force Licorne official:

*“On Tuesday morning, we had received an ultimatum from the protesters to leave the hotel by 3pm. We had contacted the Ivorian security forces in order to work with them to find a solution that would allow us to leave the Hôtel Ivoire without confrontation with the demonstrators. The Ivorian authorities first of all suggested waiting until night, which seemed to us an appropriate manoeuvre, but around 3pm gendarmerie officials proposed that they assure the departure of French troops by positioning themselves between French soldiers and the crowd. We needed the cooperation of the Ivorian gendarmes because, on the one hand, it was difficult for us to get into our vehicles and at the same time keep the demonstrators at a distance and, on the other hand, especially, we wanted to avoid any direct confrontation between French soldiers and Ivorian demonstrators.”*

Members of the Ivorian gendarmerie did in fact arrive at the Hôtel Ivoire at around 3pm and took up position between French soldiers and the demonstrators. An Ivorian gendarmerie official told Amnesty International: “*We had two squads of gendarmes, that is, 60 men, to escort the French troops from the Hôtel Ivoire to their base at the 43<sup>rd</sup> BIMA.*”

A witness pointed out that Ivorian gendarmes did “*what they could*” to prevent protesters from reaching French soldiers:

*“Efforts by the Ivorian security forces who came to contain the crowd and prevent it from reaching the security perimeter were futile. Most of them were trying to control the crowd without being armed. That was because they wanted to avoid the crowd grabbing their weapons. The gendarmes used ropes and belts to push the demonstrators back.”*

An employee of the Hôtel Ivoire explained to Amnesty International that the arrival of Ivorian gendarmes angered some of the demonstrators.

*“Around 3pm, a company of gendarmes came to calm the crowd. The crowd did not want men in uniform there and, after about 30 minutes, the company commander was beside himself. He complained about the attitude of political leaders close to President Gbagbo whom the crowd were obeying rather than listening to him. Then, the commander couldn't take any more. ‘These politicians like to think of themselves as more Ivorian but who do they think they are? If it's like this, I'm withdrawing my men. If they continue, children will be massacred; we can't do that. Each to his own job.’”*

An official of the Force Licorne also had the impression that the demonstrators were heeding the orders of certain Ivorian leaders. He told Amnesty International: “*The crowd did what they were told to do; it was not a spontaneous crowd.*” The same official emphasized that he had noticed a change in the crowd between 8 November, and 9 November. “*On Tuesday [9 November], there were fewer children and adolescents; I saw more young men who were more determined.*”

Tension reached a peak between 3pm and 4pm and would lead to French soldiers resorting to firing live bullets. Accounts by the French and Ivorian authorities as to why lethal weapons were used differ completely. According to officials of the Force Licorne, Ivorian gendarmes who were responsible for assuring their evacuation allowed the crowd to remove the barbed wire leaving French troops and demonstrators face to face.

Force Licorne officials told Amnesty International:

*“The gendarmes positioned themselves between the crowd and the group of French soldiers. They let the demonstrators remove the barbed wire demarcating the security perimeter that separated the crowd from French troops and the gendarmes. When the barbed wire had been removed, there was no longer any line, any demarcation separating our soldiers from the crowd. However, tension continued to mount among the crowd, and French military officials clearly indicated to their Ivorian counterparts that they did not have a sufficient number of non-lethal weapons and that, if a confrontation occurred, they would have to use their weapons.”*

Officials of the Ivorian gendarmerie gave a completely different version of events, insisting that they did everything possible to calm the protesters but that they had neither the authority nor sufficient numbers to do so. A gendarmerie official provided the following account to Amnesty International:

*“We explained to the French troops that we had come to facilitate their departure but the French were very nervous because the crowd was agitated. A senior French officer told us several times: ‘If nothing is done in the next 20 minutes, and the red line is crossed, I’ll give the order to fire.’ We addressed the crowd and explained to them that it was in their own interests to pull back. The demonstrators did not obey the gendarmerie; they only obeyed their leaders. The gendarmes tried to push the crowd back; they had their backs to the barbed wire and faced the crowd but 60 gendarmes were not enough to control it.”*

There are therefore two contradictory explanations of the outcome: one focusing on the complicity of Ivorian gendarmes with the crowd; the other emphasizing the efforts deployed by Ivorian gendarmes to contain the crowd and allow a peaceful evacuation of Force Licorne soldiers. Nevertheless, all accounts concur that at around 3pm the demonstrators became more insistent and came into physical contact with Force Licorne troops, to the point of reaching the barrel of one of the French tanks.<sup>37</sup>

An eye-witness in front of the Hôtel Ivoire provided the following written account to Amnesty International:

*“The crowd crossed the demarcated area. That day the sun also decided to return in all its ferocity. It was very hot and this exacerbated the mood of the crowd. They became worked up and quick-tempered. They became more and more threatening, angry that these French did not want to leave. They surged up. Then they nearly*

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<sup>37</sup> Images filmed by an Ivorian cameraman at the Hôtel Ivoire on Tuesday, 9 November 2004, show a demonstrator reaching the barrel of a French tank. See report of the television channel Canal+, filmed by Stéphane Haumant, Jérôme Pin and Himaje Cissé, entitled *Côte d’Ivoire: The French army’s Black Tuesday*, broadcast on 8 February 2005.



*reached the tanks. Some brave boys took up the challenge to reach the tanks. This elicited some applause from the crowd; they were enjoying every minute of it."*

It was then that French forces gave the order to fire live bullets at the demonstrators. According to officials of the Force Licorne, it was an act of self-defence. The following version was given by one official:

*"Suddenly, we saw the gendarmes who were supposed to come between us and the crowd make their way towards the hotel reception. At the same time, an Ivorian climbed onto a tank and cocked an automatic weapon (an operation that requires some technical expertise). Our men fired a warning shot above the protester who was on the tank and he turned back towards the crowd. During another incident, a marine who was trying to use his influence on the crowd to slow their advance was pushed into the crowd by an Ivorian gendarme. That same morning, another marine had been grabbed by the crowd but his colleagues had managed to pull him back. We fired live bullets into the air and launched non-lethal ammunition into the crowd, in particular offensive hand grenades and crowd dispersal grenades. As far as we are aware, five or six people were hit, including an Ivorian gendarme who was wounded. A French military doctor tried to treat him but he died very soon afterwards from his injuries. The demonstrators then dispersed and we were able to leave the area."*

The version of the Ivorian gendarmerie is completely different:

*"The French repeatedly threatened to open fire; there were two or three threats. After a while, they gave the order to fire. We asked the French to raise the barrels of their guns. Some did and fired into the air; others fired into the crowd. A gendarme was hit; another was fatally wounded. The French soldiers were very agitated. During the firing, two types of shots could be distinguished, shots from the famas<sup>38</sup> and, three or four times, explosions that sounded more dull, as if they came from the upper floors. The firing did not last long, less than 10 minutes."*

According to an Ivorian witness at the scene, troops of the Force Licorne had been overwhelmed by a crowd that they could no longer contain:

*"The capacity of the French soldiers had been exceeded and they were panicking. A soldier ran to take up a firing position; perhaps he wanted to intimidate the*

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<sup>38</sup> According to the website of the French army, the MAS Mle F1 assault rifle is a versatile, individual close-combat weapon capable of single shots or automatic fire up to 300 metres and of launching anti-tank grenades up to 75 metres in straight shots, as well as anti-personnel grenades up to 300 metres in vertical shots.

[http://www.defense.gouv.fr/sites/terre/decouverte/materiels/arme\\_et\\_materiel/armement\\_individuel\\_et\\_collectif/famas](http://www.defense.gouv.fr/sites/terre/decouverte/materiels/arme_et_materiel/armement_individuel_et_collectif/famas).

*demonstrators. The other soldiers saw him and, as if in a reflex action, they also began to fire. After firing, the French soldiers rapidly turned back, leaving behind a lot of equipment.”*

The daily newspaper *Fraternité Matin*, official voice of the Ivorian authorities, explained the firing by the French as follows:

*“It all started when things got out of hand as a young demonstrator succeeded in getting across the barbed wire of the French forces and climbing onto a tank. The soldiers immediately shot him down, before firing several bursts into the crowd. The toll, seven demonstrators fatally wounded, the head of one of them was literally smashed. Hundreds of the injured were urgently transported to hospital. The sight was sombre but also demonstrated the determination of the people to claim their sovereignty and say no to a post-colonial French occupation.”<sup>39</sup>*

Whatever the reasons prompting soldiers of the Force Licorne to open fire in front of the Hôtel Ivoire on the afternoon of 9 November 2004, it left a large number of dead and wounded. Some of the victims were killed by bullets or were trampled underfoot by demonstrators fleeing the firing. One of the demonstrators told Amnesty International:

*“I was in front of the Hôtel Ivoire with a classmate at around 3pm; we didn't try to get near the tanks. The French fired in the air first of all; the crowd threw themselves to the ground. They continued to fire and also launched offensive grenades; they fired with pistols and rifles. My friend, Dje Bi, aged 18, got up and was hit by a bullet in the head. He died; his body is still in the morgue. A moment later, a grenade exploded and I lost three fingers of my left hand. A gendarme who was beside me offered to telephone my parents. As he was about to make the call, after dialling the number, he was hit by a bullet in the head and died on the spot. Some of them were lying on the tanks and firing; others were firing from the hotel rooms. Some demonstrators were hit by shrapnel from the grenades.”*

As they were running away, some demonstrators were trampled underfoot. The husband of a woman who died in these circumstances told Amnesty International:

*“I took my wife by the hand and we were moving forward in the march. We simply wanted to see; we weren't demonstrating. The demonstrators were not aggressive; some had made coffins out of cardboard, others said quite simply that they wanted peace. As we approached the Hôtel Ivoire between 4.30pm and 5pm, shots rang out; shots were coming from everywhere. There was a huge panic; people ran in different directions, I found myself on the ground. When I got up, my wife was nowhere to be seen. I looked for her everywhere; I went back towards our car but she wasn't there. I*

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<sup>39</sup> *Fraternité Matin*, 11 November 2004.

