



**INTERIM ELIGIBILITY GUIDELINES FOR ASSESSING
THE INTERNATIONAL PROTECTION NEEDS OF
ASYLUM-SEEKERS FROM COTE D'IVOIRE**

**United Nations High Commissioner for Refugees (UNHCR)
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List of Abbreviations

BAE	<i>Brigade anti-émeute</i>
CAP-UDD	<i>Cap Unir pour la démocratie et le développement</i>
CECOS	<i>Centre de commandement des opérations de sécurité</i>
CNRD	<i>Congrès national de la résistance pour la démocratie</i>
CRS	<i>Compagnie républicaine de sécurité</i>
FAFN	<i>Forces armées des Forces nouvelles</i>
FDS	<i>Forces de défense et de sécurité</i>
FESCI	<i>Fédération estudiantine et scolaire de Côte d'Ivoire</i>
FLGO	<i>Front de libération du grand ouest</i>
FPI	<i>Front populaire ivoirien</i>
FRCI	<i>Forces républicaines de Côte d'Ivoire</i>
Lider	<i>Liberté et démocratie pour la République</i>
LMP	<i>La majorité présidentielle</i>
MILOCI	<i>Mouvement ivoirien de libération de l'ouest de la Côte d'Ivoire</i>
MPCI	<i>Mouvement patriotique de Côte d'Ivoire</i>
MPIGO	<i>Mouvement populaire ivoirien du grand ouest</i>
ONUCI	<i>Opération des Nations Unies en Côte d'Ivoire</i>
PDCI	<i>Parti démocratique de la Côte d'Ivoire</i>
RDR	<i>Rassemblement des républicains</i>
RHDP	<i>Rassemblement des Houphouétistes pour la démocratie et la paix</i>
RPP	<i>Rassemblement pour la paix, le progrès et le partage</i>
UNOCI	<i>United Nations Operation in Côte d'Ivoire</i>
UPRGO	<i>Union patriotique de résistance du grand ouest</i>
URD	<i>Union pour la république et la démocratie</i>

I. Introduction

These interim Guidelines are issued in the context of an evolving security and human rights situation in Côte d'Ivoire,¹ following the inauguration of Alassane Ouattara as President on 6 May 2011, legislative elections in December 2011 and the announcement of a new government on 13 March 2012.² These Guidelines focus on the main profiles of persons who may, depending on the individual details of the case, be in need of international refugee protection due to the events following the November 2010 elections. They do not specifically address protection considerations relating to events prior to November 2010. The Guidelines apply equally to Ivorians and habitual residents of Côte d'Ivoire who were already outside the country at the start of the post-election crisis, but who may be in need of international protection on the basis of their specific profile as a result of the crisis.

The Guidelines replace previous UNHCR guidance in relation to Côte d'Ivoire, in particular the non-return advisory contained in the 20 January 2011 *UNHCR Position on Returns to Côte d'Ivoire*.³

All claims lodged by asylum-seekers from Côte d'Ivoire, whether on the basis of the refugee criteria contained in the 1951 Convention relating to the Status of Refugees (1951 Convention)⁴ and its 1967 Protocol,⁵ the 1969 Convention Governing the Specific Aspects of Refugee Problems in Africa (OAU Convention),⁶ or broader international protection criteria, need to be considered on their own merits according to fair and efficient status determination procedures and up-to-date and relevant country of origin information. This is particularly important in light of the evolving situation in Côte d'Ivoire.

UNHCR considers that individuals with the profiles outlined below may be at particular risk. They include (i) persons belonging to certain ethnic groups; (ii) members and supporters of political opposition parties, and individuals with alleged links to former

¹ UN Security Council, *Twenty-ninth Progress Report of the Secretary-General on the United Nations Operation in Côte d'Ivoire*, 30 December 2011, S/2011/807, http://www.un.org/ga/search/view_doc.asp?symbol=S/2011/807; International Crisis Group, *Continuing the Recovery*, 16 December 2011, <http://www.crisisgroup.org/en/regions/africa/west-africa/cote-divoire/B083-cote-d-ivoire-continuing-the-recovery.aspx>.

² These Guidelines are based on information available to UNHCR as of 12 June 2012, unless otherwise stated.

³ UNHCR, *UNHCR Position on Returns to Côte d'Ivoire*, 20 January 2011, <http://www.unhcr.org/refworld/docid/4d395de12.html>. Previous UNHCR positions, including the *Update of UNHCR's Position on the international protection needs of asylum-seekers from Côte d'Ivoire*, July 2007, www.unhcr.org/refworld/docid/46dc372c2.html, are also superseded by the current Guidelines.

⁴ *Convention Relating to the Status of Refugees*, 28 July 1951, United Nations Treaty Series, vol. 189, p. 137, <http://www.unhcr.org/refworld/docid/3be01b964.html>.

⁵ *Protocol relating to the Status of Refugees*, 31 January 1967, United Nations Treaty Series, vol. 606, p. 267, <http://www.unhcr.org/refworld/docid/3ae6b3ae4.html>.

⁶ Organization of African Unity, *Convention Governing the Specific Aspects of Refugee Problems in Africa*, 10 September 1969, United Nations Treaty Series, vol. 1001, p. 45, <http://www.unhcr.org/refworld/docid/3ae6b36018.html>.

President Gbagbo's government; (iii) journalists and other media professionals perceived to be hostile to the Ouattara government; (iv) individuals suspected of having links with pro-Gbagbo militias; and (v) women and children with specific profiles.

In light of the unstable security situation in certain parts of Côte d'Ivoire, applications by asylum-seekers from Côte d'Ivoire claiming to face a threat of serious and indiscriminate harm due to a situation of generalized violence or events seriously disturbing public order, without their claim being based on one of the 1951 Convention grounds, need to be assessed carefully on their individual merits.

For individuals from Côte d'Ivoire who have a well-founded fear of persecution emanating from state actors, including the *Forces républicaines de Côte d'Ivoire* (FRCI), there is a presumption that an internal flight or relocation alternative is not available. For those who have a well-founded fear of persecution from non-state agents, an IFA/IRA may be relevant, in which case its reasonableness would need to be assessed on an individual basis. It should, however, be kept in mind that IFA/IRA considerations are not relevant for refugees coming under the purview of Article I(2) of the 1969 OAU Convention.

Exclusion considerations under Article 1F of the 1951 Convention and/or Article I(5) of the OAU Convention may arise in individual claims by Ivorian asylum-seekers. With respect to the events following the November 2010 elections, careful consideration needs to be given in particular to the following profiles: (i) individuals who held a position of authority in the former Gbagbo regime and/or who belonged to Gbagbo's inner circles; (ii) individuals who belonged to forces loyal to former President Laurent Gbagbo, including the *Forces de défense et de sécurité* (FDS), the *Brigade anti-émeute* (BAE), the *Centre de commandement des opérations de sécurité* (CECOS), and the *Compagnie républicaine de sécurité* (CRS); (iii) individuals who belonged to pro-Gbagbo militias, including the *Fédération estudiantine et scolaire de Côte d'Ivoire* (FESCI), the *Jeunes patriotes*, and the *Front de libération du grand ouest* (FLGO); (iv) individuals who belonged to forces loyal to Alassane Ouattara, including the *Forces armées des Forces nouvelles* (FAFN) and the *Forces républicaines de Côte d'Ivoire* (FRCI); (v) individuals who belonged to pro-Ouattara militias, including the *Commando invisible* led by Ibrahim Coulibaly; (vi) Dozos (traditional hunters who aligned themselves with the pro-Ouattara forces during the post-election crisis) and other local militia groups; and (vii) journalists and others who published statements or writings in support of violence against segments of the Ivorian population in the aftermath of the November 2010 elections.

II. Background Information

Former President Laurent Gbagbo's refusal to accept Alassane Ouattara's victory in the second round of the presidential elections held on 28 November 2010 sparked a post-election crisis in Côte d'Ivoire. Initial violence by pro-Gbagbo forces against the actual or perceived supporters of Mr Ouattara, and ethnic clashes in the west of the country escalated into an armed conflict in which both sides committed serious violations of

human rights and international humanitarian law.⁷ The conflict was only brought to an end with the arrest of Laurent Gbagbo on 11 April 2011, although fighting continued until early May 2011 in the Yopougon neighbourhood of Abidjan where pro-Gbagbo militias held out.⁸ Mr Ouattara was inaugurated as President of the country on 6 May 2011 and announced his government in June 2011. Legislative elections were held on 11 December 2011. The elections were boycotted by the party of former President Gbagbo, the *Front populaire ivoirien* (FPI).⁹ A new government was formed on 13 March 2012 with Jeannot Ahoussou Kouadio (member of the Parti démocratique de Côte d'Ivoire) as prime minister, replacing the former prime minister, Guillaume Soro, who in turn was elected President of the National Assembly.¹⁰

In the period between December 2010 and May 2011, an estimated 3,000 people died in conflict or atrocities committed by both sides in the conflict.¹¹ Around a third of the casualties were in the western region bordering Liberia, which was largely loyal to Gbagbo.¹² Hundreds of thousands of people fled their homes as a result of the violence. By mid-June 2011, UNHCR had registered more than 200,000 Ivorian refugees in other countries in the region. More than 320,000 people were displaced internally, mostly with host families.¹³

⁷ *Report of the Independent International Commission of Inquiry on Côte d'Ivoire*, June 2011, http://reliefweb.int/sites/reliefweb.int/files/resources/Full_Report_1328.pdf. The Commission of Inquiry noted that some of these violations might amount to crimes against humanity and war crimes. The International Committee of the Red Cross (ICRC) stated on 31 March 2011 that the situation in Côte d'Ivoire had evolved into an internal armed conflict. ICRC, *ICRC Deeply Worried by Civilians' Fate as Conflict Escalates*, 31 March 2011, <http://www.icrc.org/eng/resources/documents/news-footage/cote-d-ivoire-tvnews-2011-03-31.htm>.

⁸ Human Rights Watch, *"They Killed Them Like It Was Nothing": The Need for Justice for Côte d'Ivoire's Post-Election Crimes*, October 2011, <http://www.hrw.org/reports/2011/10/05/they-killed-them-it-was-nothing>. Human Rights Watch divides the post-election crisis into three phases: a period of initial post-election violence (November 2010-January 2011); a progression toward active conflict (February to mid-March 2010); and full-scale armed conflict (mid-March-May 2011).

⁹ IRIN, *Analysis: Côte d'Ivoire One Year On*, 1 December 2011, <http://www.unhcr.org/refworld/docid/4ed8b20b2.html>.

¹⁰ AFP, *Côte d'Ivoire: le nouveau Premier ministre "mesure l'ampleur de la tâche"*, 13 March 2012, <http://news.abidjan.net/h/429026.html>. Guillaume Soro was head of the former *Forces nouvelles*, which supported President Ouattara's claim to the 2010 election and which have been accused of numerous human rights violations (see elsewhere in this section for further information).

¹¹ UN Human Rights Council, *Report of the United Nations High Commissioner for Human Rights on the Situation of Human Rights in Côte d'Ivoire*, 20 September 2011, A/HRC/18/52, <http://www.unhcr.org/refworld/docid/4e89a7002.html>; *Report of the Independent International Commission of Inquiry on Côte d'Ivoire*, June 2011, http://reliefweb.int/sites/reliefweb.int/files/resources/Full_Report_1328.pdf (English summary) and http://www2.ohchr.org/english/bodies/hrcouncil/docs/17session/A.HRC.17.48_AUV.pdf (full text in French, advance unedited version).

¹² AFP, *Fierce Clashes Kill Two in Western Ivory Coast: UN*, 4 November 2011, <http://reliefweb.int/node/457293>.

¹³ UNHCR, *More than 300,000 Still Displaced in Côte d'Ivoire; 200,000 Remain Overseas*, 14 June 2011, <http://www.unhcr.org/refworld/docid/4df9a20e2.html>. In total, at least 800,000 people were estimated to have fled their homes as a result of the violence; at least 200,000 Ivorians sought refuge in neighbouring countries, while at least 600,000 people were displaced within Côte d'Ivoire. OCHA, *Mouvement de populations*, 18 May 2012, <http://ivorycoast.humanitarianresponse.info/Clusters/Gestiondelinformation/Mouvementdepopulation/tabid>

The security situation in large parts of Côte d'Ivoire has seen improvements since April 2011, allowing substantial numbers of refugees and IDPs to return to their homes.¹⁴ By early June 2012, 67,308 Ivorian refugees remained in Liberia, and a further 25,749 in 12 other countries in the region. At the same time there were 4,671 IDPs in established IDP sites in the Lagunes and Moyen-Cavally regions of Côte d'Ivoire, compared to 69,046 in early June 2011.¹⁵ About 80,000 IDPs remained with host families.¹⁶

Not all IDP returns can, however, be attributed in their entirety to improvements in the security situation. From October 2011, IDPs were coming under increasing pressure to return to their homes due to a variety of factors: a government push to close down official IDP sites,¹⁷ evictions by private owners of the sites,¹⁸ and an increasing inability on the

[/174/language/en-US/Default.aspx](#). OCHA's Consolidated Appeal for Côte d'Ivoire for 2012 reported a total of 186,000 internally displaced persons (IDPs) by early 2012, plus 420,000 returned IDPs. OCHA, *Consolidated Appeal for Côte d'Ivoire 2012*, 25 January 2012, <http://unocha.org/cap/appeals/consolidated-appeal-c%3%B4te-divoire-2012-english-version>. The UN Secretary-General stated that there were approximately 100,000 IDPs in Côte d'Ivoire by the end of 2011, with 500,000 returned IDPs. UN Security Council, *Twenty-ninth Progress Report of the Secretary-General on the United Nations Operation in Côte d'Ivoire*, 30 December 2011, S/2011/807, paragraph 53, http://www.un.org/ga/search/view_doc.asp?symbol=S/2011/807. See also OCHA, *Bulletin Humanitaire No. 6*, 2 December 2011, <http://reliefweb.int/node/462763>; OCHA, *Bulletin Humanitaire No. 5*, 25 November 2011, <http://reliefweb.int/node/461419>.

