



COALITION IVOIRIENNE DES DÉFENSEURS DES DROITS HUMAINS
IVORIAN COALITION OF HUMAN RIGHTS DEFENDERS



The Republic of Cote d'Ivoire

Joint Submission to the UN Universal Periodic Review

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Joint Submission by CIVICUS: World Alliance for Citizen Participation, NGO in General Consultative Status with ECOSOC

and

West African Human Rights Defenders Network

and

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1. (A) Introduction

- 1.1 CIVICUS: World Alliance for Citizen Participation is an international movement with members in more than 100 countries worldwide. Established in 1993, CIVICUS nurtures the foundation, growth and protection of citizen action throughout the world, especially in areas where participatory democracy and citizen's freedom of association are threatened.
- 1.2 West African Human Rights Defenders Network (ROADDH/WAHRDN) is a network of human rights defenders from countries in the West African region. It was established in 2005 with the aim of protecting human rights defenders and enhance their capacities to use regional and international human rights mechanisms while carrying out their activities. The network also monitors and documents threats to human rights and works towards strengthening the rule of law in the region.
- 1.3 Coalition Ivoirienne des Défenseurs des Droits Humains (CIDDH) is a grouping of non-governmental organisations and a coalition of human rights defenders whose objective is to defend human rights in Cote d'Ivoire. CIDDH was created in 2004 and has assisted several human rights defenders in the defence of their rights in cases where they were under threat. The coalition enhances the capacity building and lobbying methods of human rights defenders and monitors and observes violations of human rights.
- 1.4 In this document, CIVICUS, ROADDH/WAHRDN and CIDDH express concerns about the environment in which civil society organisations, human rights defenders and journalists operate in Cote d'Ivoire and discuss threats they face in the exercise of the freedoms of expression, association and assembly. Restrictions on fundamental freedoms are exacerbated by the effects of years of conflict and uncertainty, huge divisions within the country and a precarious transition period in the aftermath of the 2010 elections.
- 1.5 CIVICUS, ROADDH/WAHRDN and CIDDH are concerned about persistent harassment, intimidation and attacks against journalists and human rights defenders by the country's military forces and armed militia groups who are divided along, political, regional and ethnic lines. Since Cote d'Ivoire's last Universal Periodic Review in 2009, violations of human rights were conducted under the regime of former President Laurent Gbagbo by the *Forces Armées Nationales de Cote d'Ivoire* (FANCI) and pro-government militias and intensified following the November 2010 elections. Human rights abuses have continued under current President Alasane Ouattara's regime perpetrated by the reformed armed forces - *Forces Républicains de Cote d'Ivoire* (FRCI) and by armed groups loyal to the president.
- 1.6 Progress has been made towards reconciliation after the conflict that erupted following the elections in November 2010 and the political stalemate but violations of human rights continue as civil society activists, human rights defenders, journalists and media houses accused of siding with the political opposition or the former regime and are targeted for dissenting views. Activists and journalists are increasingly targeted by

the armed forces in the current regime if they are known to have links with the previous regime and perpetrators continue to act with impunity.

- In section B, CIVICUS, ROADDH/WAHRDN and CIDDH express concerns regarding restrictions on freedom of expression and attacks on journalists and the media.
- In section C, CIVICUS, ROADDH/WAHRDN and CIDDH express concerns involving judicial harassment, intimidation of human rights defenders and attacks on representatives of civil society.
- In section D, CIVICUS ROADDH/WAHRDN and CIDDH highlight concerns regarding restrictions on freedom of assembly.
- In section E, CIVICUS, ROADDH/WAHRDN and CIDDH make a number of recommendations in the areas of concern listed.