*again looked around me. The injured were taken to the CHU at Cocody. I went to see them; she wasn't there either. I was advised to go to the morgue and I recognized her. Her death was filmed. It was easy to recognize her; the plaits of her hair were visible, she was wearing black tights and a green and blue flowered dress; she had been killed by being trampled underfoot."*

From testimonies collected by Amnesty International from victims and witnesses at the Hôtel Ivoire on 8 and 9 November, as well as the accounts given by Ivorian and French military officials, it is not possible to clarify exactly the incident that prompted the decision by Force Licorne troops to open fire on the crowd. According to French soldiers, the demonstrators clearly represented a direct threat to their lives, while officials of the Ivorian security forces and some witnesses insist that French soldiers opened fire precipitously, if not indeed in panic.

Officials of the Force Licorne have stressed the measured nature of their response:

*"French troops did not use excessive force. The group at the Hôtel Ivoire did not have the necessary equipment to control the crowd (helmets, tear-gas grenades) but, if one of the soldiers had fired into the crowd with a weapon capable of delivering 25 cartridges at very high speed, that would have caused enormous damage. These bullets can actually penetrate several people. There would, then, have been many dead and wounded. As far as the demonstrator who climbed onto the tank is concerned, on a legal level, such an act justified the neutralization of that person as self-defence because, if he had fired, he could have killed a large number of soldiers. Our soldiers therefore reacted in self-defence, using the minimum force necessary to defend themselves against a hostile crowd that was seeking confrontation and directly threatening the lives of French soldiers by trying to overwhelm them."*

The Ivorian security forces, for their part, have insisted that soldiers shooting from the sixth floor of the Hôtel Ivoire had fired into the crowd, notably with grenade rifles.

*"After the shooting, four to six French soldiers came down and hurled themselves into the tanks. They were wearing cagoules with only their eyes visible. They had walkie-talkies, their weapons were fitted with telescopic sights, they had two-way radios with earphones. When the French left, hotel employees discovered cartridges in two rooms on the sixth floor."*

Other accounts obtained by Amnesty International confirm that shots had come from upper floors of the Hôtel Ivoire: *"Around 4pm, the French soldiers fired on the demonstrators; some shots came from the Hôtel Ivoire and others from soldiers positioned on the tanks."*

The French military, for its part, has strongly denied this accusation. A Force Licorne official pointed out to Amnesty International: “*The soldiers were on the sixth floor to monitor the crowd but they never opened fire.*”

The question of where French soldiers were positioned, as well as the type of weapons used, is crucial in determining precisely the nature of their reaction. Amnesty International believes that the response to this question ought to be one of the main tasks of an international commission of inquiry mandated to clarify these events.

### **3. THE JANUARY 2006 CLASHES**

On 15 January 2006, the Groupe de travail international (GTI),<sup>40</sup> the international working group responsible for monitoring the progress of the peace process in Côte d'Ivoire, announced that it considered that the mandate of members of the National Assembly, which had expired on 16 December 2005, should “*not be extended*”. This decision provoked an immediate response by groups of demonstrators of the “Jeunes Patriotes” who blocked the main roads in Abidjan and other towns in order to demand the withdrawal of UNOCI, which had been in Côte d'Ivoire since April 2004. The most serious incidents occurred in Guiglo, in the west of the country, where Bangladeshi UN peacekeeping troops used lethal force, killing five people and wounding at least 20 others.

During the days of these clashes, “Jeunes Patriotes” also attacked and threatened journalists accused of being close to the “*assailants*”, while the security forces failed to provide protection. Government security forces also arrested Dioulas or nationals of neighbouring countries, including Malians, some of whom were tortured in custody; at least one died as a result.

#### **3.1 A sudden, coordinated campaign against the presence of the UN**

The reasons for the hostility towards the UN provoked by the GTI's decision on 15 January 2006 were explained to Amnesty International delegates by a leader of the “Jeunes Patriotes” in Guiglo in April 2006:

*“When the GTI's decision to punish the National Assembly was announced, young people nationally wanted to express their discontent. The whole patriotic movement*

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<sup>40</sup> The GTI brings together representatives of the UN, the African Union, the European Union, the Organisation internationale de la francophonie, the International Monetary Fund and the World Bank, as well as South Africa, Benin, Ghana, Guinea, Niger, Nigeria, France, the United Kingdom and the United States of America.

*therefore mobilized against the GTI's decision. The GTI being a product of the UN, it was logical to call for the withdrawal of troops who are supposed to be working for the consolidation of peace."*

### **The mandate of UNOCI in Côte d'Ivoire**

The United Nations Operation in Côte d'Ivoire (UNOCI) was created by UN Security Council Resolution 1528, adopted on 27 February 2004. Acting under Chapter VII of the UN Charter, the Security Council authorized the deployment of a peacekeeping force of some 6,000 personnel for a period of 12 months.<sup>41</sup> UNOCI has a mandate, notably: to observe and monitor the implementation of the comprehensive ceasefire agreement of 3 May 2003; to assist the programme of disarmament, demobilization, reintegration, repatriation and resettlement; to ensure the protection of UN personnel, Ivorian institutions and civilians; to support humanitarian assistance; to support implementation of the peace process; to contribute to the promotion and protection of human rights in Côte d'Ivoire; and to assist the government in restoring law and order, the judicial system and the rule of law. Resolution 1528 authorized UNOCI *"to use all necessary means to carry out its mandate, within its capabilities and its areas of deployment."*

During the four days from 16 to 19 January 2006, following calls for mobilization against the UN presence launched by the leaders of the "Jeunes Patriotes", demonstrators attacked vehicles and buildings belonging to UN peacekeeping forces. On 16 January 2006, the day after the GTI's decision was announced, four UN vehicles were targeted and damaged by demonstrators who had gathered in front of UNOCI headquarters in Abidjan. The demonstrators demanded the immediate withdrawal of international peacekeeping forces.<sup>42</sup>

The following day, 17 January 2006, between two and three hundred "Jeunes Patriotes" twice attempted to break into UNOCI headquarters in Abidjan, breaching the barbed wire defences and trying to break down the surrounding wall. UN peacekeeping troops responded by launching tear gas grenades and firing warning shots into the air. In addition, a convoy of some 15 UNOCI vehicles was pelted with stones before reaching the UN headquarters in Abidjan. Attacks against the UNOCI spread to the west of the country, in

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<sup>41</sup> Renewed several times by UN Security Council resolutions, UNOCI's mandate was extended to 15 December 2006 by Resolution 1652 of 24 January 2006.

<sup>42</sup> On 16 January 2006, the leader of the students' union Fédération estudiantine et scolaire de Côte d'Ivoire (FESCI), Serge Koffi, who asserted that he was the instigator of the demonstrations, threatened to "clear out" the UN peacekeepers and French soldiers of the Force Licorne if they did not leave the country "within 24 hours".

particular to Guiglo (see below) and Daloa, where demonstrators backing President Gbagbo overran a UNOCI camp and ransacked the house of the commander of the UN detachment.

These demonstrations and attacks on UN peacekeeping forces and property were in some cases carried out in the presence of the Ivorian security forces who failed to intervene and protect UN personnel and property. This failure to act by the police, gendarmerie and army, which in some specific cases amounted to at least implicit encouragement, violated the commitments made by the government of the Republic of Côte d'Ivoire towards the UN.

### **The commitments of the Ivorian government towards UNOCI**

On 29 June 2004, the Ivorian government and the UN signed an agreement entitled: Agreement between the United Nations and the government of the Republic of Côte d'Ivoire on the status of the operation of the United Nations in Côte d'Ivoire. Article 48(i) of this agreement provides that: "*The [Ivorian] government will take all appropriate steps to ensure the security and safety of members of UNOCI. It will in particular take all necessary action to protect members of UNOCI, their equipment and premises against any attack or action that would prevent the accomplishment of their mission, without prejudice to the fact that these premises are inviolable and under the sole control and authority of the UN.*"

Reports received by Amnesty International indicate that the security forces stood by passively as UN vehicles or other property were attacked. There were also some reports that the security forces helped to transport demonstrators to various locations in and around Abidjan.