¹⁴ A tri-partite voluntary repatriation agreement between UNHCR and the governments of Côte d'Ivoire and Liberia was signed on 19 August 2011 and became operational in October 2011. Similar tripartite voluntary repatriation agreements were signed between UNHCR and the governments of Côte d'Ivoire and Ghana on 6 October 2011; between UNHCR and the governments of Côte d'Ivoire and Togo on 15 November 2011; and between UNHCR and the governments of Côte d'Ivoire and Guinea on 1 December 2011. While UNHCR assisted refugees wanting to return, as of March 2012 UNHCR was not as yet promoting returns to Côte d'Ivoire. The four tripartite agreements reaffirm that "the voluntary repatriation of refugees from Côte d'Ivoire [...] must be as a result of free wish expressed by the latter, based on their solid knowledge of the prevailing situation in Côte d'Ivoire. [...] The parties agree by the present agreement that refugees from Côte d'Ivoire who do not wish to be part of the voluntary repatriation programme will not directly or indirectly be constrained to return to Côte d'Ivoire and that their status will continue to be governed by the principles, norms and standards of international protection." UNHCR, *Tripartite Agreement Between the Government of the Republic of Liberia, the Republic of Côte d'Ivoire and the Office of the United Nations High Commissioner for Refugees for the Voluntary Repatriation of Refugees from Côte d'Ivoire Living in Liberia*, 11 August 2011, Article 2: Voluntary Character of Repatriation, <http://www.unhcr.org/refworld/docid/4f21501f2.html>. See also UNHCR, *UNHCR Helps First Group of Ivorian Refugees Return Home from Liberia*, 25 October 2011, <http://www.unhcr.org/refworld/docid/4ea7d6e12.html>.

¹⁵ OCHA, *Bulletin Humanitaire No. 18*, 6 June 2012, <http://ivorycoast.humanitarianresponse.info/LinkClick.aspx?fileticket=m2vJKHpAwbw%3d&tabid=41&mid=1003&language=en-US>; CCCM Cluster, *Tableau d'analyses: Période du 16 novembre au 05 décembre 2011*, 5 December 2011, <http://reliefweb.int/node/464714>.

¹⁶ OCHA, *Bulletin Humanitaire No. 18*, 6 June 2012, <http://ivorycoast.humanitarianresponse.info/LinkClick.aspx?fileticket=m2vJKHpAwbw%3d&tabid=41&mid=1003&language=en-US>.

¹⁷ UNHCR, *Côte d'Ivoire Situation: Update No. 37*, 15 November 2011, <http://www.unhcr.org/refworld/docid/4ee05b112.html>; OCHA, *Côte d'Ivoire: Bulletin Humanitaire No. 1*, 21 October 2011, http://reliefweb.int/sites/reliefweb.int/files/resources/Rapport_complet_265.pdf; IRIN, *Côte d'Ivoire: Aid agencies take stand against forced IDP returns*, 27 October 2011, <http://www.unhcr.org/refworld/docid/4eb39cb62.html>.

part of host families to support the IDPs.¹⁹ Even today, the living conditions of both IDPs and returnees are often precarious, with many people lacking access to adequate shelter, sanitation facilities, food and livelihoods.²⁰

While the general security situation has improved since April 2011, the country remains deeply divided and the security situation remains fragile.²¹ In his 29 March 2012 report to the UN Security Council, the UN Secretary-General noted that while security had improved in Abidjan, security threats have become more diffuse and the security situation has deteriorated in other parts of the country.²² By-elections on 26 February

¹⁸ Human Rights Council, *Rapport de l'expert indépendant sur la situation des droits de l'homme en Côte d'Ivoire*, Doudou Diène, 9 January 2012, A/HRC/19/72, paragraph 63, http://www2.ohchr.org/english/bodies/hrcouncil/docs/19session/A.HRC.19.72_fr.pdf; OCHA, *Côte d'Ivoire: Situation Report No. 17*, 23 September 2011, <http://reliefweb.int/node/448596>; CCCM Cluster, *Rapport de Situation de CCCM : Période du 21 Septembre au 5 Octobre 2011*, 7 October 2011, <http://reliefweb.int/node/451399>.

¹⁹ OCHA, *Côte d'Ivoire: Bulletin Humanitaire No. 2*, 28 October 2011, http://reliefweb.int/sites/reliefweb.int/files/resources/Rapport_complet_269.pdf.

²⁰ Handicap International, *Côte d'Ivoire: "Comme si j'étais dans un village fantôme"*, 30 March 2012, <http://www.handicapinternational.be/fr/actualites/cote-divoire-comme-si-j%E2%80%99etais-dans-un-village-fantome>; OCHA, *Consolidated Appeal for Côte d'Ivoire 2012*, 25 January 2012, <http://unocha.org/cap/appeals/consolidated-appeal-c%C3%B4te-divoire-2012-english-version>; ICRC, *The Difficult Return of Refugees and Other Displaced People*, 19 January 2012, <http://reliefweb.int/node/471469>; IRIN, *Loss of Relief Aid Could Threaten Fragile Peace*, 19 January 2012, <http://reliefweb.int/node/471521>.

²¹ UN Security Council, *Special Report of the Secretary-General on the United Nations Operation in Côte d'Ivoire*, 29 March 2012, S/2012/186, paragraphs 19, 71, http://www.un.org/ga/search/view_doc.asp?symbol=S/2012/186. The UN Secretary-General noted that a number of interlocutors told a February 2012 assessment mission that the current challenges and threats facing the country risk reversing the progress made since the post-electoral crisis. See also: The Economist, *Côte d'Ivoire: Can West Africa's Jewel Regain Its Shine?*, 26 May 2012, <http://www.economist.com/node/21555959>; Think Africa Press, *Fear and Loathing in the Ivory Coast*, 24 April 2012, <http://thinkafricapress.com/ivory-coast/security-rivalry-crime>; AFP, *Ouest ivoirien: un an après les tueries, "la peur dans les coeurs" à Duékoué*, 21 April 2012, <http://reliefweb.int/node/491575>; UN News Service, *Doudou Diène met en garde contre le comportement des supplétiifs des FRCI*, 21 March 2012, <http://reliefweb.int/node/484466>; International Crisis Group, *Entre progrès réels, insécurité persistante et incertitudes judiciaires, la Cote d'Ivoire toujours fragile*, 19 March 2012, <http://reliefweb.int/node/483886>; Human Rights Watch, *Côte d'Ivoire: Lethal Crime Wave, Security Vacuum*, 5 March 2012, <http://www.hrw.org/news/2012/03/05/c-te-d-ivoire-lethal-crime-wave-security-vacuum> and *The Dark Side of Côte d'Ivoire's Recovery*, 31 January 2012, <http://www.hrw.org/news/2012/01/31/dark-side-c-te-d-ivoire-s-recovery>; AFP, *Ivorian Leaders Face Conundrum with Rowdy Ex-Rebels*, 28 December 2011, <http://reliefweb.int/node/467391>; International Crisis Group, *Continuing the Recovery*, 16 December 2011, <http://www.crisisgroup.org/en/regions/africa/west-africa/cote-divoire/B083-cote-d-ivoire-continuing-the-recovery.aspx>. The ICG notes that the security forces themselves remain deeply divided, as demonstrated for example by the clashes that broke out in the night of 14 October 2011 at the Agban gendarmerie base in Abidjan between gendarmes who were part of the same force.

²² UN Security Council, *Special Report of the Secretary-General on the United Nations Operation in Côte d'Ivoire*, 29 March 2012, S/2012/186, paragraph 21, http://www.un.org/ga/search/view_doc.asp?symbol=S/2012/186. A series of prison outbreaks has added to the security concerns, with five prison outbreaks reported between the start of 2012 and early May 2012. UN News Service, *UN voices concern over recent prison breaks in Côte d'Ivoire*, 5 May 2012, <http://www.unhcr.org/refworld/docid/4faa3fdc2.html>.

2012 were marred by two violent incidents.²³ In his 29 March 2012 report the UN Secretary-General highlighted the continued vulnerability of civilians.²⁴ The security situation in some districts of Abidjan and in parts of the west of the country remains of particular concern.²⁵ The UN High Commissioner for Human Rights and the UN peacekeeping mission in Côte d'Ivoire (UNOCI) have expressed concern about serious human rights violations committed by members of the government-aligned *Forces républicaines de Côte d'Ivoire* (FRCI), including summary executions, rapes, acts of

²³ At least five people were killed in Bonon when unidentified attackers fired automatic weapons at a polling station. Hours earlier, unidentified armed individuals shot at an Independent Electoral Commission convoy as it transported ballot boxes from Gobazra to Bonon. Reuters, *Five Killed in Attack on Ivorian Voting Station*, 27 February 2012, <http://www.trust.org/alertnet/news/five-killed-in-attack-on-ivorian-voting-station>; UN News Service, *UN Envoy Deplores Violent Post-Election Incidents*, 28 February 2012, <http://reliefweb.int/node/479357>. Bonon was one of 11 constituencies where election results of the 11 December 2011 parliamentary elections were annulled by the Constitutional Council following complaints over irregularities, and where a rerun of the elections had to be held. UN News Service, *UN Official Partially Certifies Ivorian Parliamentary Elections*, 20 February 2012, <http://reliefweb.int/node/477784>.

²⁴ UN Security Council, *Special Report of the Secretary-General on the United Nations Operation in Côte d'Ivoire*, 29 March 2012, S/2012/186, paragraph 11, http://www.un.org/ga/search/view_doc.asp?symbol=S/2012/186. Similarly, in January 2012 the spokesperson of the UN peacekeeping mission in Côte d'Ivoire (UNOCI) stated that people's daily lives continued to be affected by violent incidents. ONUCI, *Compte-rendu du point de presse hebdomadaire de l'ONU CI: Le chef de d'ONU CI présente les dossiers ivoiriens devant le conseil de sécurité*, 26 January 2011, <http://www.afrik.com/communiqu4725.html>.

²⁵ On 25 April 2012, seven people were reported to have been killed in an attack on the village of Sakré in the Moyen-Cavally region. Four attackers were arrested, all of them reported to be Gbagbo sympathizers. More than 6,300 people were displaced as a result of the attack. OCHA, *Bulletin Humanitaire No. 15*, 30 April 2012, <http://reliefweb.int/node/493953>; AFP, *Attaque dans l'Ouest ivoirien: bilan révisé à sept morts, 6.300 déplacés*, 27 April 2012, <http://news.abidjan.net/h/432397.html>; AFP, *Six Killed in Ivory Coast Attack: Sources*, 25 April 2012, <http://reliefweb.int/node/492408>. See also International Crisis Group, *Entre progrès réels, insécurité persistante et incertitudes judiciaires, la Côte d'Ivoire toujours fragile*, 19 March 2012, <http://reliefweb.int/node/483886>; Human Rights Council, *Rapport de l'expert indépendant sur la situation des droits de l'homme en Côte d'Ivoire, Doudou Diène*, 9 January 2012, A/HRC/19/72, http://www2.ohchr.org/english/bodies/hrcouncil/docs/19session/A.HRC.19.72_fr.pdf, paragraph 20. On 30 December 2011 the UN Secretary-General reported, "In spite of those positive developments and the substantial improvement since the crisis, the security situation in Abidjan and the western part of the country remained fragile. Large numbers of weapons are still present throughout the country, and there are an increasing number of disgruntled ex-combatants as a result of the slow progress in disarmament, demobilization and reintegration and security sector reform. In addition, a number of elements that remain loyal to former President Laurent Gbagbo continue to have access to arms, while cross-border movements of armed groups and weapons are a direct security threat to Côte d'Ivoire and its neighbours, particularly Liberia. As a result, during the reporting period, a number of security incidents took place throughout the country, involving armed elements as well as clashes between armed civilians." UN Security Council, *Twenty-ninth Progress Report of the Secretary-General on the United Nations Operation in Côte d'Ivoire*, 30 December 2011, S/2011/807, paragraph 3 (see also paragraph 75), http://www.un.org/ga/search/view_doc.asp?symbol=S/2011/807. Similarly, OCHA's Consolidated Appeal for Côte d'Ivoire noted, "Six months after the post-election crisis, the security and socio-political situation has gradually improved in most parts of Côte d'Ivoire. This has enabled hundreds of thousands of internally displaced people (IDPs) and Ivorian refugees in countries of the region to return to their places of origin. However, security issues persist. They include armed attacks and abuse against civilians, as well as communal tensions particularly in the west and south-west." OCHA, *Consolidated Appeal for Côte d'Ivoire 2012*, 25 January 2012, <http://unocha.org/cap/appeals/consolidated-appeal-c%C3%B4te-divoire-2012-english-version>.

torture, arbitrary arrests, intimidation and unlawful detentions.²⁶ There has been little progress in the disarmament and reintegration of fighters involved in the post-election crisis, and in the reform of the security sector.²⁷ Between December 2011 and early

²⁶ UN Security Council, *Special Report of the Secretary-General on the United Nations Operation in Côte d'Ivoire*, 29 March 2012, S/2012/186, paragraph 11, http://www.un.org/ga/search/view_doc.asp?symbol=S/2012/186; Between June and December 2011, UNOCI has documented at least 123 cases of extrajudicial execution, 132 cases of torture and ill-treatment, 220 cases of arbitrary arrest and illegal detention, and 63 cases of rape. UN Security Council, *Twenty-ninth Progress Report of the Secretary-General on the United Nations Operation in Côte d'Ivoire*, 30 December 2011, S/2011/807, paragraph 44, http://www.un.org/ga/search/view_doc.asp?symbol=S/2011/807. In December 2011, UNOCI voiced “deep concern about reports of numerous human rights violations by members of the country’s armed forces.” A UNOCI spokesperson was quoted as saying, “Members of the armed forces, known as FRCI, are accused of carrying out rapes, acts of torture, armed robberies and other abuses in several locations in recent weeks.” UN News Service, *UN Voices Concern at Reports of Human Rights Abuses in Côte d'Ivoire*, 29 December 2011, <http://www.unhcr.org/refworld/docid/4f0ab3842.html>; IRIN, *Former Pro-Ouattara Rebels Still Need Reining In*, 30 December 2011, <http://www.unhcr.org/refworld/docid/4f06f0b12.html>. The UN News Service referred to “rampant human rights violations committed by members of the *Forces républicaines de Côte d'Ivoire* (FRCI)”. UN News Service, *UN Mission Urges Ivorian Authorities to Enforce Discipline among Security Forces*, 23 December 2011, <http://reliefweb.int/node/466890>. See also UNOCI, *Compte-rendu du point de presse hebdomadaire de l'ONUCI*, 20 October 2011, <http://www.onuci.org/spip.php?article6554>; UN Human Rights Council, *Report of the United Nations High Commissioner for Human Rights on the situation of human rights in Côte d'Ivoire*, 20 September 2011, A/HRC/18/52, <http://www.unhcr.org/refworld/docid/4e89a7002.html>. The *Forces républicaines de Côte d'Ivoire* (FRCI) were created by Alassane Ouattara on 17 March 2011 by merging the *Forces de défense et de sécurité* (FDS) and the *Forces armées des Forces nouvelles* (FAFN). *Ordonnance n° 2011-002 portant unification des Forces armées nationales et les Forces armées des Forces Nouvelles*, 17 March 2011.

