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PRE-TRIAL CHAMBER III

Before: Judge Silvia Fernández de Gurmendi, Presiding Judge
Judge Elizabeth Odio Benito
Judge Adrian Fulford

SITUATION IN THE REPUBLIC OF CÔTE D'IVOIRE

Public document
with Public annexes 2.1 to 2.48 and
Confidential, *ex parte*, available only to the Prosecution, annexes 3.1 to 3.13

**Prosecution's provision of further information regarding potentially relevant
crimes committed between 2002 and 2010**

Source: Office of the Prosecutor

Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

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I. BACKGROUND

1. On 1 October 2003 the Government of Côte d'Ivoire submitted a Declaration wherein it accepted the jurisdiction of the Court with respect to crimes committed on Ivorian territory since 19 September 2002.¹
2. On 23 June 2011, the Prosecution requested Pre-Trial Chamber III to authorise the commencement of an investigation into the situation in the Republic of Côte d'Ivoire with respect to crimes within the jurisdiction of the Court committed since 28 November 2010 ("Request").²
3. In its Request, the Prosecution stated that "[u]pon review of the supporting material, the Chamber may conclude that Côte d'Ivoire repeatedly experienced violence prior to the 2010 election and may therefore broaden the temporal scope of the investigations to events that occurred between 19 September 2002 (the date from which the Republic Côte d'Ivoire accepted the exercise of jurisdiction by the Court in accordance with article 12(3) of the Rome Statute) and 23 June 2011 (the date of the filing of this Application)".³
4. On 3 October 2011, the Pre-Trial Chamber authorized the commencement of the investigation with respect to crimes within the jurisdiction of the Court committed since 28 November 2010. The Pre-Trial Chamber also authorized an investigation with respect to continuing crimes that may be committed in the future, insofar as they are part of the context of the ongoing situation in Côte d'Ivoire ("Decision").⁴
5. Concerning the Prosecution's reference to crimes committed between 2002 and 2010 (prior to the 2010 election), the Majority of the Pre-Trial Chamber

¹ Republic of Côte d'Ivoire, Declaration Accepting the Jurisdiction of the International Criminal Court, 18 April 2003, CIV-OTP-0003-0024.

² ICC-02/11-3, paras.1, 181.

³ Request, para.42.

⁴ ICC-02/11-14, paras.179, 212.

(Judge Fernández de Gurmendi, dissenting)⁵ found that “in the absence of sufficient information on specific events, the Chamber is [...] unable to determine whether the reasonable basis threshold has been met with regard to any specific crimes”.⁶ Therefore, in accordance with Rule 50(4), the Majority ordered the Prosecutor to “revert to the Chamber with any additional information that is available to him on potentially relevant crimes committed between 2002 and 2010”.⁷

6. The Prosecution herewith provides the Pre-Trial Chamber with additional information that it reviewed in its preliminary examination of the situation in the Republic of Côte d’Ivoire since the receipt on 1 October 2003 of that government’s acceptance of ICC jurisdiction with respect to crimes committed on Ivorian territory since 19 September 2002.⁸ This filing also takes into consideration the additional information recently provided to the Prosecution by the lawyer of Laurent Gbagbo (see confidential, *ex parte* annex 3.1) and members of Gbagbo’s political party, the FPI (see confidential, *ex parte* annex 3.2 to 3.13). These annexes are filed confidentially, *ex parte*, available only to the Prosecution, as they refers, among others, to the identities and other identifying features of persons who provided information to members of the FPI. Public disclosure of this information might have security implications for these persons.
7. The Prosecution notes that there is information available that serious crimes have been committed in Côte d’Ivoire between 19 September 2002 and the period prior to the elections in 2010 by both pro-government and pro-rebel forces.

⁵ ICC-02/11-15.

⁶ Decision, para.184.

⁷ Decision, paras.185, 213.

⁸ Republic of Côte d’Ivoire, Declaration Accepting the Jurisdiction of the International Criminal Court, 18 April 2003, CIV-OTP-0003-0024.

II. CONTEXT OF THE INFORMATION PROVIDED

8. Since the 1990s, Côte d'Ivoire has gone through a crisis.⁹ On 19 September 2002 some 700 soldiers unsuccessfully attempted a *coup d'état* in Abidjan and in the northern cities of Korhogo and Bouaké.¹⁰ After the security forces regained control of Abidjan and the south, the mutineers retreated to the northern part of the country and set up their headquarters in Bouaké, the country's second most populated city. The mutineers turned rebels and became known as the *Mouvement Patriotique de Cote d'Ivoire* (MPCI). Two other rebel groups emerged shortly thereafter in the West, namely the *Mouvement pour la Justice et la Paix* (MJP) and the *Mouvement Populaire Ivoirien du Grand Ouest* (MPIGO).¹¹
9. A ceasefire agreement brokered by Senegalese President Abdoulaye WADE was signed on 17 October 2002 in Bouaké by the MPCI, following the setting up of a contact group by Economic Community of West African States (ECOWAS). France agreed to monitor the cease fire until ECOWAS troops were sent to supervise it.
10. All parties to the conflict thereafter attended peace talks in France in January 2003. Pursuant to the agreement that was reached (the "Linass-Marcoussis Agreement"), Laurent Gbagbo was confirmed as the President and a Government of National Reconciliation including all armed factions and political parties was set up. The agreement also provided for the preparation of a timetable for credible and transparent national elections, the