This passive response by the security forces, which in some cases could amount to encouragement, was publicly condemned by the UN Secretary-General, Kofi Annan, who in a press release denounced the "*inaction of some national authorities in responding to the situation*".<sup>43</sup>

It was not only the "Jeunes Patriotes" and groups of demonstrators who called for the withdrawal of peacekeeping forces. In a statement published on 17 January 2006, the FPI, President Gbagbo's party, demanded "*the withdrawal from the country of all UN and Licorne forces, forces of occupation, exploitation and subservience of Côte d'Ivoire*". The FPI also called on the UN Security Council and the UN Secretary-General, "*to heed the will of the people of Côte d'Ivoire in refusing the denial of their sovereignty*".

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<sup>43</sup> Daily press briefing by the office of the Spokesman for the Secretary-General, 17 January 2006, <http://www.un.org/News/Press/docs/2006/sgsm10306.doc.htm>.

### **The incitement of violence against UNOCI in the media**

The mobilization against UNOCI was fuelled to a large extent by media close to President Gbagbo, in particular by *Radio-télévision ivoirienne* (RTI) which was occupied by the “Jeunes Patriotes” for several days from 16 January 2006. Having taken control of the radio, the “Jeunes Patriotes” broadcast appeals in particular urging “Ivoriens to take to the streets to demand the withdrawal of the impartial forces and liberate our country completely”.<sup>44</sup> The occupation of the RTI by the “Jeunes Patriotes” was welcomed by several newspapers and other media, notably *Notre Voie*, the newspaper of President Gbagbo’s party, the FPI.<sup>45</sup>

In the west of the country, the media and in particular the local radio was used to mobilize people against UNOCI. This was noted by UN officials who stated that: “*The situation in Guiglo worsened following the messages of hate against UNOCI and humanitarian workers broadcast on local radio.*”<sup>46</sup> UNOCI also stressed the role of the media in the attacks against its premises:

“*On Tuesday, 17 January, and Wednesday, 18 January, local leaders of the Patriotic Galaxy read out messages on Radio Guiglo urging the population to attack those they considered enemies – the staff and installations of UNOCI, UN agencies and international NGOs. The appeals were very effective. UN and NGO premises were damaged or destroyed, looted and burnt. The homes of their staff were ransacked and looted.*”<sup>47</sup>

Attacks against the UN also specifically targeted Pierre Schori, Special Representative of the UN Secretary-General in Côte d'Ivoire and head of UNOCI. In an article published in the daily newspaper *Le Temps* on 22 January 2006 entitled “*Who does Pierre Schori take us Ivoriens for?*”, the journalist called unambiguously for “*personal sanctions*” against those he accused of wanting to “*destabilize*” Côte d'Ivoire:

“*Called in to disarm the rebels, UN forces have instead become forces of occupation. They are killing unarmed Ivoriens who demand respect for the sovereignty of their country and strict enforcement of Resolution 1633. And the Swede Pierre Schori, co-chair of the GTI, who believes that he has the power to undermine the state of Côte d'Ivoire to the benefit of France and the bloodthirsty rebels, says that it is the journalists who have incited the people to rise up against a decision that doesn't exist. Respect for agreements depends on trust built*

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<sup>44</sup> This appeal was notably made from the RTI on 18 January 2006 by Serge Koffi, leader of FESCI.

<sup>45</sup> In an editorial published on 19 January 2006, Guillaume T. Gbato stated: “*Honour and glory to the journalists of Ivorian television who have chosen to side with their country and with honour. Glory to these valiant sons of Côte d'Ivoire who have demonstrated to Ivoriens and the world that, despite love of money, the sons of this country are prepared to fight for the dignity of the mother country.*”

<sup>46</sup> Office for the Coordination of Humanitarian Affairs, Report on the humanitarian situation in Côte d'Ivoire (15 January-13 March 2006), <http://ochaonline.un.org/webpage.asp?Page=2120>.

<sup>47</sup> UNOCI News, Special Edition on the mid-January 2006 crisis.

*up between communities, as Schori himself has acknowledged... He cannot 'bugger up' Côte d'Ivoire ['foutre le bordel'] and expect to sleep the sleep of angels. All of them, however many there may be, as long as they go beyond their official peacekeeping mission and act as mercenaries, they won't be able to sleep soundly, and will be at the receiving end of personal, targeted sanctions by anyone who possesses an ounce of national sovereignty. Because no UN sanction can deflect an Ivorian from liberating his country. For besides, in defence of their country, kamikazes endure much worse than the affliction of any UN sanction ."*

Attacks against UNOCI worsened on 18 January 2006, when news of the incidents in Guiglo (see below) reached Abidjan. When this news was announced, between two and three thousand "Jeunes Patriotes" once again tried to break into the UNOCI headquarters. On this occasion, the demonstrators succeeded in dismantling the barbed wire surrounding UNOCI and some 300 tried to get through the perimeter wall of the living quarters of UN personnel. The large gateway of the main entrance was set alight and for the most part burned. The demonstrators were pushed back by UN peacekeepers firing tear gas grenades and warning shots. Despite the increasing violence of these demonstrations, no action was apparently taken by Ivorian security forces to protect UN personnel and property.

The situation gradually calmed down following a joint appeal on the evening of 18 January 2006 by President Gbagbo and his Prime Minister, Charles Konan Banny, who called on their fellow citizens to "leave the streets" and "go back to work". The physical damage, however, to UN property in Côte d'Ivoire during those four days was considerable. In Guiglo, in particular, property belonging to a dozen international humanitarian organizations, including the International Organization for Migration and five UN agencies – the United Nations High Commissioner for Refugees, the UN Children's Fund (UNICEF), the World Food Programme, the Office for the Coordination of Humanitarian Affairs, and the Food and Agriculture Organization – was completely or partly destroyed, looted or burned during the demonstrations.

### **3.2 The events in Guiglo**

During the four days of demonstrations protesting against the presence of UNOCI in Côte d'Ivoire, the most serious incident occurred in Guiglo, a small town in the west of the country (about 400 km from Abidjan) where, during the night of 17 to 18 January 2006, UN peacekeeping forces opened fire on demonstrators, killing five people and wounding at least 20 others.<sup>48</sup>

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<sup>48</sup> While the number of those killed – five – does not appear to be disputed, the figures relating to the number of those wounded differs according to the source. The commanding officer for the region of Guiglo whom Amnesty International met in April 2006 put forward a figure of 42 wounded while, according to the Office for the Coordination of Humanitarian Affairs (OCHA), these events resulted in



An Amnesty International research team visited the region of Guiglo in April 2006 and met the Ivorian commanding officer of the region who controls the police and the army, one of the officers in charge of the Bangladeshi UN contingent which was in Guiglo at the time of the events in January 2006, as well as witnesses and leaders of self-styled patriotic movements, notably the Front de libération du Grand-Ouest, Liberation Front of the Great West. While the unfolding of the principal events can be pieced together from these accounts, they differ completely as to the circumstances in which UN soldiers opened fire. Amnesty International is not in a position to clarify this crucial point and sets out here the two versions that ought to be the subject of an independent and impartial inquiry, with all necessary resources, including forensic expertise.

From 15 January 2006, when the GTI's decision was announced, demonstrators went to protest in front of the camp of UN peacekeeping forces in Guiglo. These demonstrations appear to have been encouraged by the local political authorities. A witness made clear to Amnesty International that:

*"The political authorities of the town, the members of the General Council and the chairman of COJEP called on the local people to mobilize. Some took part in a sit-in in front of the UNOCI camp in Place Félix Houphouët-Boigny.<sup>49</sup> There was music and the demonstrators shouted and demanded the withdrawal of UNOCI."*

The following day, 16 January 2006, local leaders of the "Jeunes Patriotes" issued an ultimatum to UN forces to leave the town. One of the Bangladeshi officers in charge of UN forces whom Amnesty International met in April 2006 clarified:

*"There were demonstrations outside the camp. At 12.30 pm, the leaders of the Young Patriots asked us to leave; we told them that we had to wait for orders from our HQ. We informed the appropriate bodies about the ultimatum issued to us by the Young Patriots. The Young Patriots told us there would be severe consequences if we did not leave."*

In a written report sent to Amnesty International in May 2006, the same Bangladeshi officer provided details of the speech by the leader of the "Jeunes Patriotes" who had issued the ultimatum to UNOCI troops:

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19 wounded. An Ivorian human rights organization, Actions pour la protection des droits de l'homme (APDH), Action for the Protection of Human Rights, which undertook an investigation on the ground a few days after these incidents, noted in its report: "Four people killed on the spot by bullets were noted; another died while being transferred to hospital; 33 wounded, eight of them seriously, were noted." See APDH, *Report of investigation: Events of 15, 16, 17, 18, 19/01/06, in relation to GTI's position on the mandate of the National Assembly of Côte d'Ivoire*, Abidjan, 29 January 2006.

<sup>49</sup> This square is about 10 to 20 metres from the UNOCI camp.