²⁷ The Economist, *UN Peace Keepers in Africa: Helping to Calm a Continent*, 9 June 2012, <http://www.economist.com/node/21556608>; UN Security Council, *Special Report of the Secretary-General on the United Nations Operation in Côte d'Ivoire*, 29 March 2012, S/2012/186, paragraphs 47, 54-56, http://www.un.org/ga/search/view_doc.asp?symbol=S/2012/186; IRIN, *Côte d'Ivoire: Displaced in West Feel “Forgotten”*, 26 April 2012, <http://reliefweb.int/node/492664>; UNOCI, *Compte-rendu du point de presse hebdomadaire du 29 mars 2012*, 29 March 2012, <http://www.onuci.org/Compte-rendu-du-point-de-presse.7358>; and *Côte d'Ivoire: L'ONUCI exhorte les leaders communautaires de Grand Béréby à participer à la campagne pour le dépôt volontaire des armes*, 27 March 2012, <http://www.onuci.org/L-ONUCI-EXHORTE-LES-LEADERS>. An arms collection exercise supervised by UNOCI started in June 2011, but by March 2012 no more than 2,000 ex-combatants had voluntarily handed in 1,300 weapons and 50,000 pieces of ammunition. UN News Service, *Côte d'Ivoire: UN Mission Satisfied with Pace of Arms Collection*, 17 March 2012, <http://reliefweb.int/node/483609>. In March 2012, the independent expert on the situation of human rights in Côte d'Ivoire, Doudou Diène, observed that former rebel fighters and armed elements associated with them were a major cause of continuing insecurity in the country; armed men without a regular income were resorting to racketeering and extortion of the civilian population. The independent expert noted that reform of the security sector and the disarmament and reintegration of former rebel fighters had to be made a priority. UN News Service, *Doudou Diène met en garde contre le comportement des supplétifs des FRCI*, 21 March 2012, <http://reliefweb.int/node/484466>; UN Security Council, *Twenty-ninth Progress Report of the Secretary-General on the United Nations Operation in Côte d'Ivoire*, 30 December 2011, S/2011/807, paragraphs 32, 39, http://www.un.org/ga/search/view_doc.asp?symbol=S/2011/807. Former members of the FRCI are reported to have kept their weapons while having changed their uniforms for civilian clothes. Soldiers have also been quoted as saying they would pay themselves by abusing the public, since they had not received their salaries; the president of the Ivorian Human Rights League stated that many soldiers in towns and villages surveyed by the League appeared to be taking orders from outside the military structure. The League’s president said, “We note that despite the promises to ensure security, there has been no progress. People are still armed.” IRIN, *Former Pro-Ouattara Rebels Still Need Reining In*, 30 December 2011,

March 2012, more than 50 people were killed in a series of violent incidents involving weapons of war.²⁸ The proliferation of small arms has led to high levels of armed crime, frequently involving former combatants.²⁹ In areas affected by ongoing insecurity, violence has given rise to new displacement and hampered the return of refugees and IDPs.³⁰

Since coming into power, President Ouattara has taken a number of steps to ensure accountability for the crimes committed in the post-election period. On 13 July 2011 he created a Dialogue, Truth and Reconciliation Commission, which was inaugurated on 28 September 2011.³¹ On 20 July 2011 he signed a decree creating a national commission of

<http://www.unhcr.org/refworld/docid/4f06f0b12.html>; UN News Service, *UN Voices Concern at Reports of Human Rights Abuses in Côte d'Ivoire*, 29 December 2011, <http://www.unhcr.org/refworld/docid/4f0ab3842.html>; AFP, *Ivorian Leaders Face Conundrum with Rowdy Ex-Rebels*, 28 December 2011, <http://reliefweb.int/node/467391>; International Crisis Group, *Continuing the Recovery*, 16 December 2011, <http://www.crisisgroup.org/en/regions/africa/west-africa/cote-divoire/B083-cote-d-ivoire-continuing-the-recovery.aspx>.

²⁸ International Crisis Group, *Entre progrès réels, insécurité persistante et incertitudes judiciaires, la Côte d'Ivoire toujours fragile*, 19 March 2012, <http://reliefweb.int/node/483886>.

²⁹ In the Bouaké region, Human Rights Watch documented 22 murders between December 2011 and early March 2012, in criminal incidents widely believed to implicate former combatants. Human Rights Watch, *Côte d'Ivoire: Lethal Crime Wave, Security Vacuum*, 5 March 2012, <http://www.hrw.org/news/2012/03/05/c-te-d-ivoire-lethal-crime-wave-security-vacuum>. See also, Human Rights Watch, *The Dark Side of Côte d'Ivoire's Recovery*, 31 January 2012, <http://www.hrw.org/news/2012/01/31/dark-side-c-te-d-ivoire-s-recovery>; UN Security Council, *Côte d'Ivoire Making "Remarkable Progress" in Restoring Normalcy Following Last Year's Post-Election Violence, Top Official Tells Security Council*, 26 January 2012, SC/10531, <http://reliefweb.int/node/472934>; International Crisis Group, *Continuing the Recovery*, 16 December 2011, <http://www.crisisgroup.org/en/regions/africa/west-africa/cote-divoire/B083-cote-d-ivoire-continuing-the-recovery.aspx>; AFP, *Fierce Clashes Kill Two in Western Ivory Coast: UN*, 4 November 2011, <http://reliefweb.int/node/457293>; UN Human Rights Council, *Report of the United Nations High Commissioner for Human Rights on the situation of human rights in Côte d'Ivoire*, 20 September 2011, A/HRC/18/52, <http://www.unhcr.org/refworld/docid/4e89a7002.html>.

³⁰ Members of the Guéré ethnic group from the village of Zeaglo in Moyen-Cavally reported that other Guérés who had returned to their village after having been displaced, had subsequently been threatened by Dozos (traditional hunters who aligned themselves with the pro-Ouattara forces in the aftermath of the November 2010 elections) when they attempted to enter their fields. IRIN, *Loss of Relief Aid Could Threaten Fragile Peace*, 19 January 2012, <http://www.unhcr.org/refworld/docid/4f1952802.html>. UNHCR reported that between 23 and 24 December 2011, 75 individuals fled from Côte d'Ivoire and arrived in Liberia. Ghana saw 59 new arrivals between 28 November and 11 December 2011, with people citing ongoing political tensions ahead of the parliamentary elections in Côte d'Ivoire on 11 December 2011 as the reason for their flight. In the same period, Togo received 164 new arrivals from Côte d'Ivoire, with people citing attacks and lootings in their home villages as the reason for their flight. UNHCR, *Côte d'Ivoire Situation: Update No. 39*, 26 December 2011, <http://www.unhcr.org/refworld/docid/4f1f11af2.html>.

³¹ Conseil des Ministres de la République de Côte d'Ivoire, *Communiqué du lundi 5 septembre 2011*, 5 September 2011, http://www.gouv.ci/conseil_ministre_1.php?recordID=97; Présidence de la République, *Ordonnance no. 2011-167 du 13 juillet 2011 portant création, attributions, organisation et fonctionnement de la Commission Dialogue, Vérité et Réconciliation*, 13 July 2011, http://news.abidjan.net/documents/docs/ORDONNANCE_%20CDVR.pdf.

inquiry to investigate human rights violations between 31 October 2010 and 15 May 2011 and present recommendations within six months.³²

These steps have nevertheless been criticized for being biased, undermining the confidence of segments of the population in protection offered by the state.³³ While criminal charges have been brought against more than 100 military and civilian leaders for their role in the post-election violence, all belong to the Gbagbo camp. No individuals implicated in the violence from the Ouattara camp have yet been prosecuted.³⁴

³² In fact the commission did not begin its work until mid-January 2012 and then wound up its inquiry within a few weeks; towards the end of February 2012 the commission had begun work on drafting its final report. Organizations including Human Rights Watch and the International Crisis Group questioned the commission's ability to discharge its responsibilities within this short time frame, and called for the mandate of the commission to be extended. Human Rights Watch, *Côte d'Ivoire: Inquiry's Shortcuts Raise Red Flags*, 23 February 2012, <http://www.hrw.org/news/2012/02/23/c-te-d-ivoire-inquiry-s-shortcuts-raise-red-flags>; International Crisis Group, *Entre progrès réels, insécurité persistante et incertitudes judiciaires, la Côte d'Ivoire toujours fragile*, 19 March 2012, <http://reliefweb.int/node/483886>. See also UN Security Council, *Twenty-ninth Progress Report of the Secretary-General on the United Nations Operation in Côte d'Ivoire*, 30 December 2011, S/2011/807, paragraph 45, http://www.un.org/ga/search/view_doc.asp?symbol=S/2011/807; Nord-Sud, *Lancement de la Commission nationale d'enquêtes / Coulibaly Gnénéma: "Contentez-vous des faits"*, 14 September 2011, <http://news.abidjan.net/h/410453.html>; Nord-Sud, *Communiqué du Conseil des ministres, hier: De nouvelles nominations à la commission centrale de la CEI*, 11 August 2011, <http://news.abidjan.net/h/407319.html>; Associated Press, *AP Exclusive: Ouattara: No Knowledge of Massacre*, 30 July 2011, <http://news.yahoo.com/ap-exclusive-ouattara-no-knowledge-massacre-082803872.html>; Associated Press, *Ivory Coast President Announces Human Rights Investigation over Postelection Violence*, 21 July 2011, <http://news.yahoo.com/ivory-coast-announces-human-rights-investigation-171141244.html>; Conseil des Ministres de la République de Côte d'Ivoire, *Communiqué du Mercredi 20 juillet 2011*, 20 July 2011, http://www.gouv.ci/conseil_ministre_1.php?recordID=94; AFP, *Côte d'Ivoire: Ouattara instaure une commission sur les exactions*, 20 July 2011, <http://news.abidjan.net/h/405159.html>; AFP, *Crise: la Côte d'Ivoire crée une commission d'enquête sur les exactions*, 15 June 2011, <http://news.abidjan.net/h/401695.html>; Conseil des Ministres de la République de Côte d'Ivoire, *Communiqué du mercredi 15 juin 2011*, 15 June 2011, http://www.gouv.ci/conseil_ministre_1.php?recordID=90.

³³ The Economist, *Côte d'Ivoire: Can West Africa's Jewel Regain Its Shine?*, 26 May 2012, <http://www.economist.com/node/21555959>; Human Rights Watch, *One Year On, Duékoué Massacre Belies Ouattara Government's Promises of Impartial Justice*, 29 March 2012, <http://www.unhcr.org/refworld/docid/4f787b302.html>; UN Security Council, *Twenty-ninth Progress Report of the Secretary-General on the United Nations Operation in Côte d'Ivoire*, 30 December 2011, S/2011/807, paragraphs 22-27, http://www.un.org/ga/search/view_doc.asp?symbol=S/2011/807; International Crisis Group, *Continuing the Recovery*, 16 December 2011, <http://www.crisisgroup.org/en/regions/africa/west-africa/cote-divoire/B083-cote-d-ivoire-continuing-the-recovery.aspx>; IRIN, *Analysis: Côte d'Ivoire One Year On*, 1 December 2011, <http://www.unhcr.org/refworld/docid/4ed8b20b2.html>.

³⁴ UN Security Council, *Special Report of the Secretary-General on the United Nations Operation in Côte d'Ivoire*, 29 March 2012, S/2012/186, paragraphs 41-42, http://www.un.org/ga/search/view_doc.asp?symbol=S/2012/186; Amnesty International, *Côte d'Ivoire Urged to Assist ICC in Post-Election Violence Probe*, 27 March 2012, <http://reliefweb.int/node/486040>. The individuals being prosecuted include 47 representatives of former President Gbagbo's regime; international arrest warrants have been issued for those who have left the country. Additionally, 68 former FDS, police and gendarmerie elements have been indicted. UN Security Council, *Twenty-ninth Progress Report of the Secretary-General on the United Nations Operation in Côte d'Ivoire*, 30 December 2011, S/2011/807, paragraph 25, http://www.un.org/ga/search/view_doc.asp?symbol=S/2011/807. A list of all individuals detained in connection with the post-election crisis in Côte d'Ivoire is contained in an annex to

Concerns have also been raised about the perceived lack of independence and impartiality of the Dialogue, Truth and Reconciliation Commission.³⁵ Several months after its creation, questions remained about the Commission's efforts to involve Ivorian society in its work.³⁶ The independent expert on the situation of human rights in Côte d'Ivoire expressed concerns that the Commission's mandate made no reference to delivering justice to victims of human rights abuses.³⁷ The membership of the national commission of inquiry, including its president, Judge Matto Loma Cissé, has also been criticized for being too close to President Ouattara.³⁸

While Côte d'Ivoire is not a state party to the Rome Statute, it has accepted the jurisdiction of the International Criminal Court (ICC) to investigate crimes under its Statute. President Ouattara requested the ICC to investigate the gravest crimes committed during the post-election violence.³⁹ The ICC issued an arrest warrant for former President

the report of the independent expert to the Human Rights Council (situation as of 19 December 2011): Human Rights Council, *Rapport de l'expert indépendant sur la situation des droits de l'homme en Côte d'Ivoire*, Doudou Diène, 9 January 2012, A/HRC/19/72, http://www2.ohchr.org/english/bodies/hrcouncil/docs/19session/A.HRC.19.72_fr.pdf. See also Human Rights Watch, *Gbagbo's ICC Transfer Advances Justice*, 29 November 2011, <http://www.hrw.org/news/2011/11/29/c-te-d-ivoire-gbagbo-s-icc-transfer-advances-justice>; "They Killed Them Like It Was Nothing": *The Need for Justice for Côte d'Ivoire's Post-Election Crimes*, October 2011, <http://www.hrw.org>.

³⁵ Human Rights Council, *Rapport de l'expert indépendant sur la situation des droits de l'homme en Côte d'Ivoire*, Doudou Diène, 9 January 2012, A/HRC/19/72, paragraph 43, http://www2.ohchr.org/english/bodies/hrcouncil/docs/19session/A.HRC.19.72_fr.pdf; Human Rights Watch, "They Killed Them Like It Was Nothing": *The Need for Justice for Côte d'Ivoire's Post-Election Crimes*, October 2011, <http://www.hrw.org>; International Crisis Group, *A Critical Period for Ensuring Stability in Côte d'Ivoire*, 1 August 2011, <http://www.crisisgroup.org/en/regions/africa/west-africa/cote-divoire.aspx>; Nord-Sud, *Commission dialogue, vérité et réconciliation: La société civile craint un échec de Banny*, 9 June 2011, <http://news.abidjan.net/h/401171.html>.

