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**REPORT OF THE CHAIRPERSON OF THE COMMISSION ON**  
**THE SITUATION IN CÔTE D'IVOIRE**

## **REPORT OF THE CHAIRPERSON OF THE COMMISSION ON THE SITUATION IN CÔTE D'IVOIRE**

### **I. Introduction**

1. The present Report provides an update of the situation in Côte d'Ivoire since the last session of the Executive Council, in March 2004.

### **II. Political Developments**

2. During the period under review, the situation in Côte d'Ivoire witnessed many developments. One should mention, particularly, the difficult co-habitation between the Ivorian political forces, the tragic events of 25, 26 and 27 March 2004, and the beginning of the deployment of the UN Operation in Côte d'Ivoire (ONUCI).

3. Most of the developments which recently took place in the country reflect the growing difficulties encountered in the implementation of the Linas-Marcoussis Agreement of January 2003. In this regard, it should be recalled that, following the suspension, on 22 September 2003, by the *Forces Nouvelles*, of their participation in Government, the Council of Ministers, the National Disarmament Programme and the Reunification Committee, the International Community had left no stone unturned to unblock the situation.

4. As a matter of fact, the Ivorian political actors adopted some appeasement measures, which contributed to the positive evolution of the situation. Mention should be made of the statement by President Laurent Gbagbo in Yamoussoukro, on 4 December 2003, by which he expressed, for the first time, his willingness to fully implement the Paris Agreements; the release by the *Forces Nouvelles*, on 7 December, of some forty loyalist soldiers from among those they had arrested in the North of the country since the emergence of the crisis; the signing, on 12 December, by President Gbagbo of the decree delegating powers to the Prime Minister, by virtue of Article 53 of the Ivorian Constitution, and concurrently authorising him to implement the provisions of the Paris Programme, until the elections scheduled for 2005; the meeting in Abidjan, on 16 December, between President Gbagbo, the officers of the National Armed Forces of

Côte d'Ivoire (FANCI) and those of the *Forces Nouvelles*, to discuss the modalities of a visit to Bouaké; and the consideration by the Council of Ministers of a Draft on the land tenure system, nationality and on the criteria for eligibility for the Office of the President of the Republic at the meetings held on 18 and 22 December 2003, respectively.

5. Subsequently, the 27<sup>th</sup> Session of the Assembly of Heads of State and Government of ECOWAS, held in Accra, on 19 December 2003, appealed to the *Forces Nouvelles* to return to their seats in the National Reconciliation Government. I participated in that Summit. On that occasion, I held consultations on the developments related to the reconciliation process in Côte d'Ivoire.

6. With the developments referred to above, all the conditions were effectively met for the return, on 6 January 2004, of the Ministers of the *Forces Nouvelles* to the national reconciliation process. On that occasion, I hailed the commitment of the Ivorian Parties to implement the Linas-Marcoussis Agreement. I expressed satisfaction at the will demonstrated by the Ivorian Head of State and the concrete measures taken in that direction.

7. It was against this background that President Gbagbo paid a visit to France, on 3 February 2004. That visit helped reactivate the relations between the two countries and contributed in moving forward the reconciliation process in Côte d'Ivoire. It should be recalled that France has a Force of about 4000 soldiers in Côte d'Ivoire under *Operation Licorne*.

8. On 29 February 2004, the Security Council adopted resolution 1528, setting up the UNOCI for a period of 12 months, with effect from 4 April 2004. That resolution backstopped the positive developments recorded thus far in the peace process.

9. The divergences that followed between the Head of State and the PDCI-RDA heightened tension again. As a protest against the refusal by the Head of State to appoint a member from its ranks to the post of the Director of the Autonomous Port of Abidjan, which is under the purview of the Ministry of Economic Infrastructure, a Department allocated to it, the PDCI-RDA suspended, on 5 March 2004, the participation of its seven Ministers in the Government. In a joint statement dated 7 March, six

political parties and movements signatory to the Linas-Marcoussis Agreement supported the decision of the PCDI-RDA.

10. The tension was aggravated by a succession of events. On 8 March 2004, the "Young Patriots" – a youth group loyal to President Gbagbo – attacked magistrates during the ceremony to install the First President of the Court of Appeal and the Acting President of the Tribunal of Abidjan. On 10 March, they tried to seize the *Hotel du Golf* in Abidjan by force in order to dislodge the Ministers of the *Forces Nouvelles* who had been residing at the Hotel since June 2003. The disarmament operation, which the Prime Minister had announced for that same day, could not take place in Yamoussoukro, as the leaders of the *Forces Nouvelles* felt that the conditions for the event had not been met.