*“His short speech is quoted verbatim: ‘We have come here this morning to tell you that your presence is for disarming the rebels. But what we notice is that you have come to destroy our country and its institutions. Now, you must leave Guiglo (all UNOCI components) today before 4pm. We have just come to tell you that; otherwise, we are going to take action to make you leave Guiglo.’”*

UNOCI forces called the Ivorian authorities, in particular officers from the FANCI. In his written report, the Bangladeshi UNOCI officer clarified that representatives of the local administration had arrived immediately and *“assured us of any assistance that may be required”*. The Ivorian commanding officer stated in particular to the demonstrators that UN forces had come to Côte d'Ivoire at the invitation of the government. Tension, however, remained high. At around 4pm that day, a UNOCI patrol was blocked at Guiglo market, unable to return without a confrontation. As a result of the ultimatum and this incident, the officer in charge of UNOCI troops decided to take several security measures. In his written report to Amnesty International in May 2006, the Bangladeshi officer mentioned in particular that: *“An additional obstacle was prepared with an iron bar and barbed wire overnight to strengthen the security of the main gate”* [and] *“All obstacles around the camps were strengthened and additional patrols were kept [on] standby to meet any unforeseen [events]”*.

### **3.2.1 The occupation of the UNOCI camp**

The following day, 17 January 2006, seeing that the UN forces had not left Guiglo despite the ultimatum, the “Jeunes Patriotes” decided to organize a demonstration in front of the camp to demand the departure of UNOCI forces; this ended with the demonstrators entering the camp. The testimonies obtained by Amnesty International, however, differ completely as to the events that led to the occupation of the UN camp. One of the leaders of the “Jeunes Patriotes” told Amnesty International:

*“On Tuesday, UNOCI was still in Guiglo; a big march was organized in the town to end up in front of the camp. The demonstrators opened the gate and we told the UN colonel not to be afraid and we remained in the camp from 11am to 5pm. We didn't touch anything; the Bangladeshi soldiers gave us sweets and biscuits. Towards 5pm, with the mediation of the town's mayor, we left the camp.”*

Amnesty International was also able to speak to several school pupils who took part in the occupation of the UNOCI camp. All insisted that their activities had been conducted peacefully. One of them stated: *“We went into the camp; that was only possible after discussions with UNOCI officers. We stayed in the courtyard and we forbade anyone to touch UN equipment.”* Another school pupil pointed out: *“Inside the camp, we stayed grouped together and we sang the national anthem; we left around 5pm.”*

In his written report, the UNOCI officer whom Amnesty International met in April 2006 gives a completely different account of these events. “*At one stage the unruly crowds brushed aside the [Ivorian] government patrols [who were protecting the camp] and entered the BANBAT-2 HQ<sup>50</sup> by hopping over the main gate and the adjacent barbed wire with the help of bamboos and sticks. Within a few minutes, thousands of people were inside the camp.*” UNOCI called the Ivorian authorities who asked the demonstrators to leave, but without success. The Bangladeshi officer added in his report:

*“As negotiations continued, the mob started getting more unruly. They ransacked the recreation room, broke the fences of the garden and concentrated around the office compound. Much of the office furniture and equipment was taken away. The photograph of the Honourable Prime Minister and Chief of Army Staff of Bangladesh was brought down. The UN and Bangladeshi flags were lowered down. Despite such humiliation, soldiers displayed extreme restraint. The mob had been signalling extreme indecent posture and warning of dire consequences to the BANBAT troops if they did not leave Guiglo.”*

For his part, the Ivorian commanding officer of the region stressed to the Amnesty International delegation the role played by the Ivorian security forces in the demonstrators’ decision to leave the UNOCI camp:

*“The youths demonstrated against symbols of the UN. They surrounded the UN camp, there was no hostility, physical contact was avoided. The army asked the youths to leave the camp, they left and that did not create any problems.”*

### **3.2.2 The circumstances in which UNOCI soldiers opened fire**

After having left the UNOCI camp on 17 January 2006, between 5pm and 6pm, the demonstrators regrouped in the Place Félix Houphouët-Boigny, some 10 to 20 metres from the UNOCI camp. Political messages were read out loudly and the demonstrators began to play music and dance. The atmosphere apparently then became less tense. Several hours later, after 3am, UNOCI soldiers opened fire, killing five people and wounding at least 20 others.

The testimonies relating to the circumstances that led UN troops to open fire onto the demonstrators completely contradict one another. UNOCI forces insist that they acted in self-defence after demonstrators tried to seize their weapons. For their part, leaders of the “Jeunes Patriotes” whom Amnesty International met described scenes in which UN soldiers fired point-blank at demonstrators who posed no threat, some of whom were sleeping or lying on the ground.

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<sup>50</sup> BANBAT is the acronym for Bangladeshi Battalion.

In his written report, the officer of the Bangladeshi UNOCI contingent whom Amnesty International met in April 2006 stated:

*“Throughout the whole night around 1,000/1,500 youths had been chanting slogans, hurling abuse, singing, dancing and drinking at the Félix Houphouët-Boigny Square. At around 0200 hours on 18 January 06, it could be felt that the strength increased. They started throwing stones, burning tyres and bottles filled with urine towards the soldiers on duty. The situation worsened as more youths gathered around the gate and demanded to open it. At around 0400 hours on 18 January 06, about 150/200 youths rushed towards the gate of BANBAT-2 Complex (adjacent to Félix Houphouët-Boigny Square) and tried to enter inside. The on-duty officers and soldiers urged them to go back. But instead of going back the unruly youths succeeded in breaking the gate open. Around 35/40 young men rushed toward one of the Armoured Personnel Carriers (APC), which was placed beside Gate No. 2. Once the remaining crowd realised that the gate had been neutralised, they started rushing towards the compound. At that stage the Duty Officer fired warning shots to disperse the crowd. Only a few dispersed. The crowd rushed towards the APC and others started fighting with the on-duty soldiers to snatch away their weapons. They were shouting at their fellow mates to occupy the camp and slaughter all who would come in their way. As the mob tried to snatch away the weapons, soldiers had to open fire in self-defence. After being hit by bullets, a few injured persons fell on the ground and others dispersed. The gate was restored.”*

Leaders of the “Jeunes Patriotes” whom Amnesty International met denied that the demonstrators had again tried to get into the camp or that they had wanted to seize the weapons of UN soldiers. Several witnesses asserted that the Bangladeshi soldiers opened fire shortly after two helicopters of the French Force Licorne flew over the scene, at around 3am. One of the victims who was wounded during the shooting stated to Amnesty International:

*“Towards 3.30am, we were aware of the presence of the helicopters and immediately after they had gone at around 3.45 am warning shots were heard. I asked the youths to keep their heads and not to react to the provocation. The Bangladeshis were in darkness and searchlights were trained on the crowd. Five to 10 minutes later, after the three warning shots in the air, I was personally hit by a bullet in the shoulder. I told my chairman [of COJEP, Maho Cyprien]; he therefore headed towards the soldiers to ask them for an explanation; he was six metres from them. As he was going towards them, two other people who were lying down were hit, they were killed in front of me. They were Glou Alain, aged 18, and Glé Hubert, aged 16. The chairman said to the soldiers: ‘You have come here to kill us.’ They replied, ‘Go, go’, and the chairman was also hit on the chin. Someone went to his aid and he was also hit. That was Bahi Mounebo Marc, a planter aged 23; he was hit in the back and he died in hospital from his injuries. I didn’t see people climbing on an armoured personnel carrier. After the deaths of these people, the armoured personnel carriers*

*began to make a noise and the soldiers once again fired at the demonstrators. Forty-two people were wounded, 19 of them by bullets. People ran in all directions. Dioumandé Kasoum, aged 10, who was 30 metres from the camp, was hit in the head. Bannibo Hubert, a planter aged 26, was also hit."*

The chairman of COJEP, Maho Cyprien, referred to in the testimony above, confirmed this version of events when he met Amnesty International, pointing out that: *"There was blood everywhere, the soldiers had started up the armoured personnel carriers and there was a hail of bullets; it should be pointed out that there was no firing from the armoured personnel carriers; the crowd ran in all directions."*

A planter who was among the demonstrators and who was not hit in the shooting confirmed that warning shots had been fired into the air, and that UN soldiers had then fired at the demonstrators, but he could not explain the reason for this decision:

*"We were in front of the camp and we had turned on the sound system, we sang and danced until 3am when we heard the first shots in the air. Our leaders told everyone to lie down and we asked for the chairman of COJEP, Maho Cyprien, to be called. When he arrived, he asked the soldiers why they had fired; the soldiers ordered him not to approach and they began to fire at the demonstrators. Two people who were sleeping a few metres away were fatally wounded. Maho Cyprien's deputy was hit. The chairman called on the crowd to remain under control and stay calm. He went back for a second time towards the soldiers and he was hit on the chin. A demonstrator told him to lie down and that person was also hit in the back and died from his injuries."*

These events unfolded in the absence of the Ivorian security forces. Once the demonstrators had left the UNOCI camp around 5pm, the security forces left the crowd of demonstrators and the UN confronting each other. A demonstrator clarified to Amnesty International: *"The Ivorian security forces weren't there; we were 10 metres from the camp and there were no Ivorian soldiers to come between the demonstrators and the barbed wire that separated us from the soldiers from Bangladesh."* Questioned about the absence of the security forces, the commanding officer of the region informed Amnesty International that once the demonstrators had left the UNOCI camp, *"the soldiers gave the demonstrators access to power so that they could play music. I returned home, unaware of everything that happened next. I was woken up in the night around 4.30am and then learned what had happened"*.