⁹ ICG, Côte d'Ivoire: "The War Is Not Yet Over", 28 November 2003, CIV-OTP-0008-0569 at 0579-0582.

¹⁰ On this event and subsequent developments, see International Crisis Group, Côte d'Ivoire: "The War Is Not Yet Over", 28 November 2003, CIV-OTP-0008-0569 at 0575. Also, HRW, Côte d'Ivoire: "My Heart is Cut", Sexual Violence by Rebels and Pro-Government Forces in Côte d'Ivoire, August 2007, CIV-OTP-0002-0847 at 0864.

¹¹ HRW, Country on a Precipice: "The Precarious State of Human Rights and Civilian Protection in Côte d'Ivoire", May 2005, CIV-OTP-0009-0265 at 0264.

restructuring of defense and security forces, and the organization of the regrouping and disarmament of military groups.¹²

11. UN Security Council Resolution 1464, dated 4 February 2003, officially authorized the deployment of ECOWAS and French troops under the UN umbrella.
12. On 3 May 2003, a new ceasefire was adopted between the FANCI (Armed Forces of Côte d'Ivoire), and rebel groups now gathered under the name *Forces Nouvelles* (FN), to put an end to the fighting.¹³ It extended the cease-fire line to the Liberian boarder, thus completing an east-west line. In its Resolution 1479, adopted on 13 May 2003, the UN Security Council set up a UN mission in Côte d'Ivoire (ONUCI), with the mandate to facilitate the Linas-Marcoussis Agreement and support the military operations of French and ECOWAS troops.
13. On 4 July 2003, the end of war was officially proclaimed in a joint communiqué by FANCI and FN¹⁴.
14. The implementation of the Lina-Marcoussis Agreement proved difficult and required a number of follow-up agreements between the parties. Tension remained high between President Gbagbo and the opposition, as well as between the Ivorian Government and international forces on the ground, leading to serious instances of violence in 2004 in particular (suppression of the opposition demonstration of March 2004 and armed confrontation between the FANCI and the French army in November 2004).¹⁵ The presidential election that was initially planned for October 2005, was postponed a number of times.

¹² ICG, Côte d'Ivoire: "The War Is Not Yet Over", CIV-OTP-0008-0569, 0576 and 0604-0606.

¹³ ICG, Côte d'Ivoire: "The War Is Not Yet Over", 28 November 2003, CIV-OTP-0008-0569 at 0577.

¹⁴ ICG, Côte d'Ivoire: "The War Is Not Yet Over", 28 November 2003, CIV-OTP-0008-0569 at 0610.

¹⁵ Amnesty International, Côte d'Ivoire: "Threats hang heavy over the future", 26 October 2005, CIV-OTP-0009-0072 at 0084-0085. On the March 2004 events, see below par. 25.

15. On 4 March 2007, President Gbagbo and the Secretary-General of the FN, Guillaume Soro, signed “The Ouagadougou peace agreement”,¹⁶ according to which a coalition government was established and Soro was appointed Prime Minister of Côte d’Ivoire.¹⁷ The commanders of both the government and rebel forces, as well as ONUCI and French commanders, co-signed an agreement for suppressing the “confidence zone”, with an implementation phased over several weeks, starting in April 2007.¹⁸ During the period following the establishment of the coalition government, a peace process was initiated, to culminate in the 2010 presidential election, the first since October 2000.¹⁹

III. ALLEGED CRIMES COMMITTED IN CÔTE D’IVOIRE BETWEEN 2002 AND 2010

A. Killings

16. Both government and rebel forces appear to have engaged in killing, often based on ethnic, religious, national or suspected political affiliation.²⁰ Most of

¹⁶ UNSC, Twelfth progress report of the Secretary-General on the United Nations Operation in Côte d’Ivoire, 8 March 2007, CIV-OTP-0008-1095.

¹⁷ Amnesty International, “They looked at his identity card and shot him dead” Six months of post-electoral violence in Côte d’Ivoire, May 2011, CIV-OTP-0002-0647 at 0655.