11. In a statement issued on 10 March, seven of the signatory parties to the Linas-Marcoussis Agreement, four political parties and three former rebel movements, condemned the authors and organisers of the events at the Palais de Justice. In addition they agreed on the idea of carrying out a large scale public demonstration.

12. During that period, rumours surfaced about a coup d'etat in the making, programmed for 4 April, that same date having been fixed for the take-off of the mission of the Blue Helmets in Côte d'Ivoire. The FANCI were put in a state of alert, while the *Forces Nouvelles* stepped up War Council meetings in the areas under their control.

13. Given the tense atmosphere, the Head of State issued a decree on 11 March banning all public demonstrations until the end of April 2004. In spite of that prohibition, the opposition parties and movements in favour of the PDCI's position decided to organise a peaceful walk on 25 March 2004. With the prospects of a clash nearing, President John Kufuor, Current Chairman of ECOWAS, travelled to Abidjan, where he held talks with the concerned Ivorian parties. However, he could not get his interlocutors to see reason, as they maintained their decision to proceed with the demonstration. For their part, the Ivorian authorities took additional security measures in Abidjan. The *Plateau*, in particular, where the walk was to take place, was declared a no-go "Red Area".

14. On the day that the demonstration was planned, the law enforcement agencies sealed off the *Place de la Republique*, venue for the gathering of the demonstrators. Furthermore, they moved to the

neighbourhoods to stop any movement to the venue by the demonstrators.

15. As had been feared, that attempted march ended in the tragic loss of lives and a large number injured. The number of victims varied according to the source. The official count was 37 dead, including 2 policemen, while the opposition talked of 350 to 500 dead. The opposition denounced the involvement of "men in uniform, equipped with weapons of war, moving about at night, killing and spreading terror in Abidjan in the areas loyal to the opposition". On its part, the Government, while not disputing the phenomenon, asserted that these acts were not carried out by the regular forces. The Ministers of Defence and Security themselves did not exclude the possibility of "parallel forces" having infiltrated the ranks of regular forces to commit crimes.

16. In reaction to the repression suffered by their militants, the concerned four political parties and three former rebel movements, including the PCDI-RDA, the RDR and the *Forces Nouvelles*, suspended their participation in the National Reconciliation Government. After their meeting of 31 March 2004, those political parties and movements demanded:

- the recognition of their right to demonstrate, in conformity with Article XI of the Ivorian Fundamental Law;
- the abrogation of the decree prohibiting demonstrations in public places;
- effective security guarantees for the people by the State and the neutral Forces, which had come to the rescue of Côte d'Ivoire; and
- the shedding of light on the serious events of 25 March 2004, as well as the bringing to justice of those found guilty.

17. Members of the UN Security Council expressed serious concern at that situation. They stressed that the Linas-Marcoussis Agreement constituted for Côte d'Ivoire the only way out of the crisis and recalled the commitment of the Security Council to support the peaceful settlement process in Côte d'Ivoire. They requested the Ivorian Parties to work

unconditionally towards the full implementation of the Linas-Marcoussis Agreement, as they had pledged in January 2003.

18. The AU Peace and Security Council, meeting in its Third Session, on 27 March 2004, also expressed serious concern at the situation and its implications for peace, security and stability in Côte d'Ivoire and in the sub-region at large, and deplored the loss of human lives following the violence in Abidjan on 25, 26 and 27 March 2004. The Peace and Security Council called upon all the Parties to exercise restraint, resume political dialogue and strive to implement unconditionally the Linas-Marcoussis Agreement, including the return to the National Reconciliation Government of the opposition parties, which had suspended their participation in the said Government, and the establishment of a conducive atmosphere for that purpose.

19. The Linas-Marcoussis Agreement Follow-up Committee, in which the AU is represented by my Special Representative in Côte d'Ivoire, André Salifou, expressed concern, at the fact that military uniforms were no longer worn exclusively by the soldiers, but also over indications that some civilian elements, illegally armed and uniformed, allegedly infiltrated the defence and security forces. The Follow-up Committee called for an international commission of inquiry to be set up to shed light on the events of 25, 26 and 27 March 2004.

