



COTE D'IVOIRE: A FRAGILE HUMAN RIGHTS SITUATION

AMNESTY INTERNATIONAL SUBMISSION FOR THE UN UNIVERSAL PERIODIC
REVIEW, 33RD SESSION OF THE UPR WORKING GROUP, MAY 2019

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INTERNATIONAL**



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CONTENTS

INTRODUCTION	4
FOLLOW UP TO THE PREVIOUS REVIEW	5
STATE OF RATIFICATIONS	5
COOPERATION WITH INTERNATIONAL AND REGIONAL HUMAN RIGHTS BODIES	6
NATIONAL HUMAN RIGHTS COMMISSION	6
PROTECTION OF HUMAN RIGHTS DEFENDERS	7
TORTURE AND OTHER ILL-TREATMENT	7
PRISON CONDITIONS	7
RIGHTS OF LESBIAN, GAY, BISEXUAL, TRANSGENDER AND INTERSEX (LGBTI) PEOPLE	7
TOXIC WASTE	8
IMPUNITY AND INDEPENDENCE OF THE JUDICIARY	8
THE NATIONAL HUMAN RIGHTS FRAMEWORK	9
THE 2016 CONSTITUTION	9
PROTECTION OF HUMAN RIGHTS DEFENDERS	9
FREEDOM OF EXPRESSION	10
DEATH PENALTY, FREEDOM FROM TORTURE AND FAIR TRIALS	11
HUMAN RIGHTS SITUATION ON THE GROUND	12
FREEDOM OF PEACEFUL ASSEMBLY	12
FREEDOM OF EXPRESSION	13
TORTURE AND OTHER ILL-TREATMENT	14
PRISON CONDITIONS AND DEATH IN CUSTODY	15
PROTECTION OF HUMAN RIGHTS DEFENDERS	15
RIGHTS OF LGBTI PEOPLE	16
FORCED EVICTIONS	17
IMPUNITY AND ADMINISTRATION OF JUSTICE	17
RECOMMENDATION FOR ACTION BY THE STATE UNDER REVIEW	18
ANNEX	23
INTRODUCTION	4
FOLLOW UP TO THE PREVIOUS REVIEW	6
STATE OF RATIFICATIONS	6
COOPERATION WITH INTERNATIONAL AND REGIONAL HUMAN RIGHTS BODIES	6
NATIONAL HUMAN RIGHTS COMMISSION	7

PROTECTION OF HUMAN RIGHTS DEFENDERS	8
TORTURE AND OTHER ILL-TREATMENT	8
PRISON CONDITIONS	8
RIGHTS OF LESBIAN, GAY, BISEXUAL, TRANSGENDER AND INTERSEX (LGBTI) PEOPLE	8
TOXIC WASTE	9
IMPUNITY AND INDEPENDENCE OF THE JUDICIARY	9
THE NATIONAL HUMAN RIGHTS FRAMEWORK	10
THE 2016 CONSTITUTION	10
PROTECTION OF HUMAN RIGHTS DEFENDERS	10
FREEDOM OF EXPRESSION	11
DEATH PENALTY, FREEDOM FROM TORTURE AND FAIR TRIALS	12
HUMAN RIGHTS SITUATION ON THE GROUND	13
FREEDOM OF PEACEFUL ASSEMBLY	13
FREEDOM OF EXPRESSION	13
TORTURE AND OTHER ILL-TREATMENT	14
PRISON CONDITIONS AND DEATH IN CUSTODY	16
PROTECTION OF HUMAN RIGHTS DEFENDERS	16
RIGHTS OF LGBTI PEOPLE	17
FORCED EVICTIONS	17
IMPUNITY AND ADMINISTRATION OF JUSTICE	18
RECOMMENDATION FOR ACTION BY THE STATE UNDER REVIEW	19
ANNEX	24

INTRODUCTION

In this submission prepared for the Universal Periodic Review (UPR) of Côte d'Ivoire in May 2019, Amnesty International evaluates the implementation of recommendations made to Côte d'Ivoire in its second UPR in 2014, assesses the national human rights framework and the human rights situation on the ground, and makes a number of recommendations to the government to strengthen the protection of human rights and address human rights violations and abuses.

Seven years after the post-election crisis which left 3,000 dead, Côte d'Ivoire is projecting an image of relative stability boosted by an economic growth of 7,8% in 2017 and a comeback to world politics having secured a seat in the UN Security Council and the presidency of the Economic Community of West African States (ECOWAS) Commission in 2018.

However, the series of mutinies and clashes between the security forces and demobilised soldiers which left at least 10 people dead in 2017 demonstrate that the situation in Côte d'Ivoire remains fragile. Many of the human rights issues which fuelled the 2010-2011 post-election crisis, including entrenched impunity for human rights violations, crackdown on dissent, torture and other ill-treatment, and poor prison conditions, have yet to be addressed. With the 2020 presidential elections approaching, the human rights situation is likely to deteriorate further in the

context of political uncertainty. The simultaneous closure of the United Nations Operation in Côte d'Ivoire (UNOCI) and the end of the mandate of the UN Independent Expert on capacity building and technical cooperation in Côte d'Ivoire in 2017 adds to the volatility of the situation and has drastically reduced international support and scrutiny at a time when human rights challenges remain.

In that context, Amnesty International is concerned about the failure by Côte d'Ivoire to implement a number of the recommendations it had accepted during its second UPR, including to strengthen national human rights mechanisms, combat torture, improve prison conditions, and end impunity for human rights violations and abuses, particularly those committed during the post-electoral crisis.¹ Amnesty International remains concerned about restrictions on the right to peaceful assembly and the use of unnecessary and excessive force against peaceful demonstrators, restrictions on the right to freedom of expression, particularly for political activists and journalists, forced evictions, and discrimination against lesbian, gay, bisexual, transgender and intersex (LGBTI) persons. Amnesty International is also concerned that the Côte d'Ivoire has still not assessed the long-term health risks to individuals exposed to toxic waste dumped in Abidjan in August 2006 nor has it monitored the health of affected communities.

As a member of the UN Security Council, Côte d'Ivoire should be open and transparent about these human rights challenges and take immediate action to address them.

Amnesty International has been monitoring and documenting the human rights situation in Côte d'Ivoire for decades. This report builds on a long period of research while focusing on patterns of human rights violations since Côte d'Ivoire's UPR in 2014.

Since 2014, Amnesty International has conducted six field missions to Côte d'Ivoire and interviewed over a hundred individuals, including human rights defenders, representatives of civil society organizations, victims and eyewitnesses of human rights violations and abuses, relatives of victims, lawyers, journalists, UN officials, international NGO representatives, diplomats, opposition members and academics.

Amnesty International has also met with the Ivorian authorities, including the Minister of Defense, the Minister of Interior, the Minister for Human Rights, the Secretary of State for Human Rights and officials from the Ministry of Health, Ministry of Transport and Ministry of Hygiene, Environment and Sustainable Development. However, the Ministry of Justice refused to meet with Amnesty International or to grant the organization access to detention centers.

Amnesty International has written to the Minister of Justice on several occasions requesting clarifications and official responses to the concerns raised in this report. At the time of publication, no responses had been received despite repeated follow-up requests.

¹ This submission is not an exhaustive account of the human rights situation in Côte d'Ivoire but focuses on Amnesty International's key human rights concerns.