¹⁸ ONUCI, Rapport sur les violations des droits de l’homme et du droit international humanitaire commises à l’Ouest de la Côte d’Ivoire, 10 May 2011, CIV-OTP-0002-0527 at 0537, para. 19; ONUCI (Reliefweb), Cote d’Ivoire: Signature of a Four-Party Agreement on the Suppression of the Zone of Confidence, 17 April 2007, CIV-OTP-0008-0772.

¹⁹ ICG, “Cote d’Ivoire: Is War the Only option?”, 3 March 2011, CIV-OTP-0003-0173 at 0178; Xinhua (Reliefweb), “Cote d’Ivoire rebel leader sets two conditions for transition”, 13 October 2005, CIV-OTP-0003-0778; Abidjan24.net, “Laurent Gbagbo President de la République de Cote d’Ivoire”, 13 December 2010, CIV-OTP-0003-0461 at 0462-0463; Abidjan.net, “Laurent Koudou GBAGBO, CIV-OTP-0003-0450 at 0450-0453.

²⁰ Amnesty International, Cote d’Ivoire: “Tout règlement de la crise doit passer par le respect des droits humains par toutes les parties au conflit”, 30 September 2002, CIV-OTP-0009-0263; Amnesty International, Côte d’Ivoire: “Amnesty International craint des règlements de comptes et des dérives xénophobes”, 23 September 2002, CIV-OTP-0009-0260.

theses killings were followed by retaliation or counter-attacks.²¹ In addition, pro-government death squads are alleged to have committed a number of targeted assassinations.

(i) Mass killing incidents

17. The following is a non-exhaustive list of some of the most serious incidents of killing that have occurred during the period under consideration.

18. *Killing of Gendarmes by MPCCI forces in Bouaké, 6 to 9 October 2002 – 131 victims:*

After the rebels took control over Bouaké on 19 September 2002, armed personnel of the MPCCI arrested approximately 100 Gendarmes and additional civilians, including about 50 children. On 6 October, they were imprisoned in the military camp prison of the 3rd infantry battalion in Bouaké. That day, MPCCI-related *Dozos*²² entered the cells three times, opening fire and killing and wounding dozens of prisoners. Both the UN Commission to Investigate Human Rights Abuses in Côte d'Ivoire between 19 September 2002 and 15 October 2004 (UN Commission) and a delegation of Amnesty International confirmed the incident after having conducted on-site investigations. According to the UN Commission, 131 civilians were killed between 6 and 9 October 2002. Amnesty International provides a non-exhaustive list with the names of 60 victims.²³

19. *Killing of suspected rebel supporters by paramilitary forces in Daloa, 15 to 20 October 2002 – 56 civilian victims:* After recapturing the town of Daloa from the

²¹ Amnesty International, Cote d'Ivoire: « Un pays pris dans la tourmente depuis un mois », 18 October 2002, CIV-OTP-0009-0253.

²² “Dozos” are desert hunters, native especially of northern Côte d'Ivoire. See Amnesty International, “They looked at his identity card and shot him dead” Six months of post-electoral violence in Côte d'Ivoire, May 2011, CIV-OTP-0002-0647 at 0685.

²³ Commission d'enquête internationale sur les allégations de violations des droits de l'homme en Côte d'Ivoire, Rapport sur la situation des droits de l'homme en République de Côte d'Ivoire depuis le 19 septembre 2002 jusqu'au 15 octobre 2004, 25 May 2004, CIV-OTP-0008-0848; Amnesty International, Côte d'Ivoire: “A succession of unpunished crimes”, 27 February 2003, CIV-OTP-0008-0240; High Commissioner for Human Rights, Report of an urgent human rights mission to Côte d'Ivoire, 24 January 2003, CIV-OTP-0008-0442, paras.78-82, See also Confidential Ex parte Annex 3.13, Première partie.

MPCI rebels on 13 October, the *Brigade Anti-Emeute* (BAE), a paramilitary anti-riot squad, supported by local *Bété* youths, engaged in “cleaning-up” operations in the town. According to Human Rights Watch, at least 56 people were killed in summary executions, often after having been arrested and taken to military camps. Amnesty International provides a non-exhaustive list of names of 47 victims. It has been reported that the BAE had lists of specifically targeted individuals. Some 90 percent of the victims identified by families or local authorities were immigrants from Mali, Burkina Faso, or Guinea, or were Ivorians of northern ethnicities.²⁴

20. *Killing of civilians by rebel forces in Sémien in the beginning of November 2002 – 35 civilian victims:* According to the UN Commission, rebel forces deployed in Bouaké left for the nearby village of Sémien in early November 2002. They encircled the village and started shooting at the villagers, allegedly targeting in particular young people. This attack resulted in the death of 35 civilians, and the looting and burning of many houses as well as parts of the nearby cocoa plantation.²⁵
21. *Killing of suspected rebel supporters by government forces in Monoko-Zohi, 27 to 28 November 2002 – 120 civilian victims:* On 27 November 2002, government forces allegedly attacked the village of Monoko-Zohi, seven kilometres from Daloa. According to a BBC report, they went house-to-house, accusing the villagers of supporting the rebels and shooting up to 120 civilians. The majority of the victims were immigrants who had worked on the coffee and cocoa plantations of the region. Government forces seem to have supported by indigenous *Niédeboua* villagers, who had lived in tension with the foreign immigrants, especially Burkinabé, in the village, due to conflicts over land.