³⁶ UN Security Council, *Special Report of the Secretary-General on the United Nations Operation in Côte d'Ivoire*, 29 March 2012, S/2012/186, paragraph 40, http://www.un.org/ga/search/view_doc.asp?symbol=S/2012/186.

³⁷ UN Human Rights Council, *Council Holds Dialogue on Côte d'Ivoire and General Debate on Country Reports by the High Commissioner and Secretary-General*, 21 March 2012, <http://reliefweb.int/node/484451>; UN Security Council, *Côte d'Ivoire Making "Remarkable" Progress in Restoring Normalcy Following Last Year's Post-Election Violence, Top Official Tells Security Council*, 26 January 2012, SC/10531, <http://reliefweb.int/node/472934>.

³⁸ Human Rights Watch, "They Killed Them Like It Was Nothing": *The Need for Justice for Côte d'Ivoire's Post-Election Crimes*, October 2011, <http://www.hrw.org>; Associated Press, *AP Exclusive: Ouattara: No Knowledge of Massacre*, 30 July 2011, <http://news.yahoo.com/ap-exclusive-ouattara-no-knowledge-massacre-082803872.html>; Associated Press, *Ivory Coast President Announces Human Rights Investigation over Postelection Violence*, 21 July 2011, <http://news.yahoo.com/ivory-coast-announces-human-rights-investigation-171141244.html>.

³⁹ République de Côte d'Ivoire, *Déclaration de reconnaissance de la compétence de la Cour pénale internationale*, 18 April 2003, <http://www.icc-cpi.int/menus/icc/situations%20and%20cases/situations/icc0211/>; Président de la République de Côte d'Ivoire, *Lettre au Président de la Cour pénale internationale*, 14 December 2010, <http://www.icc-cpi.int/menus/icc/situations%20and%20cases/situations/icc0211/>; Président de la République de Côte d'Ivoire, *Lettre au Procureur auprès de la Cour pénale internationale*, 3 May 2011, reproduced in Human Rights Watch, "They Killed Them Like It Was Nothing": *The Need for Justice for Côte d'Ivoire's Post-Election Crimes*, October 2011, <http://www.hrw.org>. In his letter dated 14 December 2010, President

Gbagbo on 23 November 2011 and he was surrendered to the Court by the Ivorian authorities on 29 November 2011. Mr Gbagbo faces four separate charges of crimes against humanity (murder, rape and other forms of sexual violence, persecution and other inhuman acts) for his alleged role in Côte d'Ivoire's post-election crisis.⁴⁰

The ability of the state to provide protection to its citizens and guarantee access to justice is reported to have been severely weakened as a result of the post-electoral violence.⁴¹ While civil servants and law enforcement personnel have returned to their posts, gendarmes and police struggle with inadequate staff and resources, and their operational capacities remain low.⁴² In parts of the country the FRCI has stepped into this vacuum,

Ouattara promised cooperation with ICC investigations into all crimes and acts of violence committed since March 2004. In his letter dated 3 May 2011, President Ouattara requested the ICC to investigate the gravest crimes committed since 28 November 2010. The ICC Prosecutor was authorized in October 2011 to open an investigation into grave crimes committed during the post-election violence: ICC, Pre-Trial Chamber III, *Decision Pursuant to Article 15 of the Rome Statute on the Authorisation of an Investigation into the Situation in the Republic of Côte d'Ivoire*, 3 October 2011, <http://www.icc-cpi.int/menus/icc/situations%20and%20cases/situations/icc0211/>; UN Radio, *La CPI va enquêter sur les crimes postélectorales*, 2 October 2011, <http://reliefweb.int/node/450432>. On 22 February 2012 the ICC broadened its investigations to also include crimes committed between 19 September 2002 and 28 November 2010. ICC, *Les juges de la CPI élargissent le cadre temporel de l'enquête pour inclure la période allant de 2002 à 2010*, 23 February 2012, <http://reliefweb.int/node/478676>.

⁴⁰ International Criminal Court, *New Suspect in the ICC's Custody: Laurent Gbagbo Arrived at the Detention Centre*, Press Release ICC-CPI-20111130-PR747, 30 November 2011, <http://www.icc-cpi.int/menus/icc/press%20and%20media/press%20releases/pr747>.

⁴¹ The Human Rights Council noted that, "Most of the human rights violations stem less from any complicity on the part of the state as from its failure to prevent them, particularly because of the difficulty in reforming the security sector and restoring the authority of the State throughout the country's territory." Human Rights Council, *Rapport de l'expert indépendant sur la situation des droits de l'homme en Côte d'Ivoire, Doudou Diène (A/HRC/19/72)*, 16 January 2012, <http://reliefweb.int/node/470727>. The president of the Ivorian Human Rights League described the state's inability to provide an adequate response to ongoing insecurity in Côte d'Ivoire as "state impotence". IRIN, *Former Pro-Ouattara Rebels Still Need Reigning In*, 30 December 2011, <http://www.unhcr.org/refworld/docid/4f06f0b12.html>. Widespread looting has limited the operational capacity of state institutions in parts of the country, including local government, the police, gendarmerie, courts and tribunals. The police and gendarmerie in particular suffer from a lack of vehicles, office equipment, means of communication and arms. UNOCI, *L'ONUCI offre du matériel informatique à la police ivoirienne*, 10 November 2011, <http://reliefweb.int/node/461327>. The UN High Commissioner for Human Rights notes that "the security vacuum prevailing in several parts of the country due to the breakdown in the security and judicial apparatus, and the slow return to work of some security officials, remains a major area of concern with significant implications for the human rights situation." UN Human Rights Council, *Report of the United Nations High Commissioner for Human Rights on the Situation of Human Rights in Côte d'Ivoire*, 20 September 2011, A/HRC/18/52, <http://www.unhcr.org/refworld/docid/4e89a7002.html>.

⁴² UN Security Council, *Special Report of the Secretary-General on the United Nations Operation in Côte d'Ivoire*, 29 March 2012, S/2012/186, paragraph 57, http://www.un.org/ga/search/view_doc.asp?symbol=S/2012/186; International Crisis Group, *Entre progrès réels, insécurité persistante et incertitudes judiciaires, la Côte d'Ivoire toujours fragile*, 19 March 2012, <http://reliefweb.int/node/483886>; UN Security Council, *Twenty-ninth Progress Report of the Secretary-General on the United Nations Operation in Côte d'Ivoire*, 30 December 2011, S/2011/807, paragraphs 34-36, 41, http://www.un.org/ga/search/view_doc.asp?symbol=S/2011/807. Gendarmes and police who have been deployed to the country's interior are unarmed; in certain areas they are reportedly having to work under the authority of the warlords who settled there when pro-Ouattara forces advanced on the south from the north in March 2011. IRIN, *Former Pro-Ouattara Rebels Still Need Reigning In*, 30 December 2011, <http://www.unhcr.org/refworld/docid/4f06f0b12.html>; International Crisis Group, *Continuing the Recovery*,

taking up roles in law enforcement and the administration of justice.⁴³ Due to the relative weakness of the gendarmes and the police compared to the FRCI and armed elements associated with it, the former are unable to put a stop to violence and abuse allegedly committed by the latter against the civilian population. As a result, observers note that impunity for human rights violations committed by members of the FRCI remains of concern.⁴⁴

An Independent International Committee of Inquiry established by the UN Human Rights Council reported to the Council in June 2011.⁴⁵ It provided a confidential annex of those identified as most responsible to the ICC prosecutor.⁴⁶ At its 17th session, the Human Rights Council established the mandate of independent expert on the situation of human rights in Côte d'Ivoire.⁴⁷

III. Eligibility for International Protection

All claims by asylum-seekers from Côte d'Ivoire, whether on the basis of the refugee criteria in the 1951 Convention or broader international protection criteria, including complementary forms of protection, should be considered on their individual merits in fair and efficient refugee status determination procedures and taking into account up-to-date and relevant country of origin information. UNHCR considers that individuals with profiles similar to those outlined below require a particularly careful examination of possible risks. This listing is not necessarily exhaustive and is based on information

16 December 2011, <http://www.crisisgroup.org/en/regions/africa/west-africa/cote-divoire/B083-cote-divoire-continuing-the-recovery.aspx>.

⁴³ Human Rights Council, *Rapport de l'expert indépendant sur la situation des droits de l'homme en Côte d'Ivoire*, Doudou Diène, 9 January 2012, A/HRC/19/72, paragraphs 21-22, http://www2.ohchr.org/english/bodies/hrcouncil/docs/19session/A.HRC.19.72_fr.pdf.

⁴⁴ UN Human Rights Council, *Report of the United Nations High Commissioner for Human Rights on the situation of human rights in Côte d'Ivoire*, 20 September 2011, A/HRC/18/52, <http://www.unhcr.org/refworld/docid/4e89a7002.html>.

⁴⁵ *Report of the Independent International Commission of Inquiry on Côte d'Ivoire*, June 2011, http://reliefweb.int/sites/reliefweb.int/files/resources/Full_Report_1328.pdf (English summary) and http://www2.ohchr.org/english/bodies/hrcouncil/docs/17session/A.HRC.17.48_AUV.pdf (full text, in French).

⁴⁶ Human Rights Watch, *"They Killed Them Like It Was Nothing": The Need for Justice for Côte d'Ivoire's Post-Election Crimes*, October 2011, <http://www.hrw.org>.

⁴⁷ Human Rights Council, *Rapport de l'expert indépendant sur la situation des droits de l'homme en Côte d'Ivoire*, Doudou Diène, 9 January 2012, A/HRC/19/72, http://www2.ohchr.org/english/bodies/hrcouncil/docs/19session/A.HRC.19.72_fr.pdf; Human Rights Council, *Resolution 17/21: Assistance to Côte d'Ivoire in the field of human rights*, A/HRC/RES/17/21, 19 July 2011, <http://www2.ohchr.org/english/bodies/hrcouncil/17session/docs/A-HRC-RES-17-21.pdf>. The independent expert, Mr Doudou Diène, conducted his first mission to the country in November 2011, with a second mission in December to coincide with the legislative elections. OHCHR, *UN Independent Expert to Begin First Official Visit to Côte d'Ivoire on 14 November*, 14 November 2011, <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=11602&LangID=E>; OHCHR, *Les droits de l'homme, un élément fondamental dans la réconciliation en Côte d'Ivoire - L'expert de l'ONU*, 25 November 2011, <http://reliefweb.int/node/461956>; UN News Service, *l'ONU salue la participation de partis d'opposition aux élections*, 7 December 2011, <http://reliefweb.int/node/463460>.

available to UNHCR at the time of writing. Hence, a claim should not be considered as without merit solely because it may not fall within any of the profiles identified below.

Some of the claims by asylum-seekers from Côte d'Ivoire may require examination of possible exclusion from refugee status on the basis of Article 1F of the 1951 Convention.⁴⁸

A. Potential Risk Profiles

1. Persons Belonging to Certain Ethnic Groups

Ethnicity has become highly politicized in Côte d'Ivoire and it is not always possible to distinguish between ethnicity and political allegiance as the primary cause of intercommunity clashes.⁴⁹ It should also be noted that while ethnicity can be a factor in assumptions about political allegiance, a person's region of origin plays an equally important part. Individuals whose political allegiances might be expected to be with a particular political party on the basis of their ethnicity may in fact support an opposing political party in line with prevailing opinions in their region of origin.

Members of ethnic communities from the northern and central parts of the country are generally assumed to be pro-Ouattara. These include the Bambara, Malinké and the northern Manding or Mandé grouping (also known as Dioula). Members of ethnic communities from the south and west are generally assumed to be pro-Gbagbo.⁵⁰ Groups in the west and centre-west which are assumed to be pro-Gbagbo include the Krou (subgroups of which include the Guéré, Wobe, Godié and the Bété), and the southern subgroups of the Akan, including the Attié, Ebrié, and Guro.

Despite government initiatives to nurture national reconciliation and social cohesion, intercommunity tensions remain a major challenge, especially in the west and in parts of Abidjan.⁵¹ Resentment between various ethnic groups that predates the November 2010

⁴⁸ Please refer to Section III (C) of this document for further guidance relating to exclusion from international refugee protection.

⁴⁹ Group for Research and Information on Peace and Security (GRIP), *Ivory Coast and Instability in West Africa: Roots of the Post-Election Crisis 2010-2011*, 31 January 2012, http://www.grip.org/fr/siteweb/images/notes_analyse/2012/na_2012-01-31_fr_m-memier.pdf; Abu Bakarr Bah, *Democracy and Civil War: Citizenship and Peacemaking in Côte d'Ivoire*, African Affairs 109/437, 2010, pp. 597-615, <http://afraf.oxfordjournals.org/content/109/437/597.full>.

⁵⁰ World Directories of Minorities and Indigenous Peoples, *Côte d'Ivoire: Overview*, <http://www.minorityrights.org/?lid=5533>; Côte d'Ivoire: Manding (Dioula), <http://www.minorityrights.org/5529/cte-divoire/manding-dioula.html>. The subgroups of the Akan in the central part of the country tend to be associated with former President Bedié, whose party, the *Parti démocratique de la Côte d'Ivoire* (PDCI) is part of the *Rassemblement des Houphouëtistes pour la démocratie et la paix* (RHDP) coalition, together with President Ouattara's *Rassemblement des républicains* (RDR).

⁵¹ The regions in the west that are most affected by intercommunity tensions include Moyen-Cavally and Bas-Sassandra in the southwest, and the west-central regions of Montagnes and Haut-Sassandra. International Crisis Group, *Continuing the Recovery*, 16 December 2011, p. 14, <http://www.crisisgroup.org/en/regions/africa/west-africa/cote-divoire/B083-cote-d-ivoire-continuing-the-recovery.aspx>; UN Human Rights Council, *Report of the United Nations High Commissioner for Human Rights on the situation of human rights in Côte d'Ivoire*, 20 September 2011, A/HRC/18/52,

elections remains unresolved and has indeed been exacerbated by the post-election violence. High levels of fear and mutual distrust continue to lead to violent clashes. The UN Secretary-General noted that the first months of 2012 saw an increase in such violent confrontations between communities.⁵² In the west, intercommunity tensions are often centred on land.⁵³

UNHCR considers that persons with certain profiles from areas of the country where intercommunity tensions remain high, mainly in the west of the country and parts of Abidjan,⁵⁴ may, depending on the individual circumstances of the case (see further details under a) and b) below), be in need of international refugee protection in the sense of the 1951 Convention and its 1967 Protocol or the OAU Convention on account of their ethnicity and/or their (imputed) political opinion. The guidance under this heading (“people from certain ethnic groups”) should be read in conjunction with the guidance under the next heading (“members and supporters of political opposition parties, and individuals with alleged links to former President Gbagbo’s government”).