FOLLOW UP TO THE PREVIOUS REVIEW

STATE OF RATIFICATIONS

Côte d'Ivoire accepted recommendations to ratify a number of human rights treaties and protocols, including the Convention for the Protection of All Persons from Enforced Disappearance,² the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,³ the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,⁴ the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty,⁵ the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights,⁶ the Third Optional Protocol to the Convention on the Rights of the Child on a communications procedure,⁷ and the Agreement on the Privileges and Immunities of the International Criminal Court.⁸

Aside from the Convention on the Rights of Persons with Disabilities ratified in January 2014, Côte d'Ivoire has not ratified any of the above treaties or protocols.

COOPERATION WITH INTERNATIONAL AND REGIONAL HUMAN RIGHTS BODIES

Côte d'Ivoire agreed to submit all overdue reports to the treaty bodies⁹ and to cooperate with the treaty bodies and the Special Procedures.¹⁰ However, it rejected recommendations to extend a standing invitation to the Special Procedures¹¹ arguing that “in order to maximise these Special Procedures mandate holders’ chances of success, it would like requests to be made on a case-

² Report of the Working Group on the Universal Periodic Review - Côte d'Ivoire, A/HRC/27/6, 7 July 2014, recommendation 217.14 (Portugal, France, Tunisia, Uruguay).

³ A/HRC/27/6, recommendations 127.6 (Ghana), 127.7 (Chad).

⁴ A/HRC/27/6, recommendations 127.2 (Chile), 127.3 (Ghana, Tunisia, Czech Republic, Estonia), 127.4 (Uruguay), 127.5 (Burkina Faso), 127.15 (Costa Rica).

⁵ A/HRC/27/6, recommendations 127.8 (Chile), 127.9 (Rwanda, France, Montenegro).

⁶ A/HRC/27/6, recommendation 127.11 (Portugal).

⁷ A/HRC/27/6, recommendation 127.13 (Portugal).

⁸ A/HRC/27/6, recommendations 127.23 (Estonia), 127.10 (Slovenia).

⁹ A/HRC/27/6, recommendations 127.91 (Republic of Korea), 127.92 (Sierra Leone), 127.94 (Togo).

¹⁰ A/HRC/27/6, recommendations 127.93 (Chad), 127.94 (Togo).

¹¹ A/HRC/27/6, recommendations 128.4 (Latvia), 128.5 (Montenegro, Portugal, Republic of Korea).

by-case basis for purposes of analysis” while noting that it had responded favourably to the requests to visit from the Special Procedures.¹²

Since its last UPR, Côte d’Ivoire submitted its reports to the African Commission on Human and Peoples’ Rights in 2016, to the Committee on the Rights of the Child in 2017, and to the Committee on the Elimination of Discrimination against Women in 2018. However, it has failed to submit overdue reports to the Committee Against Torture (21 years overdue) and to the Committee on Economic, Social and Cultural Rights (24 years overdue).

Côte d’Ivoire has also failed to cooperate with human rights bodies. In August 2017, the Human Rights Committee issued a letter noting the lack of cooperation by the Ivorian authorities and decided to end to its follow-up procedure.¹³ Côte d’Ivoire has also refused to implement the 2016 decision by the African Court on Human and Peoples’ Rights on reform of the Independent Electoral Commission on the basis that it lacked independence and impartiality.¹⁴ The Ivorian authorities considered that the decision of the Court was advisory and not compulsory and refused to carry out the requested reform.¹⁵

Côte d’Ivoire facilitated visits by the UN Independent Expert on capacity building and technical cooperation in Côte d’Ivoire and the UN Special Rapporteur on the right to education. However, several other mandate holders were not able to visit Côte d’Ivoire despite their requests, including the Special Rapporteur on torture (visit requested in 2013) and the Working Group on Arbitrary Detention (visit requested in 2017).

NATIONAL HUMAN RIGHTS COMMISSION

Côte d’Ivoire accepted recommendations to strengthen the National Human Rights Commission.¹⁶ However, the authorities have failed to revise the statute of the Commission to guarantee its independence and impartiality and it remains status B under the Paris Principles. Members of the National Human Rights Commission and the regional commissions continue to be appointed by the Minister of Human Rights.¹⁷ The terms of membership are broad and could be used to remove members who express dissent. Finally, the budget of the Commission remains inadequate, particularly as it inherited some of the human rights functions of the United Nations Operation in Côte d’Ivoire without being provided with the necessary resources.

¹² Report of the Working Group on the Universal Periodic Review - Côte d’Ivoire – Addendum, A/HRC/27/6/Add.1, paras 14-16.

¹³ Human Rights Committee, discontinuance letter dated 8 August 2017.

¹⁴ African Court on Human and Peoples’ Rights, Action pour la Protection des Droits de l’Homme (APDH) c. Republic of Côte d’Ivoire, November 2016.

¹⁵ Radio France Internationale, Côte d’Ivoire : l’Opposition réclame une refonte de la CEI, 1 February 2018.

Ministry of Justice, Public statement on the ruling of the African Court on Human and Peoples’ Rights, 13 March 2018.

¹⁶ A/HRC/27/6, recommendations 127.45 (France), 127.46 (Ghana), 127.47 (Indonesia), 127.48 (Sierra Leone).

¹⁷ Law N° 2012-1132 of 13 December 2012 on the creation, attributions, organization and function of the National Human Rights Commission of Côte d’Ivoire, Articles 11-12, 15.

PROTECTION OF HUMAN RIGHTS DEFENDERS

Côte d'Ivoire accepted a recommendation to “swiftly adopt the law on the protection of human rights defenders by the Ivorian Parliament, and ensure its immediate implementation”.¹⁸ Côte d'Ivoire has partly implemented this recommendation, including by adopting a law on the protection of human rights defenders on 20 June 2014 and the decree of its implementation on 22 February 2017.¹⁹ However, as detailed below, human rights defenders in Côte d'Ivoire continue to be subjected to violence, intimidation and harassment, and the authorities have failed to bring the suspected perpetrators to justice.

TORTURE AND OTHER ILL-TREATMENT

Côte d'Ivoire committed to take steps to end torture and other ill-treatment, including by criminalising torture and integrating the provisions of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in domestic legislation.²⁰ However, as detailed in the sections below, the legal framework in Côte d'Ivoire is still not in line with the Convention and cases of torture are still being reported, few of which are ever brought to justice. Côte d'Ivoire has also yet to ratify the Optional Protocol to the Convention. Amnesty International continues to document cases of torture, particularly in police custody and at the National Surveillance Directorate (*Direction de la Surveillance du Territoire*, DST).

PRISON CONDITIONS

Côte d'Ivoire accepted recommendations to improve prison conditions, including by reducing overcrowding.²¹ However, the authorities have failed to take adequate steps to improve prison conditions and, as presented in the sections below, prison overcrowding and deaths in custody remain prevalent.

RIGHTS OF LESBIAN, GAY, BISEXUAL, TRANSGENDER AND INTERSEX (LGBTI) PEOPLE

Amnesty International is concerned that Côte d'Ivoire rejected recommendations relating to LGBTI rights, including to take measures to prevent discrimination on the grounds of sexual orientation or gender identity.²² The authorities argued that they could not accept these recommendations because “under positive law as it currently stands in Côte d'Ivoire and when it comes to people's attitudes, this recommendation would fail if it were to be kept as is.”²³

Five years on, the situation of LGBTI people in Côte d'Ivoire has deteriorated. As detailed in the section below, people have been detained and subjected to torture and other ill-treatment. Two men have been sentenced to prison terms on the basis of their sexual orientation or gender identity, which, according to LGBTI groups, was unprecedented under the previous UPR cycle.

¹⁸ A/HRC/27/6, recommendation 127.30 (Czech Republic).