²⁴ HRW, “Trapped between two wars: Violence against civilians in western Côte d’Ivoire”, August 2003, CIV-OTP-0008-0508 at 0548-0546 (document registered backwards); Amnesty International, Côte d’Ivoire: “A succession of unpunished crimes”, 27 February 2003, CIV-OTP-0008-0240 at 0257.

²⁵ Commission d’enquête internationale sur les allégations de violations des droits de l’homme en Côte d’Ivoire, Rapport sur la situation des droits de l’homme en République de Côte d’Ivoire depuis le 19 septembre 2002 jusqu’au 15 octobre 2004, 25 May 2004, CIV-OTP-0008-0848 at 0869-0870.

Survivors alleged the usage of targeted lists, allegedly compiled by *Niédeboua* villagers. After having received alarming reports of displacement from the area, French forces visited the village and confirmed the existence of a mass grave with approximately 120 bodies.²⁶

22. *Killing of suspected rebel supporters by government forces in Man, 1 to 18 December 2002 – dozens of civilian victims*: On 30 November 2002, government forces recaptured the town of Man, which had previously fallen under the control of the rebels of MPIGO and MJP. They held the town for about two weeks before it was re-taken by the rebels. During the period of government control, dozens of persons perceived to support the opposition were allegedly systematically executed in reprisal killings. Government forces allegedly referred to hand-written lists compiled by local authorities when arresting and killing the civilians. The victims were mainly nationals from Mali and Burkina Faso as well as individuals working in the transport industry.²⁷
23. *Killing of civilians by government-related Liberian mercenaries in Bangolo, 7 March 2003 – 60 civilian victims*: Government-allied Liberian mercenaries killed at least 60 civilians and looted their homes in Bangolo, located between Man and Duékoué. The *Dioula* quarter of Bangolo, where men, women and children were killed in their houses, was specifically targeted. French troops disarmed and captured a large group of armed Liberian combatants, accompanied by a group of local Guéré civilians, who left the area on the way

²⁶ BBC, « Eyewitness: Ivory Coast mass grave », 9 December 2002, CIV-OTP-0008-0336; HRW, « Trapped between two wars: Violence against civilians in western Côte d'Ivoire », August 2003, CIV-OTP-0008-0508 at 0546-0545 (document registered backwards); Commission d'enquête internationale sur les allégations de violations des droits de l'homme en Côte d'Ivoire, Rapport sur la situation des droits de l'homme en République de Côte d'Ivoire depuis le 19 septembre 2002 jusqu'au 15 octobre 2004, 25 May 2004, CIV-OTP-0008-0848 at 0871.

²⁷ HRW, « Trapped between two wars: Violence against civilians in western Côte d'Ivoire », August 2003, CIV-OTP-0008-0508 at 0545-0544 (document registered backwards); Amnesty International, « A succession of unpunished crimes », 27 February 2003, CIV-OTP-0008-0240 at 0257-0258.

back to their base in Guiglo. A reconnaissance flight over the town on 8 March confirmed the existence of at least 60 deaths outside the houses.²⁸

24. *Killing of civilians by rebel forces and pro-rebel Liberian mercenaries in Dah, 22 March 2003 – 40 civilian victims*: Rebel forces and allied Liberian fighters attacked the village of Dah on 22 March, executing around 40 civilians. This attack allegedly constituted a reprisal for the events in Bangolo. Some of the victims were burnt alive in their houses. The perpetrators allegedly did not target specific individuals, although the *Caïen* quarter was particularly ravaged. The Ivorian army accused MPIGO and MJP of responsibility for the attack, while the rebel groups denied any involvement in the killings.²⁹
25. *Killings of demonstrators by government forces and pro-government militias in Abidjan, 24-26 March 2004 – 120 civilian victims*: On 25 March 2004, anti government protesters gathered in Abidjan to march in support of the political opposition. As a result, thousands of government forces, supported by militias deployed on the streets of Abidjan, with a view to preventing this march. According to the UN Commission of Inquiry, during the violent repression of the march, at least 120 people were killed, 274 wounded, and 20 disappeared. The Ivorian government maintains that many demonstrators were armed, that rebels had infiltrated the marchers, and that those rebels intended to use the demonstration ultimately to topple President Gbagbo. The Commission of Inquiry concluded that: “[w]hat happened on 25 and 26 March was the indiscriminate killing of innocent civilians and the committing of massive human rights violations. The march became a pretext for what turned out to be a carefully planned and executed operation by the security

²⁸ HRW, “Trapped between two wars: Violence against civilians in western Côte d’Ivoire”, August 2003, CIV-OTP-0008-0508 at 0523 (document registered backwards); Commission d’enquête internationale sur les allégations de violations des droits de l’homme en Côte d’Ivoire, Rapport sur la situation des droits de l’homme en République de Côte d’Ivoire depuis le 19 septembre 2002 jusqu’au 15 octobre 2004, 25 May 2004, CIV-OTP-0008-0848 at 0872.