It should also be noted that, while religious divisions were not among the root causes of Côte d’Ivoire’s post-election crisis, religion is nevertheless closely tied to politics in Côte d’Ivoire. The country’s population is roughly evenly split between Muslims and Christians. President Ouattara’s political base of northern Ivorian ethnic groups is primarily, though not exclusively, Muslim, while former President Gbagbo’s supporters are primarily Christian. During the post-election crisis, there were a number of attacks on Muslim leaders and institutions.⁵⁵ In some cases, a person’s religion may be interpreted

<http://www.unhcr.org/refworld/docid/4e89a7002.html>. In relation to the west, see also CARE, Danish Refugee Council, Oxfam, *Towards Durable Solutions for Displaced Ivoirians*, 11 October 2011, <http://www.unhcr.org/refworld/docid/4e97f2602.html>. The joint NGO report states, “Waves of reprisals attacks, arbitrary arrests, killings, sexual violence, verbal harassment and illegal taxation are keeping people in fear in a region ‘awash with weapons’.”

⁵² UN Security Council, *Special Report of the Secretary-General on the United Nations Operation in Côte d’Ivoire*, 29 March 2012, S/2012/186, paragraphs 14, 22, http://www.un.org/ga/search/view_doc.asp?symbol=S/2012/186.

⁵³ AFP, *L’Ouest de la Côte d’Ivoire sous la menace d’une “guerre” des terres*, 22 April 2012, <http://reliefweb.int/node/491574>.

⁵⁴ Intercommunity tensions are not limited to the west and to Abidjan; other parts of the country are also affected. Three people were killed and about twenty others were injured in two days of clashes on 12 and 13 February 2012 in Arrah, in the N’zi Comoé region. The violence was sparked by frustrations over the continued policing of the area by the FRCI and degenerated into ethnic clashes between Agni and Malinké. Nord-Sud, *Paul Koffi Koffi aux populations d’Arrah : “Les Frci ne partiront pas sous la pression”*, 15 February 2012, <http://news.abidjan.net/h/426450.html>; Reuters, *At Least 3 Killed in Eastern Ivorian Clashes*, 14 February 2012, <http://www.trust.org/alertnet/news/at-least-3-killed-in-eastern-ivorian-clashes>; AFP, *Est ivoirien: 3 morts dans des violences impliquant des militaires*, 13 February 2012, <http://reliefweb.int/node/476550>. In early 2012, high levels of tension were reported in Béoumi, in the region of Valle du Bandama, between the autochtone population of Kôdê and the Peulhs. Clashes between the two groups were reported to have led to several people being seriously wounded. Le Nouveau Reveil, *Conflit à Béoumi: Vives tensions entre autochtones agriculteurs et éleveurs Peulhs*, 15 February 2012, <http://www.lenouveaureveil.com/a.asp?n=426389&p=3015>.

⁵⁵ The independent expert on the human rights situation in Côte d’Ivoire notes that in the west of the country, tensions along religious and ethnic lines persist. The independent expert has expressed his concerns about reports of attacks and acts of violence against religious leaders and religious buildings, noting that 40 attacks against churches and church leaders have been documented between the end of

as an indicator of that person's political allegiance. The guidance under this heading and the following heading should be read with this consideration in mind.

a) Persons Belonging to Certain Ethnic Groups in the West of the Country

In the west of the country, there continue to be reports of intercommunity clashes among *autochtones* (people indigenous to the region), *allochtones* (other Ivorian ethnic groups who migrated to the area) and *allogènes* (people originating from, or perceived to have originated from other countries in the region such as Burkina Faso, Mali and Guinea, but many of whom have been settled in Côte d'Ivoire for decades).⁵⁶ In some cases, the immediate triggers of these clashes are unresolved land disputes, themselves closely tied

August 2011 and the end of December 2011. The attacks were carried out by FRCI elements and unidentified gunman. The deployment of police officers and gendarmes to certain parishes has failed to stop the attacks. Human Rights Council, *Rapport de l'expert indépendant sur la situation des droits de l'homme en Côte d'Ivoire*, Doudou Diène, 9 January 2012, A/HRC/19/72, paragraphs 17-18, 49, 56-57, http://www2.ohchr.org/english/bodies/hrcouncil/docs/19session/A.HRC.19.72_fr.pdf. See also Human Rights Watch, "They Killed Them Like It Was Nothing": *The Need for Justice for Côte d'Ivoire's Post-Election Crimes*, October 2011, p. 48-52, <http://www.hrw.org/reports/2011/10/05/they-killed-them-it-was-nothing>.

⁵⁶ Beginning in the early 1990s, questions relating to nationality and ethnicity became central to political debates in Côte d'Ivoire, with the concept of *Ivoirité* being introduced as part of an ultra-nationalist discourse intended to redefine "Ivoirianness" in exceedingly narrow terms. The March 2007 Ouagadougou Agreement between the FPI and the Forces Nouvelles sought to settle the contentious issue of Ivoirian nationality. Human Rights Watch, "They Killed Them Like It Was Nothing": *The Need for Justice for Côte d'Ivoire's Post-Election Crimes*, October 2011, <http://www.hrw.org>; Abu Bakarr Bah, *Democracy and Civil War: Citizenship and Peacemaking in Côte d'Ivoire*, African Affairs 109/437, 2010, pp. 597-615, <http://afraf.oxfordjournals.org/content/109/437/597.full>. See also UN Security Council, *Special Report of the Secretary-General on the United Nations Operation in Côte d'Ivoire*, 29 March 2012, S/2012/186, paragraphs 14, 22, http://www.un.org/ga/search/view_doc.asp?symbol=S/2012/186. According to OCHA, 39 people were killed in the west of Côte d'Ivoire, the majority of them *allogènes*, in five separate incidents between September 2011 and April 2012 arising out of strong tensions between *allogènes* and *autochtones* in the aftermath of the 2010 presidential elections. AFP, *Attaque dans l'Ouest ivoirien: bilan révisé à sept morts, 6.300 déplacés*, 27 April 2012, <http://news.abidjan.net/h/432397.html>. In December 2011, a voluntary repatriation convoy from Liberia, transporting 546 Ivoirian refugees back to Côte d'Ivoire, had to be delayed by a day due to tensions and mistrust on the part of segments of the population in the return areas, who harboured fears about the possible arrival of mercenaries together with the repatriates. When the convoy crossed the border after a day's delay, FRCI elements temporarily blocked its path, hurling verbal abuse and threats at the repatriates. L'Inter, *De retour d'exil: 546 réfugiés ivoiriens menacés par les FRCI*, 9 December 2011, <http://news.abidjan.net/h/419146.html>; L'Inter, *Toulepleu: retour de 738 réfugiés en ci, hier; des hommes politiques font échouer l'opération*, 8 December 2011, <http://news.abidjan.net/h/419068.html>; Le Nouveau Réveil, *Législatives du 11 décembre: la frontière ouest fermée?*, 8 December 2011, <http://news.abidjan.net/h/419064.html>. At its press conference on 3 November 2011, UNOCI reported clashes in Pelezi (98 km de Daloa) and BahéSebon (35 north of Duékoué), between people indigenous to these areas (Bété and Guéré) on the one hand, and people originating from other parts of the country (Baoulé, Lobi and Sénoufo) and people originating from Burkina Faso on the other hand. Two people died in these clashes. UNOCI, *Compte-rendu du point de presse hebdomadaire de l'ONUCI*, 3 November 2011, <http://www.onuci.org/spip.php?article6619>; AFP, *Fierce Clashes Kill Two in Western Ivory Coast*: UN, 4 November 2011, <http://reliefweb.int/node/457293>. In late October 2011, four people were killed in two violent incidents between members of the Bété ethnic group, to which former President Gbagbo belongs, and members of the Baoulé ethnic group, who supported President Ouattara in the November 2010 presidential elections. Le Potentiel, *Des affrontements à l'Ouest font des morts*, 4 November 2011, <http://reliefweb.int/node/457333>.

to questions of ethnicity and political allegiance.⁵⁷ In other cases, criminal activity triggers reprisals against members of the ethnic group of the alleged perpetrators, while in yet others, intercommunity clashes are provoked by allegations of sorcery or ritual acts. *Autochtones* report feeling intimidated by elements of the FRCI and by Dozos (traditional hunters who aligned themselves with the pro-Ouattara forces during the post-election crisis) who are reportedly blocking access to their land.⁵⁸ The regions most affected by intercommunity tensions include Moyen-Cavally and Bas-Sassandra in the southwest, and the west-central regions of Montagnes and Haut-Sassandra.⁵⁹

Civilians in the west of the country belonging to ethnic groups which are, or are perceived to be, supportive of former President Gbagbo may still be at risk of ill-treatment by elements of the FRCI, Dozos and unidentified armed men.⁶⁰ FRCI elements

⁵⁷ The independent expert on the situation of human rights in Côte d'Ivoire noted that the root causes of the crisis in Côte d'Ivoire were the political instrumentalization of ethnicity, exacerbated by tensions around rural land ownership. Human Rights Council, *Rapport de l'expert indépendant sur la situation des droits de l'homme en Côte d'Ivoire*, Doudou Diène, 9 January 2012, A/HRC/19/72, paragraphs 15-18, http://www2.ohchr.org/english/bodies/hrcouncil/docs/19session/A.HRC.19.72_fr.pdf. In March 2012, tensions were reported between *allogènes* and *autochtones* in the village of Diaï in the Toulepleu region. OCHA, *Bulletin Humanitaire* No. 12, 10 April 2012, <http://ivorycoast.humanitarianresponse.info/LinkClick.aspx?fileticket=rGEcy46wYQ%3d&tabid=41&mid=1003&language=en-US>. In October 2011, an autochtone woman was sexually attacked while she tried to access her land, which was occupied by an *allogène*. Protection Cluster in Côte d'Ivoire, *Profil de Zone de Tai*, October 2011, <http://ivorycoast.humanitarianresponse.info/LinkClick.aspx?fileticket=jPae-OoCYos%3d&tabid=81&mid=938&language=en-US>.

⁵⁸ IRIN, *Côte d'Ivoire : Displaced in West Feel "Forgotten"*, 26 April 2012, <http://reliefweb.int/node/492664>; Protection Cluster in Côte d'Ivoire, *Profil de Zone de Tai*, October 2011, <http://ivorycoast.humanitarianresponse.info/LinkClick.aspx?fileticket=jPae-OoCYos%3d&tabid=81&mid=938&language=en-US>.

⁵⁹ International Crisis Group, *Continuing the Recovery*, 16 December 2011, p. 14, <http://www.crisisgroup.org/en/regions/africa/west-africa/cote-divoire/B083-cote-d-ivoire-continuing-the-recovery.aspx>. It should be noted that a new administrative division was introduced in Côte d'Ivoire in March 2012, with 12 regions replacing the previous 19 regions. In this document the names for the former 19 regions are used, to reflect the names used in sources of country-of-origin information that predate March 2012.

⁶⁰ In Duékoué, the site of a massacre by Ouattara's supporters in early 2011, residents are reported to continue to fear the President's supporters, and tensions are reported to have worsened again after improving in late 2011. The Economist, *Côte d'Ivoire: Can West Africa's Jewel Regain Its Shine?*, 26 May 2012, <http://www.economist.com/node/21555959>. Concerning the Dozos, the International Crisis Group notes that "in the wake of the conflict that followed the presidential election, the Dozos came en masse from the north to the west of the country, accompanying the FRCI offensive. They were guilty of atrocities against the local population and are among the main suspects of the Duékoué massacre. Since then, they have settled in the west, which they treat as a conquered territory, monopolising and exploiting land that does not belong to them. They inspire fear in the indigenous Guéré population because of their supposed mystic powers, the fact that they are ostentatiously armed and their presumed role in the Duékoué massacres. This fear generates extreme tension. In November, the Dozos were implicated in at least two violent incidents of an ethnic nature." International Crisis Group, *Continuing the Recovery*, 16 December 2011, pp. 9-10, <http://www.crisisgroup.org/en/regions/africa/west-africa/cote-divoire/B083-cote-d-ivoire-continuing-the-recovery.aspx>. On 9 February 2012 two Guère children were killed in an attack by unidentified and masked men, presumed to be Dozos, in the village of Zibablo-Yeblo near Bangolo in the Montagnes region. The attackers burned down 21 houses; the remaining houses in the village were looted and the harvest was stolen. More than 400 people were displaced by the attack. UNOCI, Child Protection Section, *Special Report on Killing of 2 Children in Zibablo-Yeblo*, 12 February 2012; OCHA, *Bulletin*

reportedly continue to commit human rights violations, including extra-judicial and summary executions, torture, inhumane and degrading treatment, sexual and gender-based violence, arbitrary arrests and detention, and violations of economic and social rights through acts of extortion, threats and intimidation against members of these ethnic groups.⁶¹

Dozos are also reported to be responsible for abuse, harassment and violence against members of ethnic groups assumed to be supportive of former President Gbagbo, including blocking access to displaced people's homes or plantations.⁶² Dozos reportedly

Humanitaire No. 5, 17 February 2012, <http://reliefweb.int/node/477697>. A confrontation between villagers and Dozos in the night of 10 November killed one person and wounded 11. *Nouveau Réveil, Bazré : Gouro et Dozo s'affrontent: Un mort et 11 blessés par balles*, 11 November 2011, <http://actualite.ivorien.net/?p=3626>. At its press conference on 3 November 2011, UNOCI reported violent clashes in western Côte d'Ivoire between the FRCI and Dozos on the one hand and villagers on the other hand, notably in Niamayo (55 km from Daloa) and Niazareko (36 km from Divo). UNOCI, *Compte-rendu du point de presse hebdomadaire de l'ONUCI*, 3 November 2011, <http://www.onuci.org/spip.php?article6619>; AFP, *Fierce Clashes Kill Two in Western Ivory Coast: UN*, 4 November 2011, <http://reliefweb.int/node/457293>. On 1 November 2011, following the killing of one Dozo in the village of Taobly-Gae (Tahoubly Gaé, Taobly-Gagné), Dozos burned down two camps in a revenge attack, resulting in the displacement of 300 people and the destruction of 30 houses, grain storages and other valuable items. UNHCR, *Côte d'Ivoire Situation: Update No. 37*, 15 November 2011, <http://www.unhcr.org/refworld/docid/4ee05b112.html>; OCHA, *Bulletin Humanitaire No. 3*, 11 November 2011, <http://reliefweb.int/node/462450> and OCHA, *Monthly Humanitarian Report No. 2*, November 2011, <http://reliefweb.int/node/466171>; Soir Info, *Violence à l'ouest de la Côte d'Ivoire, Un village incendié, plusieurs personnes portées disparues*, 3 November 2011, <http://news.abidjan.net/h/415653.html>. In November 2011, 30 Ivorian families were reported to have newly arrived in Manjoe Town in Liberia, citing persistent harassment by armed men as the major reason for their flight from Côte d'Ivoire. UNHCR, *Côte d'Ivoire Situation: Update No. 37*, 15 November 2011, <http://www.unhcr.org/refworld/docid/4ee05b112.html>. On 29 October 2011, a violent incident in Ouandia Seria, on the Daloa-Issia axis, resulted in the displacement of 300 people. One man was reportedly killed in the incident, and 29 houses destroyed. UNHCR, *Côte d'Ivoire Situation: Update No. 37*, 15 November 2011, <http://www.unhcr.org/refworld/docid/4ee05b112.html>. On 13 October 2011, about 450 IDPs fled their homes in Issia, following a security incident between farmers and security forces. In early November 2011, UNHCR assisted this group to return to their homes from Koffikro in Man. UNHCR, *Côte d'Ivoire Situation: Update No. 37*, 15 November 2011, <http://www.unhcr.org/refworld/docid/4ee05b112.html>.