The Ivorian security forces only arrived on the scene after the shooting had occurred and they persuaded UNOCI soldiers to leave Guiglo. The officer of the Bangladeshi contingent met by Amnesty International pointed out that the commanding officer of the region had come to see him on the morning of 18 January 2006, and *"told us that if we remain in Guiglo, there will be a massacre, and he said that the only option left was to leave the*

place. He gave us a few hours and around 9.35am he provided us with protection and we left for the safety zone [zone de confiance].<sup>51</sup> As for the frame of mind of the UNOCI soldiers, the Ivorian commanding officer, for his part, informed Amnesty International: “The day after the tragedy, we talked to the soldiers from Bangladesh in order to understand the circumstances of what had happened; we noticed that some still had their fingers on the trigger.”

In the hours following the withdrawal of UNOCI troops, all the UN buildings in Guiglo were looted. A witness told Amnesty International:

*“The buildings belonging to OCHA, the WFP were looted; people took everything they could lay their hands on: rice, oil; soldiers helped themselves, too. Some tried to sell the air conditioners afterwards. People went after as much as they could, some filled cars up, others taxis, ‘pousse-pousses’ and bicycles, others carried goods on their heads. People sold the equipment on the spot, the prices varied according to the supply. The looting brought about some calm and those killed were quickly forgotten.”*

In respect of the looting, the commanding officer of the region pointed out:

*“After the withdrawal of the UN soldiers, there was looting, people attacked anything that represented the UN. The army couldn’t do anything to restrain the crowd. It did not have non-lethal equipment. The looting helped to get the UN soldiers out to the zone of confidence.”*

### **3.3 Ivorian Security forces: failure to protect journalists against attacks; arrests and torture of alleged opponents**

The Ivorian security forces failed to intervene when the “Jeunes Patriotes” again occupied the headquarters of the RTI in January 2006, as they had done in November 2004, and attacked certain journalists accused of not demonstrating their “patriotism” or of being close to opposition political parties. Furthermore, in the days following the demonstrations against UNOCI, the security forces – the Centre de Commandement des Opérations de Sécurité (CECOS), Command Centre for Security Operations, which brings together police and gendarmerie forces – arrested alleged opponents, mostly Dioulas and nationals of neighbouring countries in their homes. Some of them were tortured at the gendarmerie training school and at least one of them died as a result.

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<sup>51</sup> The “zone de confiance”, zone of confidence, is a demilitarized area that separates the northern part of the country, controlled since September 2002 by the armed opposition group (renamed the Forces Nouvelles), which rose up against President Gbagbo, and the southern part under the control of government forces.

### 3.3.1 Attacks on journalists

From 16 January 2006, the day after the GTI's decision was announced, groups of "Jeunes Patriotes" occupied the RTI. Not only did the Ivorian security forces do nothing to prevent the occupation, but concurring testimonies indicate that some of the most senior officials of the army and gendarmerie were present when the "Jeunes Patriotes" forced their way into the RTI.

A witness described to Amnesty International how the "Jeunes Patriotes" had been able to gain access to the RTI:

*"The security forces led by the army chief of staff and the commander of the CECOS ordered RTI security guards to let the demonstrators into the building. The demonstrators wanted to transmit a public statement on air and forced the presenter of the 13.00 news out of his studio. They then insulted and threatened the journalists. The security forces seemed to be colluding with the crowd and said: 'We cannot fire on our brothers'."*

Moreover, Amnesty International has obtained consistent reports of threats of rape – in public and in the presence of the security forces – made against one of the women journalists at the RTI on 16 January 2006. A witness told Amnesty International: *"The demonstrators asked where this journalist, who was not there that day, was and said 'We are going to rape her'."* This particular journalist had for several months been the target of serious threats made by self-styled members of the "Jeunes Patriotes". Despite the gravity of these threats – which had been repeated in the Ivorian press – the Ivorian authorities appeared to have done nothing to ensure her safety or to bring those responsible to justice.

In addition, according to a witness's account, death threats were made against an RTI official on 18 January 2006 by demonstrators who had occupied the television centre. The witness described to Amnesty International:

*"Around 9 o'clock in the morning I saw about a hundred demonstrators who said in relation to an RTI official: 'Where is he? We are going to kill him'. The security forces were there but said nothing."*

Other journalists of the print media were also targeted by self-professed supporters of President Gbagbo. On 15 January 2006, "Jeunes Patriotes" attempted to set fire to a car in which journalists of the newspaper *24 Heures* were travelling on their way to a meeting of the GTI. They were accused of being rebels because they were working for an opposition newspaper. On 19 January 2006, Konan N'Bra, a journalist for *Soir Info*, and his team were assaulted at a roadblock in a district of Abidjan by "Jeunes Patriotes" who threatened to kill them. They were accused by their attackers of being "rebels".

### 3.3.2 Arrests and torture of alleged opponents

In the days following the demonstrations against UNOCI, members of the CECOS arrested Dioulas and nationals of other countries in the sub-region. While it is beyond the scope of this report to analyse all the reported allegations of human rights violations perpetrated against Dioulas and non-nationals by the security forces, this section illustrates the case of some detainees who were reportedly tortured at the gendarmerie training school, including at least one, Diallo Ouatreini, a tradesman of Malian origin, died as a result.

In April 2006, Amnesty International's delegation obtained the account of one of those arrested during these events in the district of Abobo in the north of Abidjan:

*“During the night of 20 to 21 January 2006 at about two o'clock in the morning, members of the CECOS turned up and woke everyone. People were rounded up in the courtyard. They did not explain why they had come and they picked me out and two other people. They put us into a vehicle. During the journey, they made threats against us. They told us that we were going to see, that we were going to confront death little by little; they kicked us and used the butts of their guns to hit us. Once we had arrived at the gendarmerie training school, they treated us as if we were assailants. They then put something into some water and sprayed us with it. Six gendarmes hit us with a cord tied into knots; they also used iron bars to beat us. Then, they locked us in a cell. One of those detained, who was very badly affected, began to walk round and round. He asked for some water and the gendarmes told us to urinate into his mouth. After a while, we told them that he had died; they didn't want to open the door. The following morning, they took the body away and transferred us to the 'brigade de recherche' [investigation unit] where they told us that we were accused of being rebels. After six days we were released.”*

Amnesty International has also obtained the testimony of the father of Diallo Ouatreini, who died in detention as a result of torture. Of Malian origin, aged over 70 and retired, he had been arrested at the same time as his son:

*“Around 1.30 in the morning, members of the CECOS, in vehicles with registration numbers CECOS 01 and 02, came banging at our door; they smashed the door in and told us that they were gendarmes; they pointed their weapons at us. They said that they were looking for me. I went out, I was almost naked and they pointed a weapon at me. They then took me away with my eldest son, Diallo Ouatreini, who is a tradesman and sells scrap iron. At the gendarmerie training school, they really hit us hard all over our bodies with ropes and iron bars. They accused me of financing the rebels. My son asked for water and one of the gendarmes told us to urinate in his mouth. He was going around in circles; he told me that he hurt all over. We banged on the door to get them to give help to my son; they refused; he died shortly*



*afterwards and they still refused to open the door. The next morning, they sent us to the 'brigade de recherche' and then they released us."*

As far as Amnesty International is aware, no investigation into these very serious incidents has been opened by the Ivorian authorities and no official of the security forces implicated in these events has been held accountable for his actions.

#### **4. THE NEED FOR INDEPENDENT INQUIRIES**

The very serious events that saw Ivorian demonstrators pitched against peacekeeping forces on two occasions, in November 2004 and January 2006, without any effective intervention by the Ivorian security forces, should be the subject of independent and impartial inquiries to determine the respective responsibilities of those involved as well as to consider contextual and other factors which should be taken into account in planning future peacekeeping operations. The findings of such inquiries should be made public.

Such steps have been taken to date to institute inquiries have been inadequate. A criminal investigation was opened by the military prosecutor of Côte d'Ivoire into the November 2004 events. Another investigation has been opened by the Ivorian authorities to identify and bring to justice those individuals responsible for the attacks against UN personnel and premises in January 2006 but to date there seems to have been no further developments although the matter remains sub judice. However, in the prevailing climate where conflict threatens to resume from one day to the next, it is unlikely that an independent and impartial inquiry can be satisfactorily completed in Côte d'Ivoire.