²⁹ BBC, “Key Ivorian ministers named”, 26 March 2003, CIV-OTP-0008-0339; HRW, “Trapped between two wars: Violence against civilians in western Côte d’Ivoire”, August 2003, CIV-OTP-0008-0508 at 0523-0522 (document registered backwards).

forces, i.e. the police, gendarmerie, the army, as well as special units and the so-called parallel forces, under the direction and responsibility of the highest authorities of the State.”³⁰ Human Rights Watch supported the overall conclusion of the Commission of Inquiry,³¹ but also pointed to the fact that some of the opposition supporters were armed with clubs, rocks, machetes, and fire-arms, and that in one incident they brutally lynched two policemen in the opposition stronghold in Abobo.³²

26. *Killing during fighting between rival rebel factions in Korhogo, 20 to 21 June 2004 – 99 victims*: On 20 June 2004, forces loyal to rebel leader Guillaume Soro and followers of dissident Ibrahim Coulibaly engaged in armed clashes against each other. ONUCI revealed the existence of three mass graves containing the bodies of 99 victims. The forensic examinations further revealed that the majority of victims died from suffocation. This finding supporting the allegations, rejected by Soro’s supporters, that more than 100 people had been locked up in a sweltering metal shipping container which had previously served as a prison by rebel forces. Tear gas was allegedly pumped into the container. When the container was opened after two days (22 June 2004), 75 of the 125 inmates had suffocated. On January 2005, the UN reported that according to diplomatic source, many more victims are located in the detected mass graves.³³

³⁰ RFI, Côte d’Ivoire: « Le rapport de la Commission d’enquête de l’ONU sur les événements du 25 mars 2004 » (29 April 2004), 3 May 2004, CIV-OTP-0008-0960 at para. 72.

³¹ “The majority of incidents between demonstrators and pro-government forces ... involved a lethal overreaction by the security forces, which was disproportionate to the apparent threat to peace and security posed by the demonstrators.” (HRW, “Human Rights Violations in Abidjan during an opposition demonstration – March 2004”, October 2004, CIV-OTP-0008-0488 at 0493).

³² RFI, Côte d’Ivoire: « Le rapport de la Commission d’enquête de l’ONU sur les événements du 25 mars 2004 » (29 April 2004), 3 May 2004, CIV-OTP-0008-0960; HRW, “Human Rights Violations in Abidjan during an opposition demonstration – March 2004”, October 2004, CIV-OTP-0008-0488; Amnesty International; Côte d’Ivoire: “The indiscriminate and disproportionate repression of a banned demonstration”, 8 April 2004, CIV-OTP-0008-0310.

³³ UN OCHA, Côte d’Ivoire: “More bodies lie in Korhogo mass graves – diplomat”, 5 August 2004, CIV-OTP-0008-0746; UN OCHA, Côte d’Ivoire: “UN finds 99 bodies in mass graves after rebel clashes”, 3 August 2004, CIV-OTP-0008-0744; AFP, “Ivory Coast rebels ‘not informed’ about discovery of mass graves”, 03 August 2004, CIV-OTP-0008-0768 ; Commission d’enquête internationale sur les allégations de violations des droits de l’homme en Côte d’Ivoire, Rapport sur la situation des droits de

27. *Inter-communal clashes in Duékoué area from 21 April until 2 May 2005 – 32 victims:* From 21 April, Guéré and Dioulas or Malinké communities violently opposed each other after a series of attacks and murders in the area of Duékoué and the “*zone de confiance*”. This resulted in at least eight persons killed and 10 wounded, including West African nationals. Following a strike called by the Dioulas carriers, Guéré and Dioulas communities clashed in Duékoué on 29 April, leaving 14 persons dead, killed by machetes and clubs. The FDS arrested 15 persons who attempted to attack the Catholic mission in Duékoué where some 7,000 IDPs had taken refuge. Similar events followed on 2 May in Blody and Touazéhou villages where unidentified attackers killed another 10 persons by machetes. In total these clashes led to the displacement of at least 10,000 persons, including 9,000 in Duékoué.³⁴
28. *Guitrozon and Petit Duékoué incidents 29 May to early June 2005 - over 70 victims:* From 26 until 28 May unidentified persons reportedly perpetrated a series of isolated attacks which resulted in seven persons killed and nine wounded. The attacks affected both the Guéré and the Dioula communities. During the night of 31 May to 1 June 2005, unidentified attackers armed with hunting rifles and knives led a series of attacks in the villages of Guitrozon and Petit Duékoué inhabited by a majority of Guéré. In one house, at least 41 persons including three babies were killed and subsequently cut in pieces with machetes. A pregnant woman was gutted in Guitrozon. According to a witness, 31 huts and their inhabitants were burned in Guitrozon. In Petit Duékoué another seven persons were killed in similar circumstances. Over 65 persons were injured.³⁵ During the following night, a dozen people were reportedly shot or stabbed to death in the Belleville district, in the centre of