⁶¹ UN Security Council, *Special Report of the Secretary-General on the United Nations Operation in Côte d'Ivoire*, 29 March 2012, S/2012/186, paragraph 42, http://www.un.org/ga/search/view_doc.asp?symbol=S/2012/186. Clashes between elements of the FRCI and youths in Vavoua (Haut-Sassandra) on 17 and 18 December left six people dead. AFP, *6 morts dans des affrontements militaires/habitants dans l'ouest*, 18 December 2011, <http://news.abidjan.net/h/420257.html>; AFP, *Violence in Western Côte d'Ivoire Kills Six: Official*, 18 December 2011, <http://reliefweb.int/node/465764>; Soir Info, *Affrontements entre FRCI et population à Vavoua, hier*, 19 December 2011, <http://news.abidjan.net/h/420282.html>; UN News Service, *Senior Official Deplores Deadly Ivorian Clashes*, 18 December 2011, <http://reliefweb.int/node/465800>. See also Protection Cluster in Côte d'Ivoire, *Profil de Zone de Taï*, October 2011, <http://ivorycoast.humanitarianresponse.info/LinkClick.aspx?fileticket=jPae-OoCYos%3d&tabid=81&mid=938&language=en-US>; UN Human Rights Council, *Report of the United Nations High Commissioner for Human Rights on the situation of human rights in Côte d'Ivoire*, 20 September 2011, A/HRC/18/52, <http://www.unhcr.org/refworld/docid/4e89a7002.html>.

⁶² IRIN, *Côte d'Ivoire : Displaced in West Feel "Forgotten"*, 26 April 2012, <http://reliefweb.int/node/492664>; OCHA, *Bulletin Humanitaire No. 8*, 16 December 2011, <http://reliefweb.int/node/465727>; L'Inter, *Situation Explosive: Le feu couve à nouveau à l'Ouest, Dozos et Populations au bord de l'affrontement*, 18 November 2011, [20](http://www.linter-</p></div><div data-bbox=)

also engage in extortion and are reported to work closely with elements of the FRCI.⁶³ Dozos are reported to engage in intimidation of people belonging to the Guéré ethnic group by playing mobile phone recordings to them of attacks against Guéré, including killings, committed in the course of the post-election violence.⁶⁴

At the same time, in some areas bordering Liberia in the west, remnants of pro-Gbagbo militia groups continue to pose a serious security threat to people belonging to ethnic groups perceived to be pro-Ouattara.⁶⁵ On 6 June 2012 it was reported that at least forty people had been killed by Liberian mercenaries and Ivorian militias since July 2011.⁶⁶ On

ci.com/search.php?q=situation+explosive+le+feu+couve+a+nouveau; UNHCR, *Côte d'Ivoire Situation: Update No. 37*, 15 November 2011, <http://www.unhcr.org/refworld/docid/4ee05b112.html>. See also IRIN, *Wounds Raw in West*, 13 October 2011, <http://www.irinnews.org/report.aspx?reportid=93962>. On 5 July, three people were killed after Dozos attacked some members of the Guéré ethnic group in Guetuezon (42 km from Daloa). UN Human Rights Council, *Report of the United Nations High Commissioner for Human Rights on the situation of human rights in Côte d'Ivoire*, 20 September 2011, A/HRC/18/52, <http://www.unhcr.org/refworld/docid/4e89a7002.html>.

⁶³ UN Security Council, *Special Report of the Secretary-General on the United Nations Operation in Côte d'Ivoire*, 29 March 2012, S/2012/186, paragraph 40, http://www.un.org/ga/search/view_doc.asp?symbol=S/2012/186; International Crisis Group, *Entre progrès réels, insécurité persistante et incertitudes judiciaires, la Côte d'Ivoire toujours fragile*, 19 March 2012, <http://reliefweb.int/node/483886>. Two assessment missions in Taï conducted by Médecins Sans Frontières (MSF) Holland and the Danish Refugee Council found that Dozos were extorting money from landowners, allegedly demanding FCFA 25,000 (US\$ 51) in exchange for protection. As the cocoa harvest season was drawing near, the victims of the extortion felt they had no choice but to pay up. The assessment mission also heard evidence of the persistence of road blocks by armed men, and of the continued presence of armed men in the forest. OCHA, *Monthly Humanitarian Report*, October 2011, <http://reliefweb.int/node/460430>. In Guiglo town, Dozos reportedly engage in extortion while checking people's identification. Protection Cluster in Côte d'Ivoire, *Profil Zone Guiglo Ville*, September 2011, <http://ivorycoast.humanitarianresponse.info/LinkClick.aspx?fileticket=gp6R82jlyQ0%3d&tabid=81&mid=938&language=en-US>.

⁶⁴ IRIN, *Wounds Raw in West*, 13 October 2011, <http://www.irinnews.org/report.aspx?reportid=93962>.

⁶⁵ BBC, *Ivory Coast: Alassane Ouattara Warns of Mercenaries*, 23 May 2012, <http://www.bbc.co.uk/news/world-africa-13500677>.

⁶⁶ Human Rights Watch, *Liberia: Ivorian Government Foes Wage, Plot Attacks*, 6 June 2012, <http://www.hrw.org/news/2012/06/06/liberia-ivorian-government-foes-wage-plot-attacks>; The Economist, *Côte d'Ivoire: Can West Africa's Jewel Regain Its Shine?*, 26 May 2012, <http://www.economist.com/node/21555959>; UN Security Council, *Special Report of the Secretary-General on the United Nations Operation in Côte d'Ivoire*, 29 March 2012, S/2012/186, paragraphs 21, 25, 30, http://www.un.org/ga/search/view_doc.asp?symbol=S/2012/186. On 25 April 2012, seven people were killed in an attack on the village of Sakré in the Moyen-Cavally region. Four attackers were arrested, all of them reported to be Gbagbo sympathizers. More than 6,300 people were displaced as a result of the attack. OCHA, *Bulletin Humanitaire No. 15*, 30 April 2012, <http://reliefweb.int/node/493953>; AFP, *Attaque dans l'Ouest ivoirien: bilan révisé à sept morts, 6.300 déplacés*, 27 April 2012, <http://news.abidjan.net/h/432397.html>. In the night of 21 February 2012, six people were shot by armed men near Taï. International Crisis Group, *Entre progrès réels, insécurité persistante et incertitudes judiciaires, la Côte d'Ivoire toujours fragile*, 19 March 2012, <http://reliefweb.int/node/483886>. See also L'Expression, *Paul Koffi met en garde les exiles au Liberia*, 19 March 2012, <http://news.abidjan.net/h/429481.html>. The International Crisis Group notes: "The old pro-Gbagbo militias that were the main perpetrators of violence throughout the western region are now a paradoxical threat. Scattered and under surveillance, it is very difficult for them to act. But they have not been disarmed and militiamen are still hiding in the Ivorian refugee camps or on the Liberian side of the border. These militias threaten the general population rather than the stability of Alassane Ouattara's government, as shown by the massacre at Ziriglo, which left 23 dead on 15 September." International Crisis Group, *Continuing the*

8 June 2012 eight civilians, seven UN peacekeepers and at least one Ivorian soldier were killed in an attack in the border area near Taï.⁶⁷ At least 4,000 people fled their homes after the attack.⁶⁸

b) Persons Belonging to Certain Ethnic Groups in Abidjan

Concerns remain about the security situation in Abidjan. A large number of firearms remain in circulation. The majority of the 12,000 prisoners who escaped from custody during the post-election crisis are still at large, reportedly leading to an upsurge of security incidents involving armed elements.⁶⁹ In the Abidjan districts of Abobo, Anyama and Yopougon in particular, intercommunity tensions continue to run high. Many people who remain displaced are preparing to settle where they are rather than return to areas where they feel they are not welcome, often for ethnic reasons.⁷⁰

While people who were displaced from Abobo district during the post-election crisis have started to return there, Gbagbo supporters reportedly feel unable to return to certain parts of the district due to fear of unlawful violence on the part of FRCI elements and revenge attacks from members of ethnic communities aligned with President Ouattara.⁷¹

Recovery, 16 December 2011, <http://www.crisisgroup.org/en/regions/africa/west-africa/cote-divoire/B083-cote-d-ivoire-continuing-the-recovery.aspx>. The FRCI itself is also reported to have come under attack. AIP, *Axe Duékoué – Bangolo: Un mort et quatre blessés dans l'attaque d'un convoi des FRCI*, 21 November 2011, <http://ivoireinfo.com/info24/actualite/faits-divers/7957.html>. In July and September 2011, armed militiamen belonging to the Guéré ethnic group loyal to former President Gbagbo carried out two attacks in the Taï area, in south-western Côte d'Ivoire in the Moyen-Cavally region near the Liberian border. In the first attack in the night of 18-19 July 2011 several small camps near the village of Ponan were attacked; at least nine people were killed. UN Human Rights Council, *Report of the United Nations High Commissioner for Human Rights on the situation of human rights in Côte d'Ivoire*, 20 September 2011, A/HRC/18/52, <http://www.unhcr.org/refworld/docid/4e89a7002.html>. On 15 September, a further attack took place on the villages of Ziriglo and Nigré, around 25 kilometres south of Taï. At least 23 people were killed in the attack, and more than 20 people were wounded. Around 45 houses were burnt down during the attack. Following the attack, 521 inhabitants of Ziriglo, Nigré and Sioblohoula (SiobloOula) fled to Taï, while others fled across the border into Liberia. Voice of America, *Violence Plagues Civilians in Southwestern Ivory Coast*, 28 September 2011, <http://www.voanews.com/english/news/africa/Violence-Plagues-Civilians-in-Southwestern-Ivory-Coast-130726353.html>; UNHCR, *Côte d'Ivoire Situation: Update No. 34*, 26 September 2011, <http://www.unhcr.org/refworld/docid/4ee05bd02.html>; OCHA, *Côte d'Ivoire: Situation Report No. 17*, 23 September 2011, <http://reliefweb.int/node/448596>; Human Rights Watch, *Côte d'Ivoire: Second Deadly Attack Near Liberian Border*, 21 September 2011, <http://www.hrw.org/news/2011/09/21/c-te-d-ivoire-second-deadly-attack-near-liberian-border>; AIP, *Suite à l'attaque de Nidré et de Ziriglo: Des populations frontalières se réfugient à Taï*, 20 September 2011, <http://news.abidjan.net/h/411118.html>; UNOCI, *Special Situation Report-1: Incident at Zriglo and Nigre Village, File No 504/SHQ WEST/OPS*, 17 September 2011.

⁶⁷ BBC, *Ivory Coast Ambush: Seven UN Peacekeepers Killed*, 8 June 2012, <http://www.bbc.co.uk/news/world-africa-18376625>; Reuters, *Attack on U.N. Came from Liberia, Ivory Coast Says*, 9 June 2012, <http://www.trust.org/alertnet/news/attack-on-un-came-from-liberia-ivory-coast-says/>.

⁶⁸ Reuters, *Liberia Shuts Ivorian Border after Attack on UN*, 9 June 2012, <http://www.trust.org/alertnet/news/liberia-shuts-ivorian-border-after-attack-on-un/>.

⁶⁹ UN Security Council, *Twenty-ninth Progress Report of the Secretary-General on the United Nations Operation in Côte d'Ivoire*, 30 December 2011, S/2011/807, http://www.un.org/ga/search/view_doc.asp?symbol=S/2011/807.

⁷⁰ Information available to UNHCR, derived from IDP intention surveys and mass information campaigns.

⁷¹ IRIN, *Conditions for Displaced Worsening*, 14 October 2011, <http://www.irinnews.org/report.aspx?ReportId=93971>.