¹⁹ Law N°2014-388 of 20 June 2014 on the promotion and protection of human rights defenders and its decree of implementation N°2017-121 adopted on 22 February 2017.

²⁰ A/HRC/27/6, recommendations 127.15 (Costa Rica), 127.16 (France), 127.17 (Cabo Verde), 127.18 (Belgium), 128.3 (Czech Republic).

²¹ A/HRC/27/6, recommendations 127.105 (Spain), 127.106 (Thailand), 127.109 (State of Palestine), 127.132 (Brazil).

²² A/HRC/27/6, recommendations 128.6 (Switzerland), 129.1 (Netherlands), 129.2 (Slovenia).

²³ A/HRC/27/6/Add.1, para. 20.

The authorities do little to bring the suspected perpetrators of violations against LGBTI people to justice.

TOXIC WASTE

Côte d'Ivoire accepted a recommendation to "strengthen monitoring and supervision by relevant environmental agencies to ensure that toxic waste is treated in an environmentally sound manner".²⁴

This followed the dumping in Abidjan in August 2006 of over 540,000 litres of toxic waste, produced by the multinational oil trading company Trafigura. The authorities reported that there were 15 deaths after the dumping while more than 100,000 people sought medical attention, including for serious health issues such as respiratory problems. The dumpsites required extensive clean-up and decontamination, in a complex operation that continued until November 2015.

In January 2018, at the request of Côte d'Ivoire, the United Nations Environment Programme (UNEP) published an environmental audit of the dumpsites. UNEP concluded that the dumpsites did not require further remediation but strongly recommended that Côte d'Ivoire establish a public health monitoring programme "to understand and address possible long-term health effects of exposure to the toxic wastes in 2006".²⁵ Côte d'Ivoire had asked UNEP and the World Health Organization to help organize a meeting of public health experts to analyse information on the health impacts of the dumping and to consider the need for a long-term health study.

Amnesty International welcomes the steps taken by Côte d'Ivoire to address the ongoing legacy of this disaster. However, the authorities have still not assessed the long-term health risks to individuals exposed to the toxic waste and have not monitored the health of the victims.²⁶ The meeting of public health experts has also yet to be held. As a result, 12 years after the dumping of waste, people continue to live in fear of the long-term impacts on their health and the health of their children. The dumping amounted to a violation of the right to health of the people of Abidjan, which has never been fully remedied.

IMPUNITY AND INDEPENDENCE OF THE JUDICIARY

At least 25 recommendations made to Côte d'Ivoire aim at combatting impunity and ensuring the independence of the judiciary, particularly in relations to the exercise of judicial functions over human rights violations committed in the context of the 2010-2011 election crisis.²⁷ Côte d'Ivoire accepted all of them.

²⁴ A/HRC/27/6, recommendation 127.169 (Egypt).

²⁵ United Nations Environment Programme, UN Environment releases independent audit of sites affected by toxic waste dump in Cote d'Ivoire, 30 January 2018, www.unenvironment.org/news-and-stories/press-release/un-environment-releases-independent-audit-sites-affected-toxic-waste

²⁶ Amnesty International, *Côte d'Ivoire: A toxic legacy: The case for a medical study of the long-term health impacts of the Trafigura toxic waste dumping* (Index: AFR 31/7594/2018).

²⁷ A/HRC/27/6, recommendations 127.24 (Liechtenstein), 127.25 (Burkina Faso), 127.26 (Canada), 127.29 (Belgium), 127.113 (Czech Republic), 127.114 (Ireland), 127.115 (Israel), 127.116 (Italy), 127.117 (Mexico), 127.119 (Sierra Leone), 127.120 (Singapore), 127.121 (Switzerland), 127.122 (Argentina), 127.123 (Burkina Faso), 127.133 (Luxembourg), 127.134 (Slovenia), 127.135 (Spain), 127.136 (Sweden), 127.137 (France), 127.138 (Turkey), 127.139 (United Kingdom of Great Britain and Northern Ireland), 127.140 (United Kingdom of Great Britain and Northern Ireland), 127.141 (United States of America), 127.142 (Australia), 127.143 (United States of America).

Yet, as detailed below, Côte d'Ivoire has failed to bring many suspected perpetrators of human rights violations and abuses to justice, particularly pro-Ouattara supporters.

THE NATIONAL HUMAN RIGHTS FRAMEWORK

THE 2016 CONSTITUTION

In November 2016, Côte d'Ivoire adopted a new Constitution.²⁸ It removed the requirement for both parents of a presidential candidate to be Ivorian and established the Senate and the post of Vice-President. The new Constitution also enshrines a number of human rights: it reaffirms the abolition of the death penalty (Article 3), adopts the principle of equality before the law and explicitly prohibits discrimination (Article 4), prohibits torture and humiliating, cruel, inhuman or degrading treatment, including violence against women, notably female genital mutilation (Article 5), prohibits human trafficking and child labour (Articles 5 and 16), strengthens the rights of persons with disabilities (Articles 32 and 33), introduces guarantees of fair trial (Articles 6 and 7), guarantees the rights to access to information, to freedom of expression and to freedom of conscience (Articles 18 and 19), and establishes the right to a healthy environment, prohibits the illegal storage or dumping of toxic waste on national territory and removes the statute of limitations for such practices (Article 27). It also recognizes the important role of civil society as part of the expression of democracy (Article 26), and provides that legally registered human rights associations may refer laws relating to public freedoms to the Constitutional Council before their promulgation (Article 113).

PROTECTION OF HUMAN RIGHTS DEFENDERS

In June 2014, Côte d'Ivoire became the first African state to adopt a law on the protection of human rights defenders, which enshrines the rights to freedom of expression, association and to protection from reprisals. The law also codifies the obligation of the state to protect human rights defenders, their families and their homes from attacks, and to investigate and punish any attacks against them.²⁹ After years of campaigning by human rights groups, including the Ivorian Coalition of Human Rights Defenders, in February 2017 the government passed a decree setting out how the law is to be implemented.³⁰ While the decree creates a protection mechanism for human rights defenders, it provides that the responsibility to protect them rests with the State in conjunction with the National Human Rights Commission (Article 18). It is yet to be seen how this protection mechanism will work, what resources it will have, and what steps will be taken to enable it to carry out its functions with the required independence.

²⁸ Law N°2016-886 of 8 November 2016 on the Constitution of the Republic of Côte d'Ivoire.

²⁹ Law N°2014-388 of 20 June 2014 on the promotion and protection of human rights defenders.

³⁰ Decree N°2017-121 of 22 February 2017 on the implementation of law N°2014-388 of 20 June 2014 on the promotion and protection of human rights defenders.