2. (B) Concerns regarding restrictions on freedom of expression and attacks on journalists and the media

2.1 Article 9 of the Ivorian Constitution (2000) guarantees freedom of thought and expression and article 10 provides for the rights of citizens to express and disseminate ideas freely. But journalists and representatives of the media face persecution for expressing views which are critical of the government. The National Press Council (NPC), the body in charge of regulating print media in the country has often acted against pro-opposition newspapers and publications critical of the government and this trend has been evident in both the former and current regimes. On several occasions, the NPC has suspended newspaper publications for specific periods because of articles perceived to be partisan. During the previous regime under President Laurent Gbagbo, the NPC was staffed with his supporters and the same tactic has been employed by the current regime to stifle critical and pro-opposition voices.

2.2 On 28 June 2013, Wenceslas Assouhou and Valery Bony, respectively editor-in-chief and editor of *L'Éléphant Déchaîne* weekly newspaper were summoned by the police at the request of the country's Minister of Defence and interrogated for several hours about the release of information considered sensitive to the security of the country.¹ The summons were in connection with the publication of an article in *L'Éléphant Déchaîne* on 21 June 2013 about huge debts owed to service providers by the country's Ministry of Defence to the tune of 3.7 billion Francs CFA (approximately 7.4 million USD) for the reconstruction of military facilities destroyed during the post-election crisis. Both journalists were freed on the same day without any charges but may be recalled subsequently for further interrogation.

¹ Côte d'Ivoire : deux responsables d'un quotidien satirique entendus par la gendarmerie » *Jeune Afrique*, <http://www.jeuneafrique.com/Article/DEPAFP20130629103921>, Accessed 4 September, 2013.

- 2.3** From 7-12 September 2012, six newspapers *Notre Voie*, *Le Nouveau Courrier*, *LG Info*, *Le Temps*, *Aujourd'hui* and *Le Quotidien d'Abidjan* were suspended by the NPC after reprinting articles with pictures and titles of members of the former regime. According to the NPC, the publication of the pictures and the titles accompanying them gave the impression that two governments existed in the country. The six newspapers had reprinted the pictures in an act of solidarity with and support for *Notre Voie* newspaper which had first published the pictures and was suspended on 6 September 2012. The NPC lifted the suspensions on 24 September 2012.
- 2.4** On 18 August 2012, the headquarters of *Cyclone*, a publishing company which oversees the publication of local newspapers *Le Temps* and *LG Infos* was set alight by armed men causing extensive damage to the building. Though the police carried out investigations, no culprits were identified and brought to justice. Previously, Ousmane Sy Savané CEO of the *Cyclone*, was arrested by the Directorate for Territorial Surveillance (DST) on 27 March 2012, charged with “endangering state security” and detained at the main prison in Abidjan. He was in prison for over a year without any evidence to substantiate the charges brought against him. He was released provisionally on 3 May 2013. The arrest and detention of Ousmane were politically motivated and related to his work as a journalist.²
- 2.5** Again on 5 June 2012, two police officers physically assaulted Cybèle Athangba, a reporter with the daily newspaper *La Nouvelle* as she and two other journalists covered a demonstration of police officers in Abidjan. She was attacked while interviewing members of the police force who were protesting against alleged embezzlement of finances which had been deducted from their salaries to cover housing costs.
- 2.6** In February 2012, Charles Sanga, editor of *Le Patriote* newspaper, was arrested by the Directorate for Territorial Surveillance and accused of printing “confidential information.” He was also accused of refusing to disclose his source of information following the publication of an interview by *Le Patriote* which highlighted the fact that the country’s Constitutional Council had annulled the results of the December 2011 parliamentary elections in 11 districts where the results had been contested. He was later released on the same day without any charges brought against him.³
- 2.7** In November 2011, Cesar Etou, Didier Depry and Boga Sivori of the daily newspaper *Notre Voie* were arrested after publishing information which was critical of the government. They were detained at the police station in Abidjan. Etou and Sivori were accused of offending the country’s president after publishing a story on 21 November allegedly accusing the president of purchasing luxury cars for his government officials while a majority of Ivorians wallowed in poverty. Didier Depry was accused of “undermining” the country’s economy following the publication of an article on 24 November which was critical of the government’s reaction to an article

² The Africa Report, Le parti de Gbagbo rend le gouvernement responsable des dernières attaques en Côte d’Ivoire, 22 August 2012, <http://www.rfi.fr/afrique/20120822-le-parti-gbagbo-rend-le-gouvernement-responsable-dernieres-attaques-cote-ivoire>

³ @bidj@n.net, Liberté de la presse : Charles Sanga libéré, 3 February 2012, <http://news.abidjan.net/h/425067.html>

published by *Notre Voie*. These actions of the Ivorian authorities were aimed at intimidating journalists and stifling freedom of expression.

