

Cote d'Ivoire: Unrealized Promises for Impartial Justice Human Rights Watch 4 April 2013

The Ivorian government has not yet delivered on its promises of impartial accountability for the serious international crimes from the 2010-2011 post-election crisis, Human Rights Watch said in a report released today. The government should step up support to judges and prosecutors handling these cases so that victims from both sides can finally see justice.

The 73-page report, "Turning Rhetoric Into Reality: Accountability for Serious International Crimes in Côte d'Ivoire," analyzes Côte d'Ivoire's uneven efforts to hold to account those responsible for serious international crimes committed following the November 2010 presidential election. Since his May 2011 inauguration, President Alassane Ouattara has repeatedly declared his commitment to bring all of those responsible to account, regardless of political affiliation or military rank. However, while prosecutors have charged more than 150 people with crimes committed during the post-election violence, none of those charged come from the pro-Ouattara forces.

"President Ouattara's expressed support for impartial justice rings hollow without more concrete action to bring justice for victims of crimes committed by pro-government forces," said Param-Preet Singh, senior international justice counsel at Human Rights Watch. "If Côte d'Ivoire is going to break from its dangerous legacy in which people close to the government are beyond the reach of the law, it needs credible prosecutions of those responsible for crimes on both sides of the post-election conflict."

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's international partners – including the European Union, the United Nations, France, and the United States –should also increase diplomatic pressure and financial support for impartial accountability, Human Rights Watch said. (...)

Internationally recognized results proclaimed Ouattara the winner of the November 2010 election, but Laurent Gbagbo, his opponent, refused to step down as president. That caused a five-month crisis during which at least 3,000 people were killed and 150 women raped, with attacks often carried out along political, ethnic, and religious lines. In November 2011, Gbagbo was transferred to The Hague on a warrant from the International Criminal Court (ICC). He remains there in custody pending a determination of whether there is enough evidence to try him for four counts of crimes against humanity.

Cases involving serious international crimes can be sensitive, but the lack of justice can carry high costs. Chronic impunity has fed the repeated episodes of violence in Côte d'Ivoire over the last decade, with civilians paying the greatest price, Human Rights Watch said.

In June 2011, Ouattara created a National Commission of Inquiry, a Special Investigative Cell, and a Dialogue, Truth, and Reconciliation Commission to respond to the abuses committed during the post-election crisis. In August 2012, the National Commission of Inquiry released a summary of its report, which confirmed that serious crimes had been committed by pro-Gbagbo and pro-Ouattara forces, and recommended bringing those responsible for abuses to justice. These findings echoed a UN-mandated international commission of inquiry and reports by human rights groups.

Human Rights Watch called on the Special Investigative Cell, which is tasked with conducting judicial investigations of the post-election crimes, to use the National Commission of Inquiry's report to conduct a "mapping exercise." The exercise would essentially be an in-depth overview of the crimes committed by region during the crisis, pinpointing individual suspects where possible. This would help the cell develop a strategy for selecting cases to investigate and prosecute, which it has not yet done.

Non-confidential portions of any "mapping exercise" and prosecutorial strategy should be shared with the public to help build confidence in the investigative unit's ability to execute its mandate independently and impartially. The Special Investigative Cell likely needs more staff if it is to succeed in bringing impartial prosecutions for serious international crimes, Human Rights Watch said. (...)

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's international partners should learn from the mistakes made following the country's 2002-2003 armed conflict, Human Rights Watch said. After the earlier conflict, the country's international partners sat by silently while justice was sidelined and impunity took deeper root, helping set the stage for the devastating post-election crisis in 2010 and 2011. (...)

The Ivorian government and international donors should also work together to support the independence of judges and prosecutors, and to provide protection and security for witnesses, judges, prosecutors, and defense lawyers involved in cases of serious international crimes. (...)

"The ICC should swiftly investigate crimes committed by those on the Ouattara side and, based on the evidence, seek arrest warrants," Singh said. "This is essential to restore the ICC's legitimacy in Côte d'Ivoire and to put pressure on the Ivorian authorities to deliver credible, impartial results."

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