FREEDOM OF EXPRESSION

On 27 December 2017, the National Assembly adopted a new law on the press.³¹ It is widely held among civil society organisations that the timing of the review of the law at the National Assembly, in the middle of the festive season, was deliberately chosen to avoid parliamentary debate on provisions curbing freedom of expression. However, following campaigning by local media freedom groups, these provisions, which stipulated prison terms for incitement to violence or racial hatred, were removed. However, the law still contains provisions which violate the right to freedom of expression. For instance, Article 89 explicitly excludes detention and prison terms for press offenses, but subjects this to all other applicable law, such as the Criminal Code, which provides for prison terms for offending the head of state. This important caveat is not clearly defined and could be used to target journalists who express dissent. Under the previous law, prison terms were excluded for press offences; however, loopholes were used to detain journalists in police custody and pre-trial detention.³²

The new law also provides for hefty fines for insults (up to XOF10 million, approximately EUR15,245),³³ for publishing, broadcasting, divulging or reproducing false news (up to XOF5million, approximately EUR7,622),³⁴ offending the head of state (up to XOF5 million, approximately EUR7,622),³⁵ and defamation including against the courts, the armed forces, members of the government and of the national assembly (up to XOF5 million, approximately EUR7,622).³⁶ These terms are excessively broad and vaguely defined. For instance, even if the facts are established, a statement may qualify as defamatory if it happened more than 10 years ago or concern the private life of the person.³⁷ This exposes journalists who are working on crimes committed during the 2010-2011 election crisis by people who are now occupying senior position in the government, to substantial risks. In the case of defamation, the assumption is that the person is not acting in good faith, which amounts to a presumption of guilt.³⁸ In the case of offenses against the head of state, the prosecutor may start legal proceedings in the absence of a complaint by the victim.³⁹

Finally, the law establishes a National Authority of the Press (Articles 40-63), whose functions include sanctioning stakeholders in the press sector. While Article 40 stipulates that the National Authority of the Press is an independent administrative body, its organisation and ways of functioning undermine its independence. The members of the Authority are nominated by decree of the Council of Ministers, upon presentation by the Minister in charge of the press. Under Article 42, the President of the Authority is designated by the President of Republic and three of its members are designated by the Minister in charge of Communication, the President of the National Assembly and the Supreme Council of the Judiciary (headed by the President of the Republic). Membership of the Authority can be revoked if members breach secrecy on matters before the Authority or if they speak publicly on issues within the field of competence of the Authority; this could be used against members who speak out against any dysfunction within the

³¹ Law N°2017-867 of 27 December 2017 on the legal regime governing the press.

³² Law N°2004-643 of 14 December 2004 on the legal regime governing the press, Article 68.

³³ Law N°2017-867 of 27 December 2017 on the legal regime governing the press, Articles 95-96.

³⁴ Law N°2017-867 of 27 December 2017 on the legal regime governing the press, Article 97.

³⁵ Law N°2017-867 of 27 December 2017 on the legal regime governing the press, Article 91.

³⁶ Law N°2017-867 of 27 December 2017 on the legal regime governing the press, Articles 92-94.

³⁷ Law N°2017-867 of 27 December 2017 on the legal regime governing the press, Article 98.

³⁸ Law N°2017-867 of 27 December 2017 on the legal regime governing the press, Article 98.

³⁹ Law N°2017-867 of 27 December 2017 on the legal regime governing the press, Article 99.

Authority. The Authority will take over the work of the National Council of the Press, which, as detailed below, has imposed arbitrary sanctions on newspapers close to the opposition.

The 2015 law amending the Criminal Code also contains broad provisions which could be used to target people who express dissenting views.⁴⁰ For instance, Article 25 provides that in times of war, knowingly participating in an attempt to demoralize the Army or the Nation, with the object of weakening national defence, amounts to treason and carries a life sentence. Given the history of mutinies, rebellions and grave human rights violations committed by members of the security forces in Côte d'Ivoire, these provisions expose human rights defenders and journalists working on these topics to considerable risks.

DEATH PENALTY, FREEDOM FROM TORTURE AND FAIR TRIALS

In March 2015, the National Assembly unanimously approved two bills to amend the Criminal Code and the Criminal Procedure Code to exclude the death penalty, which was abolished in the 2000 Constitution.⁴¹

However, the two laws fail to address many of the shortcomings of the Criminal Code and Criminal Procedure Code, particularly when it comes to fair trial and freedom from torture. For instance, the law amending the Criminal Code criminalizes torture, but only in the context of widespread or systematic attacks against the civilian population.⁴² The definition does not refer to public officials or the intent to obtain information and confessions. There are still no provisions in the Criminal Procedure Code which prohibits courts from admitting confessions obtained by means of torture.

In July 2015, the National Assembly adopted a law on the repression of terrorism which includes an overly broad definition of terrorism and undermines the right to a fair trial by providing extraordinary powers to the judicial authorities and the security forces.⁴³ The definition of “terrorist acts” is excessively broad and includes acts that “compromise public security or national security” or that “create or could create a situation of crisis within the population or a general insurrection”.⁴⁴ Incitement to commit a terrorist act, including through drawings or writings, is also criminalized.⁴⁵ Such acts carry a sentence of up to 20 years in prison and a fine of up to EUR76,224⁴⁶ and there are no statutes of limitation for such crimes.⁴⁷ In a highly polarized political context such as in Côte d'Ivoire, these provisions could be used to target opposition leaders or journalists who contest the election results. For terrorism related offenses, the length of police custody is extended from 48 hours renewable once to 96 hours renewable once on the authorization of the prosecutor.⁴⁸

⁴⁰ Law N°2015-134 of 9 March 2015 amending and complementing Law N°81-640 of 31 July 1981 relating to the Criminal Code.

⁴¹ Law N°2015-134 of 9 March 2015 amending and complementing Law N°81-640 of 31 July 1981 relating to the Criminal Code and Law N°2015-133 of 9 March 2015 amending and complementing Law N°60-366 of 14 November 1960 relating to the Criminal Procedure Code.

⁴² Law N°2015-134 of 9 March 2015 amending and complementing Law N°81-640 of 31 July 1981 relating to the Criminal Code, Articles 18-19.

⁴³ Law N°2015-493 of 7 July 2015 on the repression of terrorism.

⁴⁴ Law N°2015-493 of 7 July 2015 on the repression of terrorism, Article 3.

⁴⁵ Law N°2015-493 of 7 July 2015 on the repression of terrorism, Article 6.

⁴⁶ Law N°2015-493 of 7 July 2015 on the repression of terrorism, Articles 4 and 6.

⁴⁷ Law N°2015-493 of 7 July 2015 on the repression of terrorism, Article 14.

⁴⁸ Law N°2015-493 of 7 July 2015 on the repression of terrorism, Article 7.

HUMAN RIGHTS SITUATION ON THE GROUND

FREEDOM OF PEACEFUL ASSEMBLY

Peaceful assemblies organised by civil society organisations and opposition groups are regularly banned and dispersed with excessive force by the police and gendarmerie, particularly in the context of elections. Since the last review, scores of people have been detained simply for exercising their right to peaceful assembly.

- On 22 March 2018, the security forces dispersed a peaceful assembly organised by the Coalition Together for Democracy and Sovereignty (*Coalition Ensemble pour la démocratie et la souveraineté* (EDS) calling for reform of the Independent Electoral Commission, in line with the 2016 decision by the African Court on Human and Peoples' Rights. More than 40 protestors were arrested, including senior opposition figure Jean Gervais Tchaidé, Vice President of the Ivorian Popular Front (*Front Populaire Ivoirien*, FPI). While most were released the same day, 18 people were sentenced to 12 days in prison and a fine of XOF50,000 (approximately EUR76) for disrupting public order. The sentence also stripped them of their civic rights, including the right to vote, for five years, and restricted their right of movement to their place of birth for three years.⁴⁹
- In September 2017, at least 40 students were arrested after the Student Federation of Cote d'Ivoire (*Fédération estudiantine et scolaire de Côte d'Ivoire*, FESCI) organized protests across the country against police violence and increased university fees. One student said the police arrested her with her friends in her room, and beat her. Some of those arrested had thrown stones at the police, but others were demonstrating peacefully. All were charged with disruption of the public order and provisionally released after 20 days.⁵⁰
- In October 2016, following a peaceful protest against the October referendum, at least 50 opposition members, including Mamadou Koulibaly, former president of the National Assembly, were arbitrarily arrested in Abidjan and detained for several hours. Some were held in police vehicles, a practice known as "mobile detention", driven for kilometres and forced to walk home. Some were taken as far as Adzopé, about 100km from the centre of Abidjan.⁵¹

FREEDOM OF EXPRESSION

The Ivorian authorities continue to use repressive legal provisions to arbitrarily arrest and detain those who express dissent, including journalists and political activists. Since the last review, there has been at least 17 detentions of journalists and bloggers."