- 2.8** On 28 February 2011, Marcel Legré an operator working for the media group *La Refondation* was forcefully taken from his home in Koumassi by armed supporters of then opposition leader Alasane Ouatarra and brutally murdered a few metres away from his house because of his links to *La Refondation* which publishes *Notre Voie* newspaper which is seen as a pro-Gbagbo paper.
- 2.9** On 6 February 2011 Madeleine Tanou, a reporter for the daily newspaper, *Soir Info* received threats from individuals allegedly from the pro-Gbagbo armed faction, *Groupement Patriotique Pour La Paix (GPP)* who accused her of producing negative articles about then President Gbagbo. She was threatened with death for “supporting Alasane Ouatarra and opposition leader Konan Bedie,” and she was reminded provocatively of a colleague killed a week before.

3. (C) Concerns involving judicial harassment, intimidation of human rights defenders and attacks on representatives of civil society

- 3.1** Article 12 of the UN Declaration on Human Rights Defenders mandates states to take necessary measures to ensure protection of human rights defenders. Yet, there remain many concerns about state connivance in persecution rather than protection of human rights defenders in Cote d’Ivoire. Intimidation harassment and attacks on human rights defenders are orchestrated by the Ivorian military and armed factions each accusing activists of supporting either the former regime or the current government under President Alasane Ouatarra. Human rights violations have included arbitrary arrests and detentions, intimidation, harassment and human rights defenders are regularly threatened, a tactic aimed at dissuading them from carrying out their work.
- 3.2** On 26 April 2011, Basile Mahan Gahé, Secretary General of Ivorian trade union *Confederation Dignité*, was arrested for political reasons and for his alleged association with the former regime of President Laurent Gbagbo. He was arrested by the *Forces Républicaines de Cote d’Ivoire* who ransacked his home in the process while searching for weapons. He was initially detained in Abidjan and later transferred to Boundiali prison in the north of the country where he was subjected to harsh conditions and was admitted to hospital as his health deteriorated. He was later charged with violating state sovereignty and orchestrating crimes against state institutions. After spending 18 months in jail, he was released in December 2012 but the charges levelled against him have not been dropped.⁴
- 3.3** In March 2011, Patrick N’Gouan, Coordinator of the *Convention de la Société Civile Ivoirienne (CSCI)*, a network of civil society organisations which observed the

⁴ International Labor Organization, Situation du syndicaliste Basile Mahan Gahé: Déclaration de M. Luc Cortebeek, Vice-président travailleur, 12 November 2012, http://www.ilo.org/actrav/info/WCMS_193456/lang-fr/index.htm

elections in 2010 was harassed in the media by a newspaper which had links with current president Ouattara. Patrick was accused of working with outgoing president Laurent Gbagbo and supporting his decision to hold on to state power after the elections in 2010. In March 2011, Patrick and two colleagues working for CSCI – Bosson Jean and Ouattara Djakaridja - had to leave the country after they were threatened by supporters of Gbagbo following the release of CSCI's report on the elections which concluded that the deficiencies of the country's elections did not have a bearing on the overall credibility of the polls.

- 3.4** On 14 February 2011, Traoré Wodjo Fini, Coordinator of the *Coalition de la Société Civile Pour La Paix et Le Développement Démocratique* en Côte d'Ivoire (COSOPCI), a civil society organisation working to promote peace and democracy in the country received anonymous death threats after he returned from the World Social Forum in Dakar, Senegal (which was held from 6-11 February 2011), where he had openly expressed the view that all contenders for the elections ought to respect the outcome of the results and had spoken about the situation of the country at the time. Earlier in December 2010, he received threatening telephone calls and his house was under surveillance. On 6-7 February 2011 Nahouala Soro of the Ivorian human rights movement, *Mouvement Ivoirien des droits humains* (MIDH) received phone calls threatening him with death and on 17 February 2011, he received threatening text messages on his phone.