Returnees face serious obstacles, including reportedly extortion and abuses of power committed with impunity by FRCI elements. FRCI elements reportedly engage in extortion, beatings and arbitrary arrests followed by demands for ransom.⁷²

Pro-Ouattara supporters in Abobo, who form the majority in the municipality, consider all members of non-Malinké ethnic groups to be supporters of the pro-Gbagbo party *La majorité présidentielle* (LMP); the latter reportedly are subjected to verbal threats and intimidation. The pro-Ouattara section of the population furthermore suspects all young members of the Ebrié and Attié ethnic groups to be members of pro-Gbagbo militias. Lists containing the names of people accused of supporting the former Gbagbo regime and who have been singled out to be murdered are reportedly circulating.⁷³

In Yopougon district, intercommunity tensions reportedly remain high, with taunts, insults, intimidation and death threats issued on the basis of one's ethnicity or (presumed) political allegiance. The pro-Ouattara section of the population suspects all young men belonging to ethnic groups from the west (Guéré, Bété, Guro) to be members of pro-Gbagbo militias. Members of ethnic groups from the west are reportedly expelled from their homes on account of their ethnicity by property owners belonging to ethnic groups from the north.⁷⁴

A similar situation is said to prevail in Anyama district. Members of ethnic communities from the south are presumed to be LMP supporters, while members of ethnic communities from the north are presumed to be supporters of the pro-Ouattara *Rassemblement des Houphouétistes pour la démocratie et la paix* (RHDP).⁷⁵ LMP supporters who fled during the post-election crisis but who have since returned to the district continue to face serious difficulties on account of their (presumed) political allegiance, including reportedly extortion, arbitrary arrests, beatings, threats and abuse of power committed by FRCI elements.⁷⁶

⁷² UN Security Council, *Special Report of the Secretary-General on the United Nations Operation in Côte d'Ivoire*, 29 March 2012, S/2012/186, paragraph 42, http://www.un.org/ga/search/view_doc.asp?symbol=S/2012/186; Protection Cluster in Côte d'Ivoire, *Profil de la Zone Abobo*, November 2011, <http://ivorycoast.humanitarianresponse.info/LinkClick.aspx?fileticket=22xutjROoLk%3d&tabid=81&mid=938&language=en-US>.

⁷³ Ibid.

⁷⁴ Such explosions are reportedly affecting in particular the neighbourhoods of Koweït, Sideci, Niangon and Mami Faitai. Protection Cluster in Côte d'Ivoire, *Profil de la Zone de Yopougon*, November 2011, <http://ivorycoast.humanitarianresponse.info/LinkClick.aspx?fileticket=PLeStXUUh5A%3d&tabid=81&mid=938&language=en-US>. Elements of the FRCI subjected the population of Yopougon to extortion. OCHA, *Bulletin Humanitaire No. 7*, 9 December 2011, <http://css.static.reliefweb.int/node/464057>.

⁷⁵ Protection Cluster in Côte d'Ivoire, *Profil de la Zone Anyama*, November 2011, <http://ivorycoast.humanitarianresponse.info/LinkClick.aspx?fileticket=Bd5MNR5Vzc8%3d&tabid=81&mid=938&language=en-US>.

⁷⁶ Ibid.

Other parts of the Lagunes region in the south of Côte d'Ivoire have also been affected by intercommunity violence.⁷⁷

2. Members and Supporters of Political Opposition Parties, and Individuals with Alleged Links to Former President Gbagbo's Government

Human rights monitors have raised concerns about the continuing arrest and detention of military and civilian leaders with links to the former Gbagbo government.⁷⁸

a) Members and Supporters of Political Opposition Parties

Supporters of the pro-Gbagbo FPI have reportedly been physically assaulted by FRCI elements.⁷⁹ In the run-up to the December 2011 elections, armed men are reported to

⁷⁷ On 26 December, fighting broke out on Sikensi, northwest of Abidjan, between members of the indigenous Abidji ethnic group on the one hand, and members of the FRCI and members of the Malinké ethnic group from the north of the country. Four people died in the clashes and 15 people were injured. Shops were reported to have been looted, and houses set on fire. AFP, *Four Dead in Southern Ivory Coast Clashes*, 26 December 2011, <http://reliefweb.int/node/467191>; AFP, *Quatre morts, dont deux soldats, dans des violences*, 27 December 2011, <http://reliefweb.int/node/467200>; Missionary International Service News Agency, *Nouvelles violences au sud, militaires et ethnies impliqués*, 27 December 2011, <http://reliefweb.int/node/467310>.

⁷⁸ Dozens of military and civilian leaders connected to former President Gbagbo were arrested in April 2011; they were initially held without charge. Charges only started to be brought by both civilian and military prosecutors from June 2011 onwards, including crimes against the state and economic crimes. Human Rights Watch, *"They Killed Them Like It Was Nothing": The Need for Justice for Côte d'Ivoire's Post-Election Crimes*, October 2011, <http://www.hrw.org/reports/2011/10/05/they-killed-them-it-was-nothing>; UN Human Rights Council, *Report of the United Nations High Commissioner for Human Rights on the situation of human rights in Côte d'Ivoire*, 20 September 2011, A/HRC/18/52, <http://www.unhcr.org/refworld/docid/4e89a7002.html>; Amnesty International, *Côte d'Ivoire: Dozens of Gbagbo Supporters Detained Without Charge*, 22 June 2011, <http://www.amnesty.org/en/news-and-updates/c%3%B4te-d%E2%80%99ivoire-dozens-gbagbo-supporters-detained-without-charge-2011-06-22>; and *Côte d'Ivoire: Arbitrary Detention of Actual or Perceived Supporters of Laurent Gbagbo*, June 2011, AFR31/006/2011, <http://www.amnesty.org/en/library/asset/AFR31/006/2011/en/d601337b-9543-4e19-a463-a3e7dd2e60b4/af310062011en.pdf>. In April 2012 the government and the opposition agreed to launch a formal dialogue and meet four times a year to consolidate peace and reconciliation. Authorities were reported to have stated that supporters of former President Gbagbo who were detained after his ouster could be freed, arrest warrants annulled and funds blocked by Ivorian courts unfrozen on a case by case basis. AFP, *Côte d'Ivoire: I. Coast Government, Opposition Agree on Regular Talks*, 28 April 2012, <http://reliefweb.int/node/493128>. On 26 April 2011 members of the FRCI arrested Basile Mahan Gahé, the Secretary General of the *Confédération Dignité*. He was detained without charge for two months; Amnesty International expressed concern that during this time he had been subjected to torture. On 3 July 2011 he was charged with committing state security offences; violating the sovereignty of the state; organizing armed groups; and crimes committed against property of the state and financial institutions, public or private. On 9 July he was transferred to Boundiali civil prison in northern Côte d'Ivoire. Amnesty International believes he is a possible prisoner of conscience, solely detained for his political views and because of his alleged links to former President Laurent Gbagbo's government. Amnesty International, *Côte d'Ivoire: Trade Unionist Arrested, At Risk of Torture*, 21 June 2011, AFR 31/005/2011, <http://www.amnesty.org/en/library/asset/AFR31/005/2011/en/9a419920-4112-4829-9600-909a4f4f14c5/af310052011en.pdf>; *Côte d'Ivoire: Trade Unionists Held in Harsh Condition*, 4 August 2011, AFR 31/008/2011, <http://www.amnesty.org/en/library/asset/AFR31/008/2011/en/3cbec8d0-619c-4470-bd40-10eff9833836/af310082011en.pdf>.

⁷⁹ On 19 November 2011, five persons were injured when FRCI elements clashed with a group of FPI members in Bonoua near Abidjan. UN Security Council, *Twenty-ninth Progress Report of the Secretary-General on the United Nations Operation in Côte d'Ivoire*, 30 December 2011, S/2011/807,

have repeatedly disturbed meetings of opposition groups.⁸⁰ While the December 2011 elections themselves passed mostly peacefully, further attacks on FPI meetings by supporters of Ouattara have been reported since the elections.⁸¹

In the Abobo district of Abidjan, supporters of the pro-Gbagbo LMP reportedly face provocation, intimidation and threats from supporters of the pro-Ouattara alliance of political parties, the *Rassemblement des Houphouëtistes pour la démocratie et la paix* (RHDP), who form the majority in the municipality.

In the Yopougon district of Abidjan, before the post-election crisis, the majority of the population supported the LMP. Most of these inhabitants fled the district during the post-election violence. While people have started to return, they face serious obstacles to both their return and their durable reintegration in the district. In a number of neighbourhoods in Yopougon, armed men prevent the return of LMP supporters to their homes. Armed men, often in military uniform, also frequently commit human rights violations with impunity, including beatings, arbitrary arrest and illegal detention, unlawful occupation and confiscation of homes.⁸²

http://www.un.org/ga/search/view_doc.asp?symbol=S/2011/807. On 16 June 2011, elements of the FRCI reportedly raided Goulikaho and Doukouya villages (respectively 135 km and 120 km south of Yamoussoukro) and physically assaulted supporters of the FPI. At least 27 people, including 15 women perceived to be FPI militants were severely beaten, arrested and detained. As a result of the incident, two of the women, who were pregnant, suffered miscarriages. UN Human Rights Council, *Report of the United Nations High Commissioner for Human Rights on the Situation of Human Rights in Côte d'Ivoire*, 20 September 2011, A/HRC/18/52, <http://www.unhcr.org/refworld/docid/4e89a7002.html>.

⁸⁰ Among the pro-Gbagbo meetings that have been violently disturbed were meetings in Koumassi, Bonoua and Port-Bouët, which are all located in the south of Abidjan. Xinhua, *Côte d'Ivoire : la CSCCI dénonce les perturbations répétées des rassemblements de l'opposition par des hommes armés*, 27 November 2011, <http://french.people.com.cn/96852/7657473.html>. A meeting of the FPI on 20 November 2011 in Abidjan was broken up by members of the army and civilians wearing pro-Ouattara T-shirts; one person was injured. UN Security Council, *Twenty-ninth Progress Report of the Secretary-General on the United Nations Operation in Côte d'Ivoire*, 30 December 2011, S/2011/807, http://www.un.org/ga/search/view_doc.asp?symbol=S/2011/807. The FPI fielded no candidates for the 11 December 2011 elections, citing security concerns as one of the reasons. AFP, *Ouattara Party Wins Ivory Coast Parliamentary Majority*, 16 December 2011, <http://reliefweb.int/node/465444>; IRIN, *Analysis: Côte d'Ivoire One Year On*, 1 December 2011, <http://www.unhcr.org/refworld/docid/4ed8b20b2.html>.

⁸¹ An FPI rally on 21 January 2012 was stormed by individuals claiming to belong to the pro-Ouattara Rassemblement des Houphouëtistes pour la démocratie et la paix (RHDP), armed with stones and pieces of wood. Six FPI supporters were seriously injured in the attack, while one person succumbed to his injuries and died the next day. UN Human Rights Council, *UN Expert Urges Creation of Peaceful and Secure Space for Political Participation*, 30 January 2012, <http://reliefweb.int/node/473322>; UN Radio, *UN meeting pro-Gbagbo attaqué; plusieurs blessés*, 23 January 2012, <http://reliefweb.int/node/472131>; Reuters, *Un mort dans l'attaque d'un meeting du FPI en Côte d'Ivoire*, 23 January 2012, <http://news.abidjan.net/h/423885.html>. The International Crisis Group noted that, "Although voting [in the December 2011 parliamentary elections] itself was peaceful, an electoral campaign marred by incidents serves as a reminder that political violence is still an everyday reality." International Crisis Group, *Continuing the Recovery*, 16 December 2011, <http://www.crisisgroup.org/en/regions/africa/west-africa/cote-divoire/B083-cote-d-ivoire-continuing-the-recovery.aspx>. Five people were reported to have died in violent incidents during the election campaign. AFP, *Ivory Coast Says Five Killed In Tense Poll Violence*, 8 December 2011, <http://reliefweb.int/node/463809>.

⁸² Protection Cluster in Côte d'Ivoire, *Profil de la Zone de Yopougon*, November 2011,

In Anyama district as in Yopougon district, before the post-election crisis the majority of the residents supported the LMP. Many of these fled during the post-election violence. Returnees to the district continue to face serious difficulties on account of their (presumed) political allegiance to the LMP, including reportedly extortion, arbitrary arrests, beatings, threats and abuse of power committed by FRCI elements.⁸³

In light of the foregoing, UNHCR considers that members and supporters of the political opposition and individuals with (alleged) links to former President Gbagbo's government may, depending on the individual circumstances of the case, be in need of international refugee protection on the ground of (imputed) political opinion. For persons with this profile, due attention should be paid to exclusion considerations.⁸⁴

3. Journalists and Other Media Professionals Perceived to be Hostile to the Ouattara Government

Concerns have been raised about freedom of the press in Côte d'Ivoire since President Ouattara came to power. Journalists and other media professionals who engage in critical reporting on the Ouattara government are reported to have come under severe pressure, including harassment, intimidation, and arbitrary arrest and detention.⁸⁵ Bank accounts of

<http://ivorycoast.humanitarianresponse.info/LinkClick.aspx?fileticket=PLeStXUUh5A%3d&tabid=81&mid=938&language=en-US>.

⁸³ Ibid.

⁸⁴ See D: Exclusion from International Refugee Protection.

⁸⁵ On 27 March the Director-General of the Cyclone newspaper group, Ousmane Sy Savané, was reported to have been arrested by the Directorate for Territorial Surveillance. An official from the Ministry of Interior was reported to have stated that Mr Savané was arrested on suspicion of endangering state security. Reporters Without Borders, *Newspaper Owner Arrested for "Endangering State Security"*, 29 March 2012, <http://www.unhcr.org/refworld/docid/4f7962dc2.html>. On 1 February 2012 the managing editor of the daily newspaper *Le Patriote*, Charles Sanga, was arrested and detained for allegedly having published confidential information in relation to the 11 December 2011 parliamentary elections, despite the fact that Côte d'Ivoire's 2004 media law makes no provision for the detention of journalists for media offences. He was released from detention the next day. Reporters Without Borders, *Newspaper Editor Arrested for Publishing "Confidential Information"*, 1 February 2012; and *Le Patriote Editor Released after Being Held for 24 Hours*, 2 February 2012, <http://www.unhcr.org/refworld/docid/4f2fbcc12.html>. A television journalist, Hermann Aboa, was arrested in July 2011 and was kept in pre-trial detention for five months, before being released conditionally on 30 December 2011. He continued to face prosecution on charges of threatening the nation's defences, attacking and conspiring against state authorities, undermining national territorial integrity, participating in an armed band, participating in an insurrectional movement, and attacking public order. Another detained journalist, Franck Anderson Kouassi, was also conditionally released from prison on 30 December 2011. Reporters Without Borders, *TV Presenter Freed Conditionally after Being Held for Five Months*, 30 December 2011, <http://www.unhcr.org/refworld/docid/4f06f88c2.html>; *Jailed Journalist Aboa Denied Bail, Others Summoned and Threatened*, 23 November 2011, <http://allafrica.com/stories/201111240749.html>. The publisher, chief political correspondent and assistant editor of the pro-Gbagbo daily newspaper *Notre Voie* were taken into police custody on 24 November 2011, on suspicion of insulting the head of state and harming the national economy. They were charged with inciting theft, looting and destruction of property via the media, on the basis of articles that had reported critically on the Mercedes cars provided to government officials, and about the devaluation of the CFA Franc. They spent 13 days in custody before being cleared of the charges. Reporters Without Borders, *Three Journalists from Daily Notre Voie Taken into Custody*, 25 November 2011, <http://www.unhcr.org/refworld/docid/4ed3821a2.html>; *Three Notre Voie*

journalists and other prominent people regarded by the government as supporters of former President Gbagbo are reported to have been frozen.⁸⁶ Three daily newspapers were suspended on 5 December 2011 for various lengths of time by the Ivorian state-run national media regulatory agency, the National Press Council (CNP).⁸⁷

In light of the foregoing, UNHCR considers that journalists and other media professionals who express, or are perceived to hold, critical views on what the government considers to be sensitive issues may, depending on the individual circumstances of their case, be in need of international refugee protection on the ground of (imputed) political opinion.