- On 26 January 2018, the Criminal Court of Abidjan imposed a fine of XOF10 million (approximately EUR15,245) on Laurent Despas, a French journalist and director of the

⁴⁹ Amnesty International, *Côte d'Ivoire: 18 opposants toujours en détention pour avoir exercé leur droit de manifester pacifiquement* ([Press release](#), 23 March 2018)

⁵⁰ Amnesty International, Annual Report 2017-2018 (Index: POL 10/6700/2018)

⁵¹ Amnesty International, *Côte d'Ivoire: Authorities must stop arbitrary arrests and 'mobile detention' of opposition supporters ahead of referendum* ([Press release](#), 28 October 2016)

news website *Koaci.com*, following the publication of an interview in May 2016 with Michel Gbagbo, the son of former President Laurent Gbagbo, on the fate of opposition members arrested in the aftermath of the 2010-2011 election violence. Michel Gbagbo was sentenced to six months in prison and a fine of XOF500,000 (approximately EUR762). Both were convicted of “publishing false news”. Laurent Despas and a fellow journalist Donatien Kautcha were detained on 24-25 May 2016 at the Gendarmerie of Agban in Abidjan, without access to a lawyer. Donatien Kautcha was subsequently released without charge.⁵²

- In August 2017, two *Le Quotidien* journalists, Dan Opeli and Yves Kuyo, were arrested because of an article they wrote about the National Assembly President’s finances. They were detained for three days and charged with “publishing false news”.⁵³
- On 12 February 2017, six journalists were arrested and detained in Abidjan for their coverage of the January and February mutinies. They did not have access to a lawyer while in police custody. They were subsequently charged with “publishing false news” and “inciting soldiers to mutiny”. They were released on 14 February 2017, but remained under police investigation.⁵⁴

The National Council of the Press (*Conseil National de la Presse*, CNP), repeatedly sanctions newspapers, particularly those close to opposition groups, with suspensions and hefty fines.

- The CNP imposed fines on the opposition newspaper *La Voie Originale* in March and April 2017 on the grounds that it had referred to individuals close to former President Gbagbo as belonging to the FPI. The CNP had already suspended the publication of *La Voie Originale* for 15 issues in October 2016 and for 26 issues in December 2016 on similar grounds.
- In December 2016, days before the legislative elections, the CNP also suspended the publication of the opposition newspapers *Aujourd’hui*⁵⁵ and *LG Infos*⁵⁶ for seven issues for publishing “false information”, on the grounds that *Aujourd’hui* had referred to the senior opposition officials in detention as “political prisoners” while *LG Infos* referred to their detention as arbitrary. The CNP renewed the ban on publications for *LG Infos* for another 14 issues in January 2017,⁵⁷ though the sanction was lifted on appeal.

TORTURE AND OTHER ILL-TREATMENT

Amnesty International continues to document cases of torture and other ill-treatment in Côte d’Ivoire, particularly at the National Surveillance Directorate (*Direction de la Surveillance du Territoire*, DST), in police and gendarmerie stations or during demonstrations. No legal proceedings have been brought against the suspected perpetrators of torture and other ill-treatment or their hierarchy. Confessions obtained under duress continue to be used in legal proceedings.

⁵² Media Foundation for West Africa: MFWA Calls for Conviction of Journalist to be Overturned, 2 February 2018, www.mfwa.org/country-highlights/mfwa-calls-for-conviction-of-journalist-to-be-overturned/

⁵³ Amnesty International, Annual Report 2016-2017 (Index: POL 10/4800/2017)

⁵⁴ Amnesty international, *Côte d'Ivoire: UN Mission Closes Amidst Fragile Human Rights Situation* (IOR 40/6630/2017)

⁵⁵ CNP Decision N°078 of 1 December 2016

⁵⁶ CNP Decision N°079 of 1 December 2016

⁵⁷ CNP Decision N°00 of 4 January 2017

- On 22 March 2018, blogger and journalist Daouda Coulibaly was assaulted by police officers while covering an opposition protest in Abidjan. He was kicked to the ground, beaten with batons on his knees and dragged on the ground. He went to the police station to file a complaint, but the police refused to register his complaint. He filed another complaint with the prosecutor on 23 March, but the prosecutor declared that he was not competent to deal with his complaint.⁵⁸ Daouda Coulibaly eventually filed a complaint with the Military Court of Justice on 28 March 2018.⁵⁹ To date, no one has been held accountable for the ill-treatment he was subjected to.
- Several students arrested during the protests on 22 March 2018 reported being subjected to torture and other ill-treatment. Koffi⁶⁰ was arrested by armed men in civilian clothes, one of whom forced him to the ground with a head lock while another pointed a gun to his head. He was taken to Military Camp of Anyama with three others where they were interrogated by military officers about their participation in the protest and beaten. One of the soldiers accused them of preparing a coup and told them they would be killed if they did not give information about their plans. After hours of interrogation, they were transferred to the DST. They were detained in a small office without toilet facilities. One of the filing cabinets was full of human excrements and they were told to urinate in a plastic bottle. They were beaten on several occasions, including during interrogation and when a phone was found in the cell. They were denied medical examination; however, their families were able to bring them medication. The DST officers accused them of bringing weapons to the demonstrations, which they denied. One of the student was threatened at gunpoint to sign his statement to the police. On 28 March, they were brought before an investigating judge and charged with “attacks against the authority of the state and national territorial integrity” and transferred to the House of Detention and Correction of Abidjan (*Maison d’Arrêt et de Correction d’Abidjan*, MACA). They did not have access to a lawyer. On 2 July 2018, they were released on bail.
- Antoinette Meho, a member of civil society organization *Solidarité Wê*, was arrested at her house in Abidjan on 10 August 2016 by armed men in civilian clothes. One of them punched her husband in the face when he asked to see a warrant. She was beaten and her clothes were ripped as she was taken to their vehicle. She was brought to the DST where she was accused of attacking the house of the chief of staff in Seguela, in the North West of the country, based on the testimony of another detainee. She was questioned about her political affiliation, ordered to confess her crime and to name her accomplices. On several occasions, the DST threatened to arrest her children and detain them at the DST. She could hear other people cry from pain in the other cells and eventually signed the statement the DST had prepared without reading it. She was brought before the prosecutor on 16 August 2016, charged with “jeopardizing state security, plotting against state security, organizing an armed group, participating in an armed group, murder, criminal association, disrupting public order and complicity in all these crimes”. She did not have access to a lawyer. She was transferred to the MACA where she was able to get visits from her family and her lawyer. In October 2016, her husband suffered a stroke. Her request to be released on bail to take care of him was initially rejected, but she was eventually released on bail on 4 May 2017.
- Samba David, leader of the civil society group Outraged of Côte d’Ivoire (*les Indignés de Côte d’Ivoire*), which organized demonstrations against the rise in the cost of living and the detention of political activists, was arrested at his house in Abidjan by armed men in uniform on 13 September 2015. They ransacked his home and beat him up with rifle butts, including on his genitals. He was taken to the Police Department where he was detained incommunicado and denied a medical examination. He was brought before the

⁵⁸ Complaint N°18/16/D/PR-AP/TPI registered on 23 March

⁵⁹ Complaint N°138/18 of 28 March 2018

⁶⁰ Name changed for security reasons

prosecutor on 17 September and charged with “disrupting public order, discrediting a judicial decision, incitement to insubordination and complicity in the destruction of goods”. He was then taken to the DST where he was detained without access to his lawyer or his family until a trial hearing on 30 September 2015. He was sentenced to six months imprisonment on 2 October, but was taken from the court house to the DST where he stayed until 16 December 2015 when he was transferred to the MACA to serve the rest of his sentence. Prior to completing his sentence, he was charged with new offences of “jeopardizing state security, murder and complicity in these crimes” in relation to an attempted uprising in Dabou in 2015 and was held in pre-trial detention. He was transferred to the Korhogo Prison, 567km north of Abidjan, in March 2018, far from his relatives and lawyers. On 12 July, he was transferred to the hospital in Abidjan with heart failure. He was released on bail on 25 July 2018.