With regard to actions by the French forces in Côte d'Ivoire in November 2004, there has been no formal inquiry; the Ministry of Defence has indicated that it has undertaken an internal inquiry of its own but its findings have not been made public. A proposal to "create a commission of inquiry into the circumstances in which the Government has intervened in the Côte d'Ivoire crisis since 19 September 2002", submitted notably by parliamentarians of the French Socialist Party in December 2004, was rejected by the Foreign Affairs Committee of the National Assembly. This rejection was justified both by political considerations in relation to the situation in Côte d'Ivoire and also because documents required for such an inquiry were classified information.<sup>52</sup>

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<sup>52</sup> In his conclusion, the rapporteur of the Foreign Affairs Committee gave the following explanation for the rejection of this proposal: "*Although the proposed resolution is not legally inadmissible, your rapporteur considers that it is inopportune, given the presence of French nationals and the progressive improvement of the internal Ivorian situation. The mechanism of a commission of inquiry does not appear to be appropriate, available information is plentiful and diverse, while possible classified documents concerning national defence and foreign affairs are unavailable to rapporteurs of*

In respect of the events in January 2006, no investigation appears to have been opened by the Ivorian authorities into the attacks against the UN, or into the arbitrary arrests and torture carried out by members of CECOS. The UN has stated that it is conducting an internal inquiry and that, while exceptions can be made, the reports of such inquiries are normally internal and confidential.

#### **4.1 The responsibility of the Ivorian authorities**

All the information obtained by Amnesty International indicates that, both in November 2004 and January 2006, the Ivorian security forces did nothing to protect either property or individuals associated with the French and UN presence in Côte d'Ivoire who, because of that association, were attacked by elements of the "Jeunes Patriotes" or by other demonstrators. Neither did the Ivorian security forces do anything to protect Ivorian journalists attacked by self-professed supporters of President Gbagbo who acted with complete impunity. Investigations were opened by the Ivorian authorities into the November 2004 and January 2006 events but to date there seems to have been no further developments and it is unlikely in the prevailing volatile climate that an independent and impartial inquiry can be satisfactorily completed in Côte d'Ivoire.

In addition, in January 2006, members of CECOS arrested people accused of supporting the "assaillants" and tortured them in custody. One of those arrested died as a result of torture. As far as Amnesty International is aware, no investigation into these incidents has been opened.

In July 2005 Amnesty International sent a confidential memorandum to President Gbagbo in order to convey the organization's concerns about the human rights abuses committed with complete impunity by the "Jeunes Patriotes" in Abidjan in November 2004, and the disturbing lack of action by the Ivorian security forces. Amnesty International regrets that it has not, to date, received a reply from the Ivorian authorities.

#### **4.2 The responsibility of the French authorities**

The accounts and information collected by Amnesty International show clearly that, between 6 and 9 November 2004, French troops had to confront large groups of demonstrators, sometimes threatening their lives or those of others, and that they had to evacuate in very

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*commissions of inquiry and they would not have the means to obtain the testimony of certain principal actors in the crisis".* Assemblée nationale, Report 2032, 18 January 2005, <http://www.assembleenationale.fr/12/rapports/r2032.asp>.

difficult circumstances French civilians and other foreign nationals who had been attacked. However, information obtained by Amnesty International about the circumstances in which French soldiers used lethal weapons during confrontations with demonstrators in Abidjan shows that French forces did, in some instances, use excessive force when confronted by demonstrators who did not represent any direct threat to their lives or those of others.

This conclusion is based on information obtained by Amnesty International, but this whole issue ought to be examined thoroughly within the context of an independent inquiry with adequate resources to undertake their work, unrestricted access to witnesses and documents, including from among the Ivorian security forces and French armed forces. The responsibility of French troops must in particular be evaluated in the light of international humanitarian law and human rights standards including, notably, the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.<sup>53</sup>

Amnesty International believes that the inquiry should also look into the issue of weapons possessed by the demonstrators since many questions remain unanswered. Amnesty International has been able to collate the following information:

- The French authorities have insisted that demonstrators were armed.
- Numerous witnesses met by Amnesty International, however, indicated that many demonstrators were not armed on those two days. A musician specified that: *“On the march that I took part in, I saw youths; they weren’t armed, I didn’t see any arms. Dioula friends, Burkinabè and Malians took part in the demonstration; many did not believe that the French would fire live bullets at unarmed demonstrators”*.
- Some witnesses referred to the presence of weapons among some demonstrators. One person who was close to the airport on the evening of 6 November 2004 told Amnesty International: *“On the road leading to the airport, I personally disarmed two demonstrators who had machetes; I took them and threw them into the bush..”*
- French soldiers of the Force Licorne did not possess adequate non-lethal equipment that would have provided them with an effective alternative to using firearms in the event of serious confrontations. This was spelled out to Amnesty International by an officer of the Force Licorne: *“In respect of non-lethal weapons and ammunition, it would be right to point out that the group [of French soldiers at the Hôtel Ivoire] were equipped with combat weapons and ammunition but they also had crowd dispersal grenades and offensive hand grenades. A group of Special Forces had been provided as reinforcement with weapons capable of firing ‘Gomme-Cogne’ ammunition but in*

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<sup>53</sup> Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990.

*a very small number. This lack of non-lethal ammunition had been clearly pointed out to officials of the Ivorian security forces.”*

#### **4.2.1 Response of the French Ministry of Defence**

In July 2005 a memorandum containing the results of Amnesty International's investigation into the events of November 2004 was addressed to the French government. The organization has received two responses from the French Minister of Defence, Michèle Alliot-Marie. In addition, in January 2006 an Amnesty International delegation met representatives of the French Ministry of Defence.

In the first letter addressed to Amnesty International on 30 August 2005, Mme Alliot-Marie points out in particular that:

- The Force Licorne acted in Côte d'Ivoire within the context of a mission entrusted to it by the international community, which has been confirmed on several occasions by the UN Security Council.
- The presence of the Force Licorne “*continues to be requested by the parties in Côte d'Ivoire*”.
- Amnesty International's analysis “*would doubtless be more complete if it also took into account the attack against the French contingent in Bouaké*”.
- French forces acted “*in a situation of self-defence to protect themselves and others in accordance with their mandate, with international law and with French law*”. The Minister points out that French soldiers “*demonstrated restraint both collectively and individually*”.
- The Minister also indicated that: “*A careful reading of your memorandum has not enabled me to identify any case where a possible lack of proportionality could have been factually and materially observed by your investigators.*”
- The Minister also maintains that she does not share “*the extremely broad perception [by Amnesty International] of the standards applicable to the actions of the armed forces*”.

Following the publication of a report by Amnesty International in October 2005,<sup>54</sup> the French Minister of Defence sent a second letter to the organization, dated 27 October 2005, in which she deals again with several of the points raised in her earlier correspondence. She added two points relating to the use of lethal weapons by the Force Licorne:

- In respect of the incident at the Hôtel Ivoire, the Minister points out: “*We reacted with lethal weapons on two occasions where direct attempts were made on the lives*

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<sup>54</sup> Amnesty International, *Côte d'Ivoire: Threats hang heavy over the future*, (AI Index: AFR 31/13/2005), 26 October 2005.

of our men and therefore precisely in line with the rules recommended in your report in the last line of its conclusion: when one of our soldiers was grabbed by the crowd, he could only be saved from a lynching by retrieving him through the use of weapons; and when a member of the militia attempted to use a collective weapon<sup>55</sup> against one of our armoured vehicles.”

- The Minister points out that in respect of non-lethal weapons: “France has provided the Force Licorne with crowd control equipment and reinforced its operations with gendarmerie units.”

In January 2006 an Amnesty International delegation also met representatives of the French Ministry of Defence in Paris. During this meeting, Amnesty International insisted on the necessity for an independent and impartial inquiry in order to establish exactly what had occurred and the possible respective responsibilities of the Ivorian security forces and civilians, as well as soldiers of the Force Licorne. Representatives of the Ministry replied that they had undertaken thorough internal investigations and as a result had concluded that the Force Licorne “*was not responsible for any breach of international law during the events of November 2004.*” While not contradicting any specific detail contained in Amnesty International’s memorandum, they considered that a further inquiry was not justified and that they were not themselves obliged to open an inquiry into the allegations made public by the organization. They nevertheless indicated that, if a judicial inquiry was opened in France at the request of Ivorian victims or if an international commission of inquiry was established, France was ready to cooperate unreservedly.

In respect of the use of force by French soldiers in Abidjan, the representatives of the French Ministry of Defence explained that:

- The firing from the helicopters onto the bridges on 6 November 2004 “was not aimed at suppressing a demonstration. It was a case of barrage fire, first into the water and then at the first vehicles that had taken the bridge.” They also explained that the use of helicopters was equally aimed at having a dissuasive effect that might have discouraged some Ivorians from heading towards the bridges.
- As for the incidents at the Hôtel Ivoire, the representatives of the Ministry clearly maintained that the first shot was fired by an Ivorian gendarme against one of his Ivorian colleagues. They also emphasized the extent to which the Ivorian gendarmes were in collusion with the demonstrators, and that their aim was to get “the French to fire into the crowd”.