l'homme en République de Côte d'Ivoire depuis le 19 septembre 2002 jusqu'au 15 octobre 2004, 25 May 2004, CIV-OTP-0008-0848 at 0872; HRW, “Accountability for serious human rights crimes key to resolving crisis”, October 2004, CIV-OTP-0008-0470 at 0472.

³⁴ ONUCI, Division des Droits de l'Homme, Rapport sur la situation des droits de l'homme en Cote d'Ivoire - Mai-Juin-Juillet 2005, October 2005, CIV-OTP-0009-0004 at 0029-0030.

³⁵ ONUCI, Division des Droits de l'Homme, Rapport sur la situation des droits de l'homme en Cote d'Ivoire -Mai-Juin-Juillet 2005, October 2005, CIV-OTP-0009-0004 at 0030-0032.

Duékoué in an apparent revenge attack against members of the Dioula ethnic group.³⁶ On 6 June, seven Dioulas, including four children and two women, were murdered in the Latif and Cokoma quarters in Duékoué by unidentified individuals. Another two were injured. These incidents led to the displacement of over 15,000 persons along the Duékoué-Guiglo and Duékoué-Daloa-Issia axes, towards Guessabo, Logoualé and Man. In total these incidents resulted in at least 71 persons killed, 50 injured and 48 burned houses.³⁷ Local authorities arrested 25 non-indigenous persons (Baoulé, Lobi and Dioula as well as one Guinea, three Mali and three Burkina-Faso nationals).³⁸

(ii) Pro-Government Death Squads

29. From October 2002 to March 2003, a number of press articles alleged the existence of death squads in Côte d'Ivoire. According to the report of the UN fact finding mission in Côte d'Ivoire, death squads and private militias in Abidjan carried out many murders of politicians, businessmen and others, especially in November 2002 and beginning of 2003.³⁹ The UN fact-finding mission provided a non-exhaustive list of such persons abducted and assassinated for their supposed support to rebel groups. The UN fact-finding mission also received testimonies about political assassinations taking place

³⁶ Amnesty International, Cote d'Ivoire : « Il est urgent de désarmer les milices », 6 June 2005, CIV-OTP-0009-0055.

³⁷ ONUCI, Division des Droits de l'Homme, Rapport sur la situation des droits de l'homme en Cote d'Ivoire - Mai-Juin-Juillet 2005, October 2005, CIV-OTP-0009-0004 at 0030-0032; Amnesty International, Cote d'Ivoire : « Il est urgent de désarmer les milices », 6 June 2005, est urgent; Le Monde, « Les affrontements ethniques dans l'ouest de la Côte d'Ivoire auraient fait au moins 70 morts », 3 June 2005, CIV-OTP-0009-0057. See also Confidential Ex parte Annex 3.13, Deuxième partie; Confidential Ex parte Annex 3.5; Confidential Ex parte Annex 3.9; Confidential Ex parte Annex 3.10; Confidential Ex parte Annex 3.12.

³⁸ ONUCI, Division des Droits de l'Homme, Rapport sur la situation des droits de l'homme en Cote d'Ivoire - Mai-Juin-Juillet 2005, October 2005, CIV-OTP-0009-0004 at 0030-0032.

³⁹ High Commissioner for Human Rights, Report of an urgent human rights mission to Côte d'Ivoire, 24 January 2003, CIV-OTP-0008-0442.

in Abidjan of persons who were abducted from their houses following the events of 19 September 2002 and perceived to support the attempted coup.⁴⁰

30. According to information gathered by the UN fact-finding mission, the death squads were said to be fairly well organized and to have lists of people to be executed. Many executions were reportedly committed in the Banco forest, Abidjan. The mission compiled information to the effect that the death squads were made up of elements close to the Government, the Presidential Guard and a tribal militia.⁴¹

B. Rape and other forms of sexual violence

31. There is some information that both government and rebel forces committed rape and other forms of sexual violence. Various human rights groups and the UN Commission on Human Rights Abuses in Côte d'Ivoire claimed that sexual crimes were used by all parties to the conflict "as a weapon of war", especially in the aftermath of the failed *coup-d'état* of September 2002. During this period, hundreds of women and girls reportedly were raped.⁴²
32. In 2005, members of the pro-government *Fédération des Etudiants et Scolaires de Côte d'Ivoire* (FESCI) raped and tortured fellow students who were perceived