PRISON CONDITIONS AND DEATH IN CUSTODY

Prisons in Côte d’Ivoire remain severely overcrowded and conditions are inhumane, leading to a high number of deaths in custody. As of July 2018, some 16,000 people were detained across 34 prisons in Côte d’Ivoire, with a combined capacity of only 8,639. Some 5,800 of the detainees were held in pre-trial detention. At the MACA, which has capacity for 1,500 prisoners, 6,726 people were detained, 2,349 of them in pre-trial detention.⁶¹ The authorities refuse to share statistics on deaths in custody, however, since August 2014, at least 152 have died in detention.⁶²

Prisoners have reported that they were forced to pay bribes of up to XOF20,000, equivalent to EUR30) to the prisoners controlling internal security to avoid being placed in filthy cells with floors covered in urine and water. Prisoners responsible for internal security also subject other prisoners to corporal punishment, resulting in at least three deaths in 2015. The families have reported being forced to pay bribes to visit their relatives, and health care remains inadequate.⁶³

In February 2017, the authorities refused a request from Amnesty International to conduct unfettered visits to the *Maison d’Arrêt et de Correction* and other detention centres in Abidjan. Despite multiple requests, some as recent as July 2018, Amnesty International has not had access to any of the detention centres in Côte d’Ivoire since 2012.

Some detainees are held in unofficial detention centres, including the DST, for extended periods of time. In July 2018, DST officials interviewed by Amnesty International refused to confirm or deny that the DST premises were being used for detention purposes.

PROTECTION OF HUMAN RIGHTS DEFENDERS

Human rights defenders often receive threats and their offices are regularly burgled. Over the last four years, the offices of six of the main human rights organizations, and the office of an independent newspaper, have been ransacked, some more than once.⁶⁴ Despite filing complaints to the police, no one has been brought to justice in relation to these crimes.

- The office of the Ivorian Coalition of Human Rights Defenders (*Coalition Ivoirienne des*

⁶¹ Interviews with officials from the prison administration, July 2018

⁶² This is a low estimation based on the United States Department of State Human Rights Reports 2014-2017 and interviews with prison administration officials.

⁶³ Amnesty International, Annual Report 2016-2017 (Index: POL 10/4800/2017)

⁶⁴ The targeted human rights organizations and media outlet are : *Coalition Ivoirienne des Défenseurs des Droits Humains* (CIDDH), *Action pour la Protection des Droits Humains en Côte d’Ivoire* (APDH), *Alternative Côte d’Ivoire*, *Club Union Africaine Côte d’Ivoire* (CLUB UA-CI), *Mouvement Ivoirien des Droits Humains* (MIDH), *Réseau d’Action sur les Armes Légères en Afrique de l’Ouest* (RASALO-CI) and *L’Éléphant Déchaîné*.

Défenseurs des Droits Humains, CIDDH) was burgled in June 2018, when at least XOF1 million (approximately EUR1,524) worth of equipment was stolen.

- The office of Actions for the Protection of Human Rights (*Actions pour la Protection des Droits de l'Homme*, APDH) was ransacked in March and May 2015. Computers and several files were stolen. They were working on sensitive issues, including a complaint filed at the African Court on Human and Peoples' Rights on the Independent Electoral Commission, a report on transitional justice and the pollution caused by gold mining. The police investigated, but did not conduct any interviews in the neighbourhood.
- The office of Alternative Cote d'Ivoire, an organization working for the rights of LGBTI people living with HIV, and the house of its director, were ransacked in January 2014 by a large mob. Computers were stolen, walls were daubed with homophobic slogans and a staff member was badly beaten, yet no one has ever been brought to justice for the attack.

RIGHTS OF LGBTI PEOPLE

While consensual sexual relations between consenting individuals of the same sex are not criminalised in Côte d'Ivoire, Article 360 of the Criminal Code provides for an aggravation of the minimum penalty prescribed for "gross indecency" when such conduct "consists of an indecent or unnatural act with an individual of the same sex." In November 2016, this law was used by the Court of Sassandra, west of Abidjan, to sentence two men to three months' imprisonment on the basis of their sexual orientation.⁶⁵ The two men denied any romantic relationship, and did not have access to a lawyer.

LGBTI people continue to be subjected to discriminatory practices and homophobic violence, including by members of the security forces. The suspected perpetrators have not been brought to justice.

- On 9 February 2018, two men in civilian clothes who identified themselves as officers of the judicial police arrested a young man at his workplace in a shopping centre in Abidjan.⁶⁶ They accused him of murder and threatened him at gunpoint. They did not present their badge or an arrest warrant. On the way to the police station, they shouted homophobic insults at him. He was detained at the police station for six days, without access to a lawyer. He was repeatedly beaten to confess to the murder and insulted on the basis of his sexual orientation. Information about his arrest was leaked to the media and on social media, leading to a public outing of his sexual orientation. The police took him to his family house to search it. He was ordered out of the car while in handcuffs and the police officers publicly accused him of the murder and revealed information about his sexual orientation in front of people from the neighbourhood who had gathered. He was eventually released without charge. Fearing for his safety, he remains in hiding as people continue to send him threats on social media.

FORCED EVICTIONS

Côte d'Ivoire has failed to provide effective protection against forced evictions, including in Abidjan. The authorities fail to apply crucial safeguards before the eviction, including consultation with affected communities to explore alternatives to eviction and resettlement. They also fail to provide people with information about the reason for an eviction, adequate notice or legal remedies, or adequate housing options for resettlement.

⁶⁵ Court of Sassandra, decision 589/16 of 3 November 2016.

⁶⁶ Name withheld for security reasons.

On 2 July 2018, the District of Abidjan proceeded to forcibly evict an estimated 5,772 people living in the neighbourhood known as Port Bouët-Abattoir, with the support of the security forces, and without adequate prior notice.⁶⁷ The bulldozers had been parked in the area the day before and the security forces arrived at 5.30am. The inhabitants were asked to leave immediately. The security forces fired a large amount of tear gas to force people out of the area while bulldozers destroyed the houses. The district of Abidjan claimed letters of notice had been issued in April 2017, May 2017 and May 2018;⁶⁸ however, these were not communicated to the individuals concerned, nor did they contain information about the houses to be demolished or the timing of the demolition. There was no prior consultation with the community and its members were not offered any alternative housing, which meant that people had to sleep in the local graveyard, the church and the mosque without adequate shelter, during the rainy season. The community was not provided with compensation prior to the eviction. Several days after the eviction, the local authorities offered medical assistance to the community and pledged XOF8,225,000 (approximately EUR12,539) in compensation. As of July 2018, it was still not clear who these funds were for, how they would be distributed or what they were supposed to cover.