4. (D) Concerns regarding restrictions on freedom of assembly

- 4.1** Article 19 of the Ivorian constitution states that “the law shall guarantee the freedom of assembly and demonstrations.” Article 11 of the International Covenant of Civil and Political Rights which Cote d'Ivoire acceded to in 1992 states that “every individual shall have the right to assemble freely with others [and that] the exercise of this right shall be subject to necessary restrictions provided for by law in particular those enacted in the interest of national security, the safety, health, ethics and rights and freedoms of others.”
- 4.2** On 3 March 2011, approximately three thousand unarmed women who took to the streets to protest against the antics of President Gbagbo in clinging to power after the November 2010 elections were attacked in the town of Abobo by military personnel with heavy weapons. The military opened fire on the protesters killing at least seven women and critically wounding others. On 7 March during another round of demonstrations denouncing the 3 March killings, forces loyal to president Gbagbo opened fire again into the crowd of protesters killing others.⁵
- 4.3** On 16 December 2010 during a protest march called by the political opposition in Abidjan to take over government buildings and the state broadcaster *Radio Télévision Ivoirienne* in response to attempts by President Gbagbo' to cling to power, 10

⁵ The Africa Report, Plusieurs femmes tuées lors d'une manifestation pro-Ouattara en Côte d'Ivoire, 3 March 2011, <http://www.rfi.fr/afrique/20110303-plusieurs-femmes-tuees-lors-une-manifestation-pro-ouattara-cote-ivoire>

protesters were killed and several others wounded as the security forces opened fire. The perpetrators of these crimes were not held accountable for their actions as the government did nothing to call them to order.

5. (E) Recommendations to the Government of Cote d'Ivoire

CIVICUS, ROADDH/WAHRDN and CIDDH urge the Government of Cote d'Ivoire to create an enabling environment for civil society to operate in accordance with the rights enshrined in the ICCPR and the UN Declaration on Human Rights. At a minimum, the following conditions should be ensured: freedom of association, freedom of expression, the right to operate free from unwarranted state interference, the right to communicate and cooperate, the right to seek and secure funding and the state's duty to protect. In light of this, the following specific recommendations are made.

5.1 Regarding restrictions on freedom of expression and attacks on journalists and the media

- Attacks on and threats to journalists and dissenters should be publicly condemned by senior government officials to ensure protection by law enforcement agencies.
- Those still in detention for exercising their rights to freedom of conscience, expression, assembly and association should be unconditionally released.
- All cases of arbitrary arrest and detention should be fully investigated and the perpetrators should be brought to justice.
- Threats to journalists and representatives of the media should be adequately investigated and those found guilty of issuing such threats brought to justice.

5.2 Regarding judicial harassment, intimidation of human rights defenders and attacks on members of civil society

- Provide a conducive environment for the protection of human rights defenders and respect for human rights by government authorities and the armed forces in line with international human rights law.
- Remove restrictions that prevent human rights defenders from submitting information on violations of human rights committed by government representatives and state-owned organisations to human rights bodies.

5.3 Regarding freedom of assembly, harassment and intimidation of protesters

- Investigations should be carried out on the killings of protesters during demonstrations in 2011 and those found guilty should be brought to justice irrespective of their political affiliation.
- Security forces in charge of crowd control should be equipped with nonlethal weapons and provided with training on humane means of crowd control as well as on the UN Basic Principles on the Use of Force and Firearms.

5.4 Regarding access to UN Special Procedures and Mandate Holders

- A standing invitation should be extended to the UN Special Procedures, particularly to the Special Rapporteur on Human Rights Defenders, Special Rapporteur on Freedom of Expression, and Special Rapporteur on Freedom of Peaceful Assembly and Association.