20. Both the Head of State and the Prime Minister also spoke in favour of the setting up of such a Commission. The United Nations Secretary-General has since agreed to the request, and has asked the United Nations Human Rights Commission to expedite an investigation into the events of 25, 26 and 27 March 2004.

21. In the aftermath of the events, the Prime Minister, Seydou Diarra, travelled to Ghana, France and Bouaké to try and secure the return of the Ministers of the opposition to the Government. The initiative did not yield the expected results. However, contacts are not completely severed. The Head of State is reported to be holding talks with the political leaders through some intermediaries, even though the tangible results of those talks are yet to be seen.

22. At the level of the legislature, the Parliament has continued to function normally with all the MPs in attendance. The "General and Institutional Affairs Committee", meeting during two days, examined a

draft law on the identification of individuals and residence of foreigners, making significant amendments. The draft was then adopted by the Committee, which submitted it to the Plenary.

### **III. Security Situation and Deployment of ONUCI**

23. As far as security situation is concerned, there was a sharp deterioration between 25 and 31 March 2004. However, normalcy has gradually been gaining space, becoming evident throughout the national territory, since the beginning of April.

24. Similar improvement has been witnessed with regard to the military situation, according to the French General, who is Commander-in-Chief of *Operation Licorne* in Côte d'Ivoire. As a matter of fact, after the repeated placement of the armed forces of all the concerned parties in a state of alert in the Zone of Confidence (ZDC), which, in the main, triggered off military reinforcements, more especially in the South, the situation is now characterized by a shift from distrust by all sides, towards a gradual return to a more stable military situation.

25. The tensions recently faced by the neutral forces have progressively diminished; and the threatening and indeed unacceptable behaviour of some military elements has clearly given way to more responsible and constructive dialogue and communication. As for the Armed Forces of the *Forces Nouvelles* (FAFN) and the National Armed Forces of Côte d'Ivoire, the majority of the military chiefs of those forces have been working purposefully to re-establish dialogue, which they had previously sidelined, as a result of their distorted perception of the responsibility of the neutral forces (Licorne and MICECI) during the March events.

26. The communal and inter-ethnic situation has generally remained calm in the Zone of Confidence and in the West, even though communal or ethnic-based property related squabbles have persisted, aggravated in some areas, like Guiglo, by militia activity, which has created an unhealthy environment. However, this situation is not directly related to the sad events of 25 – 27 March 2004.

27. Pursuant to resolution 1528 adopted on 27 February by the Security Council, ONUCI replaced the United Nations Mission in Côte d'Ivoire (MINUCI) on 5 April 2004. The United Nations Force, which currently comprises 1,300 White Helmets of the ECOWAS Mission in Côte d'Ivoire

(MICECI), now part of ONUCI, will eventually have a strength of 6,240 Blue Helmets.

28. In accordance with resolution 1528, ONUCI's mandate, in coordination with the French forces of the Operation Licorne, includes the following:

- observation of the ceasefire observation and movements of armed groups;
- facilitation of disarmament, demobilization, reintegration and repatriation;
- protection of United Nations personnel, institutions and civilians;
- provision of support to humanitarian operations;
- provision of support to the implementation of the peace process;
- assistance in the area of human rights;
- dissemination of information; and
- maintenance of public order.

29. In the resolution, the Security Council has authorised UNOCI to use all the necessary means to carry out its mandate, within the limits of its capacity and in the areas of deployment of its units. The Council has also authorised the French forces, for a period of twelve months, starting 4 April 2004, to use all the means necessary to support ONUCI.

30. I take this opportunity to express my gratitude to the United Nations for the deployment of UNOCI. I would like to recall that the African Union provided support for the ECOWAS initiative to request the deployment of the United Nations forces. I, myself, sent a letter to the President of the Security Council, in this regard. My gratitude also goes to ECOWAS for its sustained efforts, made in a very difficult context.

#### **IV. Human Rights and Humanitarian Situation**

31. The conflict in Côte d'Ivoire has been marked by serious human rights violations against civilians. Those violations persisted, particularly as impunity had become the order of the day. No concrete measures have yet been taken by the parties concerned to bring to justice those who committed human rights violations.

32. Against this background, the events that occurred in Abidjan on 25, 26 and 27 March 2004 confirmed the seriousness of the situation. If there are different estimates on the number of the victims, all the parties recognise the gravity of human rights violations that occurred during those events.