IMPUNITY AND ADMINISTRATION OF JUSTICE

Despite President Ouattara's express commitment to ensure that justice would apply equally under his presidency, only those suspected of being supporters of former President Laurent Gbagbo have been tried for serious human rights violations committed during and after the 2010 election. Members of the Republican Forces (*Forces Républicaines de Côte d'Ivoire*, FRCI), loyal to President Ouattara have not been prosecuted, despite being suspected of committing serious human rights violations, including the killing of more than 800 people in Duékoué in April 2011, and the killing of 13 people at a camp for internally displaced people in Nahibly in July 2012.⁶⁹ Several FRCI officials charged with crimes against humanity retain senior positions within the security forces and some were promoted in January 2017, including Issiaka Ouattara, also known as Wattao, who was appointed commanding officer of the Republican Guards, and Cherif Ousmane, who was appointed commanding officer of the First Battalion of Commandos and Paratroopers.⁷⁰

In May 2017, former First Lady Simone Gbagbo was acquitted of crimes against humanity and war crimes by the Assize Court of Abidjan. Victims of human rights violations were denied their legal right to participate in the hearing. The lawyers, who had been appointed by the head of the bar after her lawyers withdrew in 2016, pulled out in March 2017 saying the Court was irregularly constituted because a judge was appointed after the trial had begun.⁷¹ Simone Gbagbo is also wanted by the International Criminal Court (ICC) on four counts of crimes against humanity; however, the Ivorian authorities have refused to transfer her to The Hague. In February 2016, President Ouattara publicly stated that he would not "send any more Ivorian nationals to the ICC".⁷²

The recent ordinance adopted by President Ouattara, granting an amnesty to 800 people accused or convicted of crimes relating to the 2010-2011 crisis or to subsequent attacks against the state, including Simone Gbagbo, further violate the rights of victims to truth and justice. Among those

⁶⁷ Interviews with members of the community and community leaders, July 2018.

⁶⁸ Interview with an official from the District of Abidjan, July 2018

⁶⁹ Amnesty International, *Côte d'Ivoire: The Victors' Law: Human Rights Situation Two Years After the Post-Electoral Crisis* (Index: AFR 31/001/2013).

⁷⁰ Presidency of the Republic, Press-release on nominations in the Armed Forces of Côte d'Ivoire, 26 January 2017.

⁷¹ Amnesty International, *Annual Report 2016-2017* (Index: POL 10/4800/2017)

⁷² AFP, Ouattara : «Je n'enverrai plus d'Ivoiriens à la Cour pénale internationale», 4 February 2016.

amnestied, some are suspected of having committed human rights violations or having been in command when human rights violations were perpetrated. President Ouattara clarified that the amnesty would not apply to 60 members of the military and members of armed groups who committed “blood crimes” during the post-election violence. However, there is no agreed definition of “blood crimes” and it is unclear whether it would cover sexual violence or persons with command responsibility. Furthermore, judges have indicted far more than 60 people for crimes against humanity and war crimes related to the post-election crisis, including high-level military and political leaders from both sides of the conflict. It is unclear who among them will ultimately be brought to justice.⁷³

RECOMMENDATION FOR ACTION BY THE STATE UNDER REVIEW

AMNESTY INTERNATIONAL CALLS ON THE GOVERNMENT OF CÔTE D’IVOIRE TO:

RATIFICATION OF HUMAN RIGHTS TREATIES

- Ratify the Convention for the Protection of All Persons from Enforced Disappearance, the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the Third Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure, and the Agreement on the Privileges and Immunities of the International Criminal Court, as Côte d’Ivoire had accepted to do in the 2014 review.⁷⁴

COOPERATION WITH INTERNATIONAL AND REGIONAL HUMAN RIGHTS BODIES

- Submit all overdue reports to the treaty bodies, including the Committee Against Torture, the Committee on Economic, Social and Cultural Rights, and the Committee on the Elimination of Racial Discrimination, as Côte d’Ivoire had accepted to do in the 2009 and 2014 reviews;⁷⁵
- Develop a clear timeframe for the implementation of recommendations by the treaty bodies and other human rights bodies, including the Human Rights Committee, the Committee on the Elimination of Discrimination against Women, the African Court on Human and Peoples’ Rights, the African Commission on Human and Peoples’ Rights, and the Independent Expert on capacity building and technical cooperation in Côte d’Ivoire, in consultation with civil society;

⁷³ Amnesty International, *Côte d’Ivoire: No Amnesty for Serious Crimes of 2010-2011 crisis* ([Press release](#), 7 August 2018)

⁷⁴ A/HRC/27/6, recommendations 127.2-11 (Chile, Czech Republic, Uruguay, Burkina Faso, Ghana, Chad, Chile, Rwanda, France, Montenegro, Slovakia, Portugal), 127.13- 14 (Portugal, Portugal, France, Tunisia, Uruguay).

⁷⁵ A/HRC/27/6, recommendation 127.12 (Israel).

- Issue a standing invitation to the UN Special Procedures, including the Special Rapporteur on the rights to freedom of peaceful assembly and of association, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Working Group on Arbitrary Detention, and the Special Rapporteur on the independence of judges and lawyers;
- Facilitate without delay the visits requested by the UN Special Rapporteur on torture, the Special Rapporteur on the situation of human rights defenders, and the Working Group on Arbitrary Detention;
- Facilitate the establishment of the Office of the High Commissioner for Human Rights in Côte d'Ivoire.

NATIONAL HUMAN RIGHTS COMMISSION

- Adopt measures to guarantee appropriate financial resources and full independence of the National Human Rights Commission, as Côte d'Ivoire had accepted to do in the 2009 and 2014 reviews.⁷⁶

FREEDOM OF EXPRESSION

- Amend provisions in the Criminal Code and the Law on the Press which unduly restrict the right to freedom of expression, in line with international and regional human rights law;
- Revise the mandate of the National Authority of the Press, including how its members are selected, to ensure it can exercise its functions with full independence and is not used to sanction journalists and media-houses expressing dissent;
- Ensure that journalists, opposition leaders, government critics and human rights defenders are able to freely exercise their rights to freedom of expression, association and peaceful assembly without fear of reprisals, arrest, detention, sanction, intimidation or harassment.

FREEDOM OF PEACEFUL ASSEMBLY

- Amend legislation on the use of force and on assemblies, including the Criminal Code, to bring it in line with the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the ACHPR Guidelines for the Policing of Assemblies by Law Enforcement Officials in Africa;
- Provide the security forces with sufficient resources and adequate equipment to police large-scale demonstrations and counter-demonstrations, and effective training in the appropriate and differentiated use of force and weapons, including anti-riot equipment;
- Carry out thorough, independent and impartial investigations into all cases where the security forces have injured or caused death through excessive use of force and impose disciplinary and criminal sanctions, as appropriate, against all those suspected to be responsible, including superior officers.

PROTECTION OF HUMAN RIGHTS DEFENDERS

- Ensure that the protection mechanism established by the decree to implement the 2014 law on the protection of human rights defenders is able to exercise its functions with full independence and impartiality, including by clarifying its role, function and relationship with the National Human Rights Commission and providing it with sufficient resources;
- Ensure acts of violence against human rights defenders and attacks on their offices are

⁷⁶ A/HRC/27/6, recommendations 127.45-47 (France, Ghana, Indonesia).

thoroughly, independently and impartially investigated and the suspected perpetrators brought to justice in fair trials.