The representatives of the French Ministry of Defence also stressed the determination of the French government to reinforce its military personnel in Côte d’Ivoire with non-lethal equipment. They referred back to the fact that immediately after the events of November 2004,

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<sup>55</sup> Machine gun on a tank.

three squads of gendarmes trained in crowd control and equipped with non-lethal weapons had been sent to Côte d'Ivoire. They also pointed out that the French army had replaced some wheeled armoured vehicles with armoured vehicles with tracks because these were able to “crush barricades without opening fire”.

### 4.3 The responsibility of UNOCI

It is also necessary that there be an inquiry into the circumstances in which UNOCI peacekeeping forces fired on demonstrators in Guiglo in January 2006. The accounts obtained by Amnesty International during its research visit contradict one another and cannot be reconciled on several points, including the most important: the circumstances in which UNOCI troops fired at demonstrators in Guiglo during the night of 17 to 18 January 2006. Four points appear to be confirmed by all witnesses:

- Although they intervened during the day of 17 January 2006 to persuade the demonstrators to leave the UNOCI camp, the Ivorian security forces then left the scene, leaving the demonstrators and UNOCI facing each other throughout the night.
- None of the demonstrators appeared to be carrying firearms or knives, even though the officer in charge of UNOCI forces whom Amnesty International met insisted that demonstrators had resorted to violence by hurling stones and throwing tyres onto the barbed wire that defended the UN camp before trying to “snatch away” the weapons of UN soldiers.
- The peacekeeping forces did not possess non-lethal weapons that would have allowed them to respond in a proportionate way to any attack or demonstrations by unarmed civilians. This was clearly spelled out to Amnesty International by the UNOCI officer whom it met in April 2006: “We should mention that the soldiers are not equipped with non-lethal equipment.”
- UNOCI soldiers fired warning shots before firing at the demonstrators.

In this situation, it is essential to determine why UNOCI soldiers used live ammunition against the demonstrators. Was it a question of proportionate use of force in self-defence; or completely unnecessary force; or excessive use of force? If the use of force was excessive, was this outcome caused or exacerbated by the fact that UN troops were not equipped with non-lethal weapons, which would have offered them an alternative to firing live bullets at the demonstrators?

Conditions for the use of firearms are specified in international human rights standards, notably Principle 9 of the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, which provides that law enforcement officials “shall not use

*firearms against persons except in self-defence or defence of others against the imminent threat of death or serious injury, [or] to prevent the perpetration of a particularly serious crime involving grave threat to life...".<sup>56</sup>*

The officer in charge of UNOCI forces whom Amnesty International met in April 2006 insisted that his soldiers had acted in self-defence after demonstrators tried to take their weapons. All the demonstrators questioned by Amnesty International asserted that none of them had tried to get into the camp and that, after the warning shots in the air, UNOCI soldiers had suddenly fired live bullets at the demonstrators, but they did not know why.

It is essential to hold a proper and full inquiry in these events, applying the legal framework of international human rights and humanitarian law and in line with international standards for such investigations, including the Model Protocol for a Legal Investigation of Extra-Legal, Arbitrary and Summary Executions (known as the "Minnesota Protocol"). Such an inquiry, with the help of ballistic analysis and autopsies on the victims, ought to establish in particular the distance separating UNOCI soldiers from those killed or wounded. This would make it possible to either corroborate or discount the presence of demonstrators who were reported to have climbed onto an armoured personnel carrier and to have attempted to "snatch away" the weapons of UN soldiers. It would also help to establish whether one or more of the demonstrators had breached the barbed wire and got into the camp before UNOCI soldiers opened fire. Amnesty International submitted a memorandum to UNOCI on 9 June 2006, calling for a thorough, impartial and independent inquiry into the circumstances in which UNOCI soldiers used lethal force in Guiglo. Amnesty International also called on the United Nations to ensure that UNOCI peacekeeping forces are equipped with non-lethal weapons and are provided with training on law enforcement/crowd control that would allow them to respond appropriately and proportionately to any similar situations that they may face in the future.

#### **4.3.1 Response of UNOCI**

On 10 July 2006, Amnesty International received a response to its memorandum, from Pierre Schori, Special Representative of the UN Secretary-General in Côte d'Ivoire and head of UNOCI. The Special Representative referred to the context where, following incitements to violence emanating from certain political quarters, armed militia, and, fuelled by inflammatory messages communicated through the local and national media, Ivorian nationals attacked UN personnel and premises in several locations throughout the country. He also referred to the failure by the Ivorian authorities to fulfil their responsibility of ensuring the protection of UN personnel and property, pursuant to the Agreement between Côte d'Ivoire

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<sup>56</sup> See Principle 9 of the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990.

and the United Nations concerning the Status of the United Nations Operation in Côte d'Ivoire (SOFA), as well as the Convention on the Safety of United Nations and Associated Personnel (1994), to which Côte d'Ivoire has adhered.

While recalling that the UN Security Council had authorized UNOCI to use “*all necessary means*” to fulfil its mandate, the Special Representative stated that UNOCI had launched an internal UN investigation (Board of Inquiry) whose report is expected to be completed in the near future. He stated that while Board of Inquiry reports are internal and confidential documents of the UN, exceptions concerning their release may be considered on a case-by-case basis, if and when agreed by the UN Office of Legal Affairs in New York.

He stated that UNOCI has also requested information concerning the investigation of the Ivorian authorities to identify and bring to justice those individuals responsible for the attacks against UN personnel and premises in January 2006, according to their obligations pursuant to the SOFA. Specifically, UNOCI has requested the Ivorian authorities to provide to UNOCI copies of reports, testimony and other evidence collected in relation to its investigation, including autopsy and ballistic reports. The documents from the Ivorian authorities will, if and when received, be submitted for consideration to the UN Board of Inquiry, although he noted with regret he had not yet received any response from the Ivorian authorities to his requests. In addition, several follow-up inquiries to the authorities have been undertaken by relevant UNOCI sections, including Military, UNPOL and Political Affairs.

The Special Representative stated that he would also forward Amnesty International's memorandum to the Board of Inquiry to take it into consideration in their investigation.

The Special Representative stressed UNOCI's compliance with international standards on the use of force and firearms by law enforcement officials, and noted that the UN Security Council has recently approved reinforcements for UNOCI that include additional formed police units, crowd control equipment and training for existing military personnel. He pointed out that at the time of the events in question, notwithstanding the fact that riot control and policing are the sole responsibility of the Ivorian authorities, UNOCI had three formed police units specialized in riot control but due to the extent of demonstrations throughout the country, their timely deployment to Guiglo was not possible.

Amnesty International welcomes the initiative by UNOCI to open an internal UN inquiry into the January 2006 events. However, given the gravity of the allegations, Amnesty International strongly recommends that the report of the inquiry is made public as soon as the inquiry is concluded. Only conducting an effective and independent inquiry and publicizing its findings will ensure the establishment of the truth about these events and enable UNOCI to continue effectively its peacekeeping role.



#### **4.4 The role of the UN and its member states**

Inquiries at the national level by Côte d'Ivoire and France and an inquiry by the the UN on the events of January 2006, could, if carried out by independent bodies and in line with international standards for such inquiries, resolve many of the contested facts about the specific incidents which took place. However, even if such separate inquiries were to take place, they would not be able to adequately address the complex underlying causes which led to these clashes, or the inter-connections between the conduct of the peacekeepers and of the demonstrators and the role played by the Ivoirian security forces. Moreover, an internal inquiry by the UN and an inquiry such as Amnesty International is recommending be established by France may not be sufficient to restore the legitimacy and credibility of peacekeeping forces in the eyes of many Ivorians.

For these reasons, Amnesty International recommends that the UN and its member states establish an international commission of inquiry to investigate all the events described in this report and make recommendations to all parties involved, that is, to peacekeepers from Force Licorne and UNOCI as well as to the government and security forces of Côte d'Ivoire. Amnesty International believes that, without a transparent inquiry into all these related events, including the underlying factors, there could be long-lasting damage not only to the activities of peacekeepers in Côte d'Ivoire, but to the credibility of peacekeeping initiatives by the international community in general.

## **5. CONCLUSIONS AND RECOMMENDATIONS**

On 2 June 2006, the UN Security Council adopted a resolution authorizing “*until 15 December 2006 an increase in the strength of the United Nations Operation in Côte d'Ivoire (UNOCI) of up to 1,500 additional personnel, including a maximum of 1,025 military personnel and 475 civilian police personnel*”.<sup>57</sup>

This decision appears to stem from a desire to increase the number of police with expertise in maintaining order in order to minimize the risk of excessive use of force. Amnesty International, however, considers that more is needed than simply increasing the number of peacekeeping forces and civilian police personnel. It is important to undertake inquiries into the events described in this report and the context in which they took place in order that lessons can be learned so as to prevent a recurrence of such incidents. In particular, effective steps must be taken to ensure that international peacekeeping forces comply at all times with international human rights and humanitarian law, and in particular the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, and that they are adequately trained and equipped to enable them to adhere to these standards.