33. Among the victims of the 25, 26 and 27 March 2004 events were foreigners. In this regard, the Ivorian Minister of African Integration undertook a mission to Burkina Faso, Mali, Senegal and Niger, all of which lost some of their nationals during the events, to explain the situation. For its part, the UNHCR reported several complaints from refugees who have not received news about their close relatives.

34. The Ivorian Human Rights Movement reported, without providing proof for the time being, the existence of "mass graves" in certain parts of Abidjan. On this issue, the Minister of Security, who visited the sites of the so-called "mass graves", noted that there was no evidence to substantiate the allegations. However, he has authorised MINUCI to conduct independent inquiries into the issue. The Minister further indicated that 205 persons had been arrested and had twice been visited by the ICRC. Two hundred of them have been heard and set free, while others remain in detention as investigations are still underway.

35. The humanitarian situation continues to be a source of serious concern. It should be recalled that, during his visit to Korogho, within the framework of the Follow-up Committee, my Special Representative for Côte d'Ivoire signalled the rapid decline in the education and health systems. In the education sector, the priority is to re-open the universities in the northern part of the country, rehabilitate the schools, provide the means of transport and recruit 4,000 teachers: 2,500 for primary schools and 1,500 for secondary schools. At the medical and health level, the Ministry of Health has estimated the total cost of the rehabilitation of the

health infrastructure and the normal resumption of all activities at 75 billion CFA francs.

36. Despite the over 50 billion contributed by the United Nations since the beginning of the Ivorian crisis, substantial funding is required to meet the demands of the present situation.

## V. Observations

37. Developments in Côte d'Ivoire remain particularly worrying. The progress made after the return, on 6 January 2004, of the *Forces Nouvelles* to the national reconciliation process has been undermined. Indeed, there will most likely be further delays in the implementation of the Linas-Marcoussis Agreement, including the DDR, the adoption of legislative texts and the implementation of the requisite measures to facilitate the holding of credible and transparent elections in 2005, as provided for in the Linas-Marcoussis Agreement.

38. At the time of finalizing this Report, the reconciliation process was in an impasse; hence the urgent need to redouble efforts to reactivate the peace process. To this end, it should be stressed that the Linas-Marcoussis Agreement constitutes the only way out of the current crisis in Côte d'Ivoire. Therefore, the Ivorian parties should work towards the full and unconditional implementation of all the provisions of the Agreement. The necessary measures should be taken for the adoption of the basic texts provided for by the Agreement, the launching of the DDR and the extension of the administration throughout the Ivorian territory.

39. For the time being, efforts should focus on the resumption of political dialogue to pave the way for the return to the Government of the Ministers from political parties and movements that had decided to suspend their participation. In concert with its partners, particularly ECOWAS, the United Nations and OIF, the AU is ready to help the Ivorian parties re-establish dialogue and agree on measures to be taken to rebuild trust, without which there can be no progress towards lasting peace and reconciliation.

40. Reconciliation in Côte d'Ivoire cannot last as long as the phenomenon of impunity persists. I, therefore, appeal to the Government of Côte d'Ivoire and the *Forces Nouvelles* to take the necessary measures to bring the perpetrators of human rights violations to justice. Measures

should also be taken to put an end to the atrocities being committed by urban militias. I fully support the International Commission of Inquiry to be established on the events of March 2004. I also intend to request the African Commission on Human and People's Rights to join the ongoing efforts to determine what contribution it can make in combating impunity and promoting human rights.

41. Lastly, I wish to point out that the crisis in Côte d'Ivoire and other conflicts in West Africa (Liberia and Sierra Leone) are inter-related. The factors of instability, particularly the circulation of, and trafficking in, small arms and light weapons, the phenomenon of child soldiers and the use of mercenaries, have all a regional dimension; hence the need for a global approach to find lasting solutions to the prevailing instability in the region.

42. In this regard, I am gratified by the recent adoption by the Security Council of a Presidential Statement on cross-border issues in West Africa. In that Statement, the Security Council underscored the need for a regional approach, and urged the ECOWAS Member States to work closely with the United Nations, international financial institutions and the other regional and international organizations, particularly the Peace and Security Council of the African Union, in drafting a regional conflict prevention policy. For its part, the Commission has already initiated brainstorming on the issue.