⁴⁰ Commission d'enquête internationale sur les allégations de violations des droits de l'homme en Côte d'Ivoire, Rapport sur la situation des droits de l'homme en République de Côte d'Ivoire depuis le 19 septembre 2002 jusqu'au 15 octobre 2004, 25 May 2004, CIV-OTP-0008-0848 at 0870-0871: The commission makes reference to the assassination of Aboubacar Dosso, aide de camp of Alassane Ouattara, who has been killed by unidentified individuals on the 20 September 2002, a killing also confirmed by Media Sources (see Liberation, "Abidjan, les escadrons de la mort terrorisent l'opposition", 16 November 2002, CIV-OTP-0008-1170); Mr. Adama Cissé, RDR politician, arrested by Gendarmes and who died the day after in detention; Coulibaly Lanzeni and Coulibaly Seydou, members of the family of the secretary general of RDR, killed by members of armed forces; in the city of Daloa, the representative of the Consul of Mali was abducted by military forces and was found dead shortly after; Colonel Ouattara was also executed for suspicion of connection with the rebels.

⁴¹ High Commissioner for Human Rights, Report of an urgent human rights mission to Côte d'Ivoire, 24 January 2003, CIV-OTP-0008-0442 at paras.57-59.

⁴² Commission d'enquête internationale sur les allégations de violations des droits de l'homme en Côte d'Ivoire, Rapport sur la situation des droits de l'homme en République de Côte d'Ivoire depuis le 19 septembre 2002 jusqu'au 15 octobre 2004, 25 May 2004, CIV-OTP-0008-0848 at 0881-0882.

to support opposition parties.⁴³ The “*dozos*”, in cooperation with the rebels’ *Forces Armées des Forces nouvelles* (FAFN), are also reported to have committed numerous rapes.⁴⁴

33. The UN Security Council noted a high increase of rapes and other sexual abuses of children and women, in both government controlled regions and Forces Nouvelles occupied zones. It also noted that these crimes were committed with total impunity.⁴⁵

34. In March 2007 Amnesty International released a report on sexual violence and rape in Cote d’Ivoire during 2000 and 2006. The report suggests that during the conflict, fighters from both sides gang-raped hundreds of women. They also abducted and/or reduced women to sexual slavery.⁴⁶

C. Child soldier offences

35. Both government and rebel forces have reportedly recruited child soldiers. According to the UN High Commission for Refugees (UNHCR), in 2003, an estimated 3,000 underage boys and girls were serving in armies and militias.⁴⁷ Similarly, a UN Security Council report estimated that from January 2005 to September 2006 some 3,000 child soldiers were enrolled with the FAFN and 1,000 with the pro-government militias.⁴⁸

D. Forced displacement

⁴³ HRW, Cote d’Ivoire: “My Heart is Cut”, Sexual Violence by Rebels and Pro-Government Forces in Côte d’Ivoire, August 2007, CIV-OTP-0002-0847 at 0927-0930.

⁴⁴ UNSC, Fifth progress report of the Secretary General on the United Nations Operation in Cote d’Ivoire, 17 June 2005, CIV-OTP-0008-0413 at para 43; ONUCI, Division des Droits de l’Homme, Rapport sur la situation des droits de l’homme en Cote d’Ivoire - Mai-Juin-Juillet 2005, October 2005, CIV-OTP-0009-0004 at para. 103.

⁴⁵ UNSC, Sixth progress report of the Secretary-General on the United Nations Operation in Côte d’Ivoire, 26 September 2005, CIV-OTP-0008-0968.

⁴⁶ Amnesty International, Cote d’Ivoire: « Les femmes, victimes oubliées du conflit », 15 March 2007, CIV-OTP-0008-0268.

⁴⁷ UNHCR, “Refugees at a crossroad”, Vol. 2 Number 131, 2003, CIV-OTP- 0008-1028 at 1045.

⁴⁸ UNSC (Reliefweb), Rapport du Secrétaire Général sur les enfants et le conflit armé en Côte d’Ivoire, 25 October 2006, CIV-OTP-0008-0750.