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<sup>57</sup> UN Doc. S/RES/1682 (2006), 2 June 2006, para. 2

The Ivorian authorities must bring an end to the impunity enjoyed by self-styled members of the “Jeunes Patriotes” who have been responsible for serious human rights abuses, and must adopt measures to prevent advocacy of hatred. They must also open investigations into human rights violations committed by the security forces, including cases of torture and arbitrary arrest.

If these matters are not effectively addressed in a timely way, the extremely volatile situation in Côte d'Ivoire risks giving rise to further wave of violence which could result in human rights violations on a large scale, as well as very substantial displacement of the population. Côte d'Ivoire would then risk sinking into chaos, leading to destabilization of the sub-region and widespread violations and abuses of human rights.

In any event, it is likely that situations similar to those described in this report will recur. It is therefore crucial that measures are taken to avoid further clashes between peacekeepers and civilians and to strengthen the legitimacy and credibility of the peacekeeping forces, both Force Licorne and UN peacekeeping, in order to ensure that they can effectively carry out their mandates in the future. If further human rights violations, such as those which occurred in November 2004 and January 2006, are to be prevented, the Ivorian authorities as well as UN peacekeeping forces and French troops of the Force Licorne must take immediate measures to ensure respect for international human rights and humanitarian law.

Amnesty International calls on the Ivorian authorities:

- to pursue investigations into allegations of rape and attempted rape of French and other foreign women during the events of November 2004, attacks on journalists and others in January 2006 where Ivorian security forces failed to provide protection, and torture of Dioulas and other non-nationals by Ivorian security forces in January 2006; where there is sufficient evidence, prosecute and bring to trial in proceedings that meet international standards of fair trial and without recourse to the death penalty all those suspected of being responsible for these serious human rights violations and abuses;
- to ensure that full reparations are provided, in the form of restitution, compensation, satisfaction, rehabilitation and guarantees of non-repetition, to the victims of these human rights violations and abuses and to their families;
- to give clear instructions to the security forces to act at all times in compliance with international humanitarian law and human rights law, in particular the absolute prohibition against torture and other ill-treatment, provisions of the International Covenant on Civil and Political Rights prohibiting arbitrary detention and providing for procedural safeguards in detention, and UN codes of conduct and other human rights standards relevant to law enforcement;

- to fully cooperate with the UN internal inquiry into the events of January 2006 and with any future inquiries into the events of November 2004 and January 2006 which Amnesty International is recommending be established by France and the UN;
- to undertake measures, in line with Côte d'Ivoire's obligations under the International Convention on the Elimination of All Forms of Racial Discrimination and the International Covenant on Civil and Political Rights, to prevent and prohibit advocacy of national, ethnic or racial hatred which constitutes incitement to discrimination or violence. These should include measures in the field of teaching, culture and information to combat prejudice, and not permitting public authorities or institutions to promote or incite discrimination;
- to encourage national media to put into place a code of conduct and professional ethics for the media which prohibits advocacy of hatred and promotes pluralist reporting;
- to provide reparations, including compensation, to the families of those whose homes and possessions have been looted, as well as to newspapers whose premises have been destroyed.

Amnesty International calls on the French authorities:

- to establish an independent commission of inquiry into allegations of excessive use of force by French soldiers of Force Licorne during the events of November 2004 in Abidjan. Such commission of inquiry should apply the legal framework of international human rights and humanitarian law and should be carried out in line with international standards, including the Model Protocol for a Legal Investigation of Extra-Legal, Arbitrary and Summary Executions (known as the "Minnesota Protocol"). Members of the commission, who should be appointed on the basis of their recognized competence, impartiality and integrity, must be provided with adequate resources to undertake their work, unrestricted access to witnesses, including from among the Ivorian security forces and French armed forces, and have complete freedom to obtain evidence which they judge to be necessary to the inquiry. The findings of this inquiry must be made public;
- to provide full reparations, in the form of restitution, compensation, satisfaction, rehabilitation and guarantees of non-repetition, to those injured, and to the families of those killed, as a result of any excessive use of force by the Force Licorne during these events;
- to pursue investigations into allegations of rape and attempted rape and murder in connection with the November 2004 events, which have been the subject of complaints registered with the Public Prosecutor's office in Paris, and, where there is sufficient evidence, to ensure that those suspected of being responsible are prosecuted and brought to trial, either in France or in Côte d'Ivoire, in proceedings that meet international standards of fair trial and without recourse to the death penalty;

- to take immediate measures to ensure that members of the Force Licorne in Côte d'Ivoire are fully trained in human rights and international humanitarian law and in their obligation to respect and protect human rights, and that in particular they are fully trained in and adhere to the UN Code of Conduct for Law Enforcement Officials and the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials;
- to urgently re-examine methods employed by the Force Licorne to maintain order during demonstrations in Côte d'Ivoire, and in particular to ensure that from now on they are equipped with various types of weapons and ammunition, including non-lethal incapacitating weapons, that would allow for differentiated use of force and firearms appropriate to the particular situation they are dealing with at any time;
- to fully cooperate at all levels, including that of the French forces in Côte d'Ivoire, with the international commission of inquiry which Amnesty International recommends be established into the events in Côte d'Ivoire in November 2004 and January 2006 and related matters.

Amnesty International calls on UNOCI:

- to ensure that the current internal UN investigation into the events of January 2006 applies the legal framework of international human rights and humanitarian law and is carried out in line with international standards of investigations, including the Model Protocol for a Legal Investigation of Extra-Legal, Arbitrary and Summary Executions (known as the "Minnesota Protocol"). The inquiry must have adequate resources to undertake its work, unrestricted access to witnesses, including from among the Ivorian security forces, and complete freedom to obtain evidence which it judges to be necessary to its investigations. The conclusions of this inquiry must be made public;
- to ensure that full reparations, in the form of restitution, compensation, satisfaction, rehabilitation and guarantees of non-repetition, are provided to those injured, and to the families of those killed, as a result of any excessive use of force by UNOCI forces during these events;
- to ensure that UN peacekeeping forces are fully trained in human rights and international humanitarian law and in their obligation to respect and protect human rights, and that in particular they are fully trained in and adhere to the UN Code of Conduct for Law Enforcement Officials and the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials;
- to ensure that from now on UN peacekeeping forces are equipped with various types of weapons and ammunition, including non-lethal incapacitating weapons, that would allow for differentiated use of force and firearms appropriate to the particular situation they are dealing with at any time.

Amnesty International calls on the UN and its member states:

- to establish an international independent commission of inquiry composed of experts in international law and in other relevant specialist fields who are individuals of recognized competence, impartiality and integrity. The mandate of the commission should be to investigate the clashes between peacekeeping forces (Force Licorne and UNOCI) and demonstrators in November 2004 and January 2006 and the context in which those clashes took place. This should include examining the role of Ivorian security forces and other groups such as the “Jeunes Patriotes” in these events, as well as the attacks on and incitement to violence against French nationals and others associated with the French, the UN and UNOCI, and Ivorians perceived as sympathetic to them. The commission of inquiry should apply the legal framework of international human rights and humanitarian law and its investigations should be carried out in line with international standards of investigations, including the Model Protocol for a Legal Investigation of Extra-Legal, Arbitrary and Summary Executions (known as the “Minnesota Protocol”). Members of the commission must be provided with adequate resources to undertake their work, unrestricted access to witnesses, including from among the Ivorian security forces, French armed forces and UN forces, and have complete freedom to obtain evidence which they judge to be necessary to the inquiry. The findings of this inquiry must be made public.

## LIST OF ACRONYMS USED IN THIS REPORT

APDH, Actions pour la protection des droits de l'homme, Action for the Protection of Human Rights  
APC, Armoured Personnel Carrier  
BANBAT, Bangladeshi Battalion  
BIMA, Bataillon d'infanterie de marine, Marine Infantry Battalion  
CECOS, Centre de Commandement des Opérations de Sécurité, Command Centre for Security Operations  
CHU, Centre hospitalier universitaire, university hospital centre  
COJEP, Congrès panafricain des jeunes patriotes, Panafrican Congress of Young Patriots  
ECOWAS, Economic Community of West African States  
FESCI, Fédération estudiantine et scolaire de Côte d'Ivoire, Ivorian Federation of Students and School Pupils.  
GTI, Groupe de travail international, International Working Group  
FANCI, Forces armées nationales de Côte d'Ivoire, National Armed Forces of Côte d'Ivoire  
FPI, Front populaire ivoirien, Popular Ivorian Front  
MACA, Maison d'arrêt et correction d'Abidjan, Abidjan's main prison.  
OCHA, Office for the Coordination of Humanitarian Affairs  
OLPED, Organisation de la liberté de la presse, de l'éthique et de la déontologie, Organization for Freedom of the Press, Ethics and Deontology  
PDCI, Parti démocratique de Côte d'Ivoire, Democratic Party of Côte d'Ivoire  
RCI, Radio Côte d'Ivoire, Ivorian Radio  
RDR, Rassemblement des Républicains, Rally of Republicans  
RTI, Radio-télévision ivoirienne, Ivorian radio and television  
MINUCI, United Nations Mission in Côte d'Ivoire  
UN, United Nations  
UNOCI, United Nations Operation in Côte d'Ivoire