TORTURE AND OTHER ILL-TREATMENT

- Define and criminalize torture in accordance with the definition in the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, as Côte d'Ivoire had accepted to do in the 2014 review;⁷⁷
- Revise the Criminal Procedure Code to bring it in line with international and regional laws and standards, including by clarifying that any statement established to have been obtained under torture or other ill-treatment cannot be invoked as evidence;
- Ensure that trials in which it has been established that statements have been extracted under torture or other ill-treatment are reviewed in order that those convicted can be re-tried in accordance with international standards of fair trial;
- Ensure that people have unfettered access to their lawyer as soon as they are deprived of their liberty;
- Ensure that all places of detention, including the National Surveillance Directorate (DST), are accessible to national and international observers, including international NGOs such as Amnesty International;
- Carry out prompt, thorough, independent and impartial investigations into all allegations of torture and other ill-treatment during detention and take immediate legal action, whenever there is sufficient admissible evidence, against all persons suspected of committing torture and other ill-treatment.

PRISON CONDITIONS

- Immediately end the practice of detaining people in non-official places of detention, such as the National Surveillance Directorate (DST);
- Reduce overcrowding in prisons, as Côte d'Ivoire had accepted to do in the 2009⁷⁸ and 2014⁷⁹ reviews, including by substituting detention with non-custodial measures and ensuring that persons do not remain in pre-trial detention beyond the prescribed time limits;
- Ensure that all persons deprived of liberty are held in humane conditions, including in line with the UN Basic Principles for the Treatment of Prisoners, the Standard Minimum Rules for the Treatment of Prisoners, and the Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders, and in particular ensure that all detainees have access to sufficient food and drinkable water, adequate sanitary facilities and medical treatment, as Côte d'Ivoire had accepted to do in its 2009⁸⁰ and 2014⁸¹ UPR;
- Promptly, thoroughly, independently and impartially investigate all deaths in custody and bring those suspected of responsibility for the deaths, including by negligence, to justice in a fair trial, as Côte d'Ivoire had accepted to do in the 2009 review.⁸²

⁷⁷ A/HRC/27/6, recommendations 127.15-18 (Costa Rica, France, Cabo Verde, Belgium).

⁷⁸ A/HRC/13/9, recommendation 53 (Slovakia).

⁷⁹ A/HRC/27/6, recommendation 127.105 (Spain).

⁸⁰ A/HRC/13/9, recommendation 56 (Czech Republic).

⁸¹ A/HRC/27/6, recommendation, 127.106 (Thailand).

⁸² A/HRC/13/9, recommendation 52 (Netherlands).

RIGHTS OF LESBIAN, GAY, BISEXUAL, TRANSGENDER AND INTERSEX (LGBTI) PEOPLE

- Publicly reiterate Côte d'Ivoire's commitment to respect, protect and fulfil the human rights of all people without discrimination, including on the basis of sexual orientation or gender identity;
- Amend the provisions of Article 360 of the Criminal Code and any other provision of its criminal legislation that discriminates against persons because of their sexual orientation or gender identity;
- Instruct the police and the judiciary to put an end to arbitrary arrest and detention of people held solely on the basis of their real or perceived sexual orientation or gender identity;
- Promptly, thoroughly, independently and impartially investigate all allegations of attacks, arbitrary arrest and detention of persons on the basis of their real or perceived sexual orientation or gender identity and bring anyone suspected of responsibility to justice in fair trials.

TOXIC WASTE

- Together with the United Nations Environment Programme and the World Health Organization, promptly hold a meeting of public health experts to analyse information on the health impacts of the Trafigura toxic waste dumping;
- Immediately commission a study to comprehensively assess any long-term impact of the Trafigura toxic waste dumping on health and make specific requests for technical and financial assistance from other governments and international organizations where necessary;
- Develop and implement a plan to monitor the health of individuals affected by the Trafigura toxic waste dumping, while ensuring regular testing for the chemicals known to be in the waste and monitoring of symptoms of exposure to those chemicals and any changes in health status and disease patterns, and making the findings widely available;
- Ensure that accessible, affordable and quality health services are available to people affected by the dumping, including access to appropriately trained health professionals and drugs and equipment needed to treat any symptoms and health conditions, and disseminate information about possible symptoms, available treatment and possible preventative actions.

FORCED EVICTIONS

- Adopt a moratorium on forced evictions until adequate legal and procedural safeguards are in place to ensure that all evictions comply with international human rights standards;
- Develop comprehensive guidelines for officials in charge of carrying out evictions, based on the UN Basic Principles and Guidelines on Development-based Evictions and Displacement and other international human rights standards;
- Initiate an independent and impartial investigation into the security forces' involvement in and conduct during forced evictions;
- Immediately provide all necessary support and assistance to those who have been subjected to forced eviction, including adequate temporary housing, water and sanitation, while ensuring effective remedy and reparations.

IMPUNITY AND ADMINISTRATION OF JUSTICE

- Carry out prompt, thorough, independent and impartial investigations into all cases of human rights violations and abuses, including in the context of the 2010-2011 election violence, and bring those suspected of being responsible to justice in fair trials, independently of their political affiliation, as Côte d'Ivoire had accepted to do in its 2014

UPR;⁸³

- Issue clear public instructions to all security forces to comply with national law and international human rights law and make clear that anyone suspected to be responsible for ordering, carrying out or failing to prevent human rights violations and abuses, especially extrajudicial execution, unlawful killings, enforced disappearances, torture or sexual violence, will be held accountable for their actions;
- Exercise strict chain-of-command control over the armed forces and hold to account any member of the armed forces for any actions which constitute violations of human rights or international humanitarian law, or for allowing others to commit such violations;
- Immediately suspend, pending trial, any person in a position of authority who is suspected of committing violations of international humanitarian and human rights law since November 2010, including those committed in the Duékoué region, so that they are not in a position to commit further abuses or to influence trial proceedings;
- Ensure that all persons arrested for endangering the security of the State and related offenses, including former President Laurent Gbagbo's relatives and aides, receive a fair trial in which their right to defence is fully respected;
- Ensure that amnesties, pardons and other measures do not bar the investigation and prosecution of crimes under international law and take steps to ensure that victims have access to truth, justice and adequate reparations;
- Cooperate fully with the International Criminal Court, as Côte d'Ivoire had accepted to do in its 2014 UPR, including by transferring individuals who are wanted by the Court for crimes within its jurisdiction.⁸⁴

⁸³ A/HRC/27/6, recommendation 127.134-141 (Slovenia, Spain, Sweden, France, Turkey, United Kingdom of Great Britain and North Ireland, United Kingdom of Great Britain and North Ireland, United States of America).

⁸⁴ A/HRC/27/6, recommendation 127.113 (Czech Republic), 127.24 (Liechtenstein), 127.25 (Burkina Faso).

ANNEX

AMNESTY INTERNATIONAL DOCUMENTS FOR FURTHER REFERENCE⁸⁵

Amnesty International, *Côte d'Ivoire: A toxic legacy: The case for a medical study of the long-term health impacts of the Trafigura toxic waste dumping, January 2018* (Index: AFR 31/7594/2018).

Amnesty International, *Côte d'Ivoire: The Victors' Law: Human Rights Situation Two Years after the Post-Electoral Crisis, February 2013* (Index: AFR 31/001/2013).

Amnesty international, *Côte d'Ivoire: UN Mission Closes Amidst Fragile Human Rights Situation* (Index: IOR 40/6630/2017).

Amnesty International, *Annual Report 2016-2017 Côte d'Ivoire* (Index: POL 10/4800/2017)

Amnesty International, *Annual Report 2017-2018* (Index: POL 10/6700/2018).

⁸⁵ All these documents are available on Amnesty International's website
<https://www.amnesty.org/en/countries/africa/cote-d-ivoire/>

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