36. In the aftermath of the attempted *coup d'Etat* in September 2002, government forces engaged in a massive campaign to destroy shantytowns in Abidjan, mainly housing West African immigrants suspected of supporting the rebel forces. This reportedly resulted in an estimated 120,000 internally displaced persons (IDPs). Between August and November 2004, homes of another 11,000 people were destroyed by government forces, which the government justified for "health and security reasons".⁴⁹
37. According to a report from the UN Secretary-General, as of August 2004, the conflict resulted in an estimated number of 800,000 IDPs and up to 400,000 persons had fled the country.⁵⁰ The immigrant community, and particularly the Burkinabé in Côte d'Ivoire, were disproportionately affected by displacement: in July 2003, some 350,000 Burkinabés had fled the Ivory Coast to escape persecution.⁵¹
38. A study of 2005 by the United Nations Population Fund (UNFPA) suggested that in government controlled territories of Côte d'Ivoire, there were 709,377 IDPs.⁵² A government census of 2006 counted a total of 800,000 IDPs.⁵³

E. Unlawful attacks

39. Government forces appear to have engaged in disproportionate attacks against the rebels and their supporters, by either attacking with helicopter

⁴⁹ UN OCHA, Crisis in Côte d'Ivoire Situation Report No.35, 01-14 December 2004, CIV-OTP-0008-1176 at 1178; Global IDP Project, Côte d'Ivoire: "as political tensions rise again, IDPs face precarious future", October 2004, CIV-OTP-0008-0436.

⁵⁰ UNSC, Second report of the Secretary-General on the United Nations Operation in Côte d'Ivoire, 27 August 2004, CIV-OTP-0008-1186.

⁵¹ AFP, "Some 350,000 Burkinabes have fled I Coast since September", 22 July 2003, CIV-OTP-0008-1202.

⁵² IDMC, Cote d'Ivoire: "More IDPs return as the peace process moves forward", 10 April 2008, CIV-OTP-0008-0691 at 0695; UNHCR, "Update on International Protection Needs of Asylum Seekers from Cote d'Ivoire", October 2006, CIV-OTP-0008-1059 at 1069, footnote 40.

⁵³ UNSC, Eleventh Progress report of the Secretary General on the United Nations Operation in Cote d'Ivoire, 4 December 2006, CIV-OTP-0008-0396 at para 39; IDMC, In need of durable solutions: "The revolving door of internal displacement in West Africa", March 2006, CIV-OTP-0008-0706 at 0707 (Map), 0710; United Nations Standing Committee on Nutrition, Nutrition Information in Crisis Situations - Ivory Coast, 5 June 1994-6 January 2006, CIV-OTP-0008-1071 at 1085.

gunships (Mi-24 helicopters) or by aerial bombardment. In at least one incident, the army was accused of specifically targeting civilians.

40. According to HRW, two series of helicopter gunship attacks in December 2002 and April 2003 resulted in the death of dozens of civilians. In December 2002, government forces attacked the Vavoua, Dania and Pélézi area with helicopters. These attacks appeared to have been indiscriminate, resulting in the death of 19 civilians. In Pélézi, the indigenous *Niédeboua* had allegedly been warned by government forces of the impending aerial attack. In late December 2002, another 11 civilians were killed during a helicopter gunship attack on Menakro, a village in central Côte d'Ivoire.⁵⁴
41. On 14 April 2003, government helicopters allegedly engaged in a deliberate attack on the compound of a Catholic mission in Zouan-Hounien, firing some 50 rockets. At least four civilians were killed and more than 20 injured. Furthermore, the town had already been attacked by helicopter one week before, and subsequently entered by Liberian and Guéré pro-government militias. *Médecins sans Frontière* reported that on 16 April 2003, another 50 civilians were wounded in helicopter attacks on Danané.⁵⁵
42. Between 4 and 9 November 2004, the Ivorian Government aircraft launched raids on the cities of Bouaké, Korhogo and other rebel strongholds in northern Côte d'Ivoire. The offensive left at least 55 civilians dead.⁵⁶ As nine French soldiers were also killed during the raid on Bouaké, France undertook to destroy the Ivorian air force.⁵⁷ The move triggered anti-French riots, encouraged by Young Patriots leader Charles Blé Goudé.⁵⁸ The Ivorian

⁵⁴ HRW, "Trapped between two wars: Violence against civilians in western Côte d'Ivoire", August 2003, CIV-OTP-0008-0508 at 0543-0540 (document registered backwards).

⁵⁵ HRW, "Trapped between two wars: Violence against civilians in western Côte d'Ivoire", August 2003, CIV-OTP-0008-0508 at 0541-0540 (document registered backwards).

⁵⁶ HRW, Country on a Precipice: "The Precarious State of Human Rights and Civilian Protection in Côte d'Ivoire", May 2005, CIV-OTP-0009-0265 at 0287.

⁵⁷ Ibid at 0287.

⁵⁸ Ibid at 0285.

Government later accused the French forces of firing on demonstrators heading for the base of the French 43rd Marine battalion near the Abidjan airport. According to French officials, some of the demonstrators were armed.⁵⁹



Luis Moreno-Ocampo, Prosecutor

Dated this 3rd day of November 2011

At The Hague, The Netherlands

⁵⁹ Ibid at 0286.