4. Individuals Suspected of Having Links with Pro-Gbagbo Militias

Concerns have been raised about the continuing arrest and detention of individuals on suspicion of being or having been members of or otherwise affiliated to pro-Gbagbo militias.⁸⁸ Equally, concerns have been raised about summary executions of former militiamen.⁸⁹

Journalists Found Not Guilty, 6 December 2011, <http://www.unhcr.org/refworld/docid/4ee1e9412.html>. Other journalists have reportedly received verbal threats, including from a government minister, Mr Konaté Sidiki. Reporters Without Borders, *Jailed Journalist Aboa Denied Bail, Others Summoned and Threatened*, 23 November 2011, <http://allafrica.com/stories/201111240749.html>. See also Committee to Protect Journalists, *Attacks on the Press in 2011 - Ivory Coast*, 22 February 2012, <http://www.unhcr.org/refworld/docid/4f4cc98727.html>.

⁸⁶ Reporters Without Borders, *Emergency Funds for Targeted Journalist Unable to Get Medical Treatment*, 20 January 2012, <http://www.unhcr.org/refworld/docid/4f1e7c192.html>.

⁸⁷ The papers included the pro-Gbagbo *Aujourd'hui* and *Le Temps*, and the pro-Ouattara *Le Mandat*. The CNP accused *Aujourd'hui* of manipulating information in a 1 November 2011 commentary suggesting that some pro-Ouattara women who led an anti-Gbagbo protest that was dispersed by security forces in March 2011 staged their own deaths. The CNP also accused *Aujourd'hui* of reporting information of an “intolerable subversive nature” in a 2011 story on Gbagbo supporters in France celebrating his decision to reject U.N.-certified presidential election results declaring Ouattara the winner. In addition, the CNP accused the paper of “inciting violence” in an op-ed that ridiculed the Ouattara government's dismissal of reports of an imminent currency devaluation, and a commentary calling the U.N. Secretary General's Special Envoy to Ivory Coast Bert Koenders “ridiculous” and the grandson of slave holders. The CNP accused *Le Temps* of issuing “grave accusations of corruption” and “intolerable offense and outrage” against Youssouf Bakayoko, the former electoral commission chief, in an editorial raising questions about French President Nicolas Sarkozy's influence on Bakayoko. The CNP also accused *Le Temps* of offending public officials over a column calling Ouattara “an imposter” and describing Prime Minister Guillaume Soro as “bloodthirsty”. The CNP imposed a six-day suspension on pro-Ouattara paper *Le Mandat* over four photo montages that mocked Gbagbo's imprisonment and transfer to the International Criminal Court at The Hague. The CNP called the montages “grotesque” and the photographs “degrading”, and said they “constituted an intolerable attack on [Gbagbo's] dignity”. Committee to Protect Journalists called for the suspensions to be lifted, stating, “Airing political opinions and harsh criticism of officials and public figures are not crimes in a democracy”. Committee to Protect Journalists, *Three Newspapers Suspended in Ivory Coast*, 14 December 2011, <http://www.unhcr.org/refworld/docid/4f0ffe35c.html>.

⁸⁸ UN Human Rights Council, *Report of the United Nations High Commissioner for Human Rights on the situation of human rights in Côte d'Ivoire*, 20 September 2011, A/HRC/18/52, <http://www.unhcr.org/refworld/docid/4e89a7002.html>.

⁸⁹ In the period from 1 June to 31 August 2011, the Human Rights Division of UNOCI documented 71 cases of alleged summary execution, 54 of which were reportedly committed by the FRCI, while others were committed by unidentified armed groups. Some of the victims were alleged to be former militiamen. UN Human Rights Council, *Report of the United Nations High Commissioner for Human Rights on the*

Individuals suspected of being or having been a member of or otherwise affiliated with pro-Gbagbo militias can only be considered asylum-seekers once they have permanently renounced their military activities and intentions.⁹⁰ Where this condition is met, UNHCR considers that persons with this profile may, depending on the individual circumstances of the case, be in need of international refugee protection on the ground of their (perceived) political opinion. All claims for international protection by persons suspected of having links with pro-Gbagbo militias should be carefully examined in relation to possible grounds for exclusion from refugee status.⁹¹

5. Women and Children in Specific Circumstances Relating to the Post-Conflict Situation⁹²

During the post-election conflict, high levels of violence against women and girls were reported, including rape committed by members of armed forces and militia groups under former President Gbagbo's control as well as by the FRCI.⁹³ Women were also the victims of sexual attacks in inter-communal clashes in the west of the country.⁹⁴ Despite

situation of human rights in Côte d'Ivoire, 20 September 2011, A/HRC/18/52, <http://www.unhcr.org/refworld/docid/4e89a7002.html>.

⁹⁰ UNHCR, *Operational Guidelines on Maintaining the Civilian and Humanitarian Character of Asylum*, September 2006, <http://www.unhcr.org/refworld/pdfid/452b9bca2.pdf>, p. 32-33: "Combatants cannot be considered as asylum seekers and should not be allowed to gain access to asylum procedures as long as they have not genuinely and permanently renounced their military activities or intentions. However, once a combatant has been assessed as having genuinely and permanently renounced military activities or intentions, and if he or she seeks asylum, the individual concerned should be admitted to the asylum procedure."

⁹¹ Please refer to Section III (C) of these Guidelines for further guidance relating to exclusion from international refugee protection.

⁹² As noted above, these interim guidelines focus only on the profiles of those individuals who may be in need of international refugee protection due to the events following the November 2010 elections. This applies also to women and children; these guidelines focus specifically on the risk of gender-based violence for women and girls related to conflict-induced forced displacement, and the breakdown in the justice system in Côte d'Ivoire as a result of the post-electoral crisis. Forms of persecution specific to women and children that are not themselves related to these events, such as domestic violence or harmful traditional practices may give rise to a need for international protection, but are not addressed by these interim guidelines. The same considerations apply to gender-based violence against men, including men who are victims of male rape and other forms of sexual violence unrelated to the post-election crisis in Côte d'Ivoire.

⁹³ UN General Assembly / Security Council, *Conflict-Related Sexual Violence: Report of the Secretary-General*, 13 January 2012, A/66/657 – S/2012/33, paragraphs 23-26, <http://www.unhcr.org/refworld/docid/4f27a19c2.html>; Human Rights Watch, *"They Killed Them Like It Was Nothing": The Need for Justice for Côte d'Ivoire's Post-Election Crimes*, October 2011, <http://www.hrw.org/reports/2011/10/05/they-killed-them-it-was-nothing>; UN General Assembly / Security Council, *Children and Armed Conflict: Report of the Secretary-General*, 23 April 2011, A/65/820 – S/2011/250, paragraphs 81-84, <http://www.unhcr.org/refworld/docid/4dda382b2.html>.

⁹⁴ Human Rights Watch, *"They Killed Them Like It Was Nothing": The Need for Justice for Côte d'Ivoire's Post-Election Crimes*, October 2011, <http://www.hrw.org>; Amnesty International, *Côte d'Ivoire: Briefing to the UN Committee on the Elimination of Discrimination against Women - 50th Session, October 2011*, AFR 31/009/2011, 20 September 2011, <http://www.amnesty.org/en/library/info/AFR31/009/2011/en>; *"We Want to Go Home, But We Can't": Côte d'Ivoire's Continuing Crisis of Displacement and Insecurity*, 28 July 2011, <http://www.amnesty.org/en/library/info/AFR31/007/2011/en>; *"They looked at his identity card and shot him dead": Six months of post-electoral violence in Côte d'Ivoire*, 25 May 2011, AFR

the improvement in the general security situation, women and girls may continue to face elevated risks of sexual and gender-based violence in certain parts of the country, notably the west and Abidjan.⁹⁵ UNOCI documented 50 cases of sexual violence against children between 24 June and 30 December 2011, and 63 other cases of sexual violence. 32 of them were perpetrated by armed elements, including elements from the FRCI.⁹⁶ In May 2012 the International Rescue Committee issued a report about the heightened vulnerability to domestic violence of women and girls in the post-conflict environment in Côte d'Ivoire.⁹⁷ A report published by UNICEF and Save the Children on behalf of the Sub-Cluster on Child Protection on 23 November 2011 documented over 1,000 serious human rights violations against women and children, including 415 sexual assaults, committed in Abidjan and the west between November 2010 and September 2011.⁹⁸ The

31/002/2011, <http://www.amnesty.org/en/library/info/AFR31/002/2011>. Former President Gbagbo has been indicted by the ICC for allegedly bearing individual criminal responsibility as indirect co-perpetrator for four counts of crimes against humanity, including rape and other forms of sexual violence, committed between 16 December 2010 and 12 April 2011. International Criminal Court, *New Suspect in the ICC's Custody: Laurent Gbagbo Arrived at the Detention Centre*, Press Release ICC-CPI-20111130-PR747, 30 November 2011, <http://www.icc-cpi.int/menus/icc/press%20and%20media/press%20releases/pr747>.

⁹⁵ On 29 March 2012, the president of the Fédération des associations féminines d'Adiaké, Rolande Coulibaly, spoke of "the alarming recurrence of violence against women". UNOCI, *L'ONU CI et les organisations départementales de la société civile d'Adiaké réfléchissent sur les voies et moyens de lutter contre les violences faites aux femmes*, 29 March 2012, <http://www.onuci.org/L-ONU CI-ET-LES-ORGANISATIONS,7360>. In February 2012, the SGBV Sub-Cluster reported a total of 241 cases of sexual and gender-based violence. OCHA, *Rapport Humanitaire Mensuel, Février-Mars 2012*, http://ivorycoast.humanitarianresponse.info/Portals/0/OCHA_Rapport%20Humanitaire_bi-mensuel_02.pdf. The western regions of Moyen-Cavally, Montagnes and Bas-Sassandra are reported to be among the worst affected areas of the country. OCHA, *Monthly Humanitarian Report No. 2*, November 2011, <http://reliefweb.int/node/466171>. Incidents of sexual and gender-based violence are not limited to these regions: in the first two weeks of February 2012, the IRC reported 31 new cases of sexual and gender-based violence in Bouaflé (Marahque), Daloa (Haut-Sassandra) and Yamoussoukro (Lacs). OCHA, *Bulletin Humanitaire No. 4*, 10 February 2012, <http://reliefweb.int/node/476227>.

⁹⁶ UN Security Council, *Twenty-ninth Progress Report of the Secretary-General on the United Nations Operation in Côte d'Ivoire*, 30 December 2011, S/2011/807, paragraphs 48-49, http://www.un.org/ga/search/view_doc.asp?symbol=S/2011/807; see also Human Rights Council, *Rapport de l'expert indépendant sur la situation des droits de l'homme en Côte d'Ivoire, Doudou Diène*, 9 January 2012, A/HRC/19/72, paragraphs 67-69, http://www2.ohchr.org/english/bodies/hrcouncil/docs/19session/A.HRC.19.72_fr.pdf.

⁹⁷ International Rescue Committee, *Let Me Not Die Before My Time: Domestic Violence in West Africa*, May 2012, http://www.rescue.org/sites/default/files/resource-file/IRC_Report_DomVioWAfrica.pdf.

⁹⁸ UNICEF and Save the Children, *Vulnérabilités, Violences et Violations graves de droits de l'enfant*, November 2011, <http://www.unhcr.org/refworld/docid/4ee05ecb2.html>. The gender-based violence (GBV) sub-cluster reports that the majority of sexual assault cases continue to occur in the west of the country: in August 2011, 60 out of 100 documented cases took place in the region. The GBV sub-cluster reported furthermore that in 67 percent of reported cases of gender-based violence, the alleged culprits appear to be armed men. OCHA, *Monthly Humanitarian Report*, October 2011, <http://reliefweb.int/node/460430>. The Protection Cluster in Côte d'Ivoire notes frequent cases of gender-based violence committed against women during robberies and burglaries. Protection Cluster in Côte d'Ivoire, *Profil de la Zone Abobo*, November 2011, <http://ivorycoast.humanitarianresponse.info/LinkClick.aspx?fileticket=22xutjROoLk%3d&tabid=81&mid=938&language=en-US>. In the Yopougon district of Abidjan, the Protection Cluster notes that many cases of gender-based violence go unreported because of the stigma attached to such crimes. Protection Cluster in Côte d'Ivoire, *Profil de la Zone de Yopougon*, November 2011,

UNICEF representative in Côte d'Ivoire noted that the vast majority of assaults is not recorded and that the true number is thus likely to be much higher.⁹⁹

Violations are not limited to Abidjan and the west but continue to be reported in other parts of the country as well. Following a visit to Bouaké in the centre of the country, UNOCI spokesman Hamadoun Touré spoke of “dreadful” reports of sexual abuse from women and girls, including of babies having been assaulted.¹⁰⁰ The regions of Bas Sassandra and Haut Sassandra are reportedly suffering from a resurgence of gender-based violence.¹⁰¹ Women and girls returning to Côte d'Ivoire from neighbouring countries are also reported to be at risk of sexual violence upon their return.¹⁰² Internally displaced

<http://ivorycoast.humanitarianresponse.info/LinkClick.aspx?fileticket=PLeStXUUh5A%3d&tabid=81&mid=938&language=en-US>. The GBV sub-cluster also reported a risk of gender-based violence in three IDP sites in Bergerville and Abidjan, where internally displaced women had to walk long distances to fetch water. OCHA, *Côte d'Ivoire: Situation Report No. 17*, 23 September 2011, <http://reliefweb.int/node/448596>.

⁹⁹ IRIN, *Analysis: Côte d'Ivoire One Year On*, 1 December 2011, <http://www.unhcr.org/refworld/docid/4ed8b20b2.html>. The CEO of Save the Children, Liz Gibbs, has similarly stated that many children who are victims of human rights violations are scared to denounce the perpetrators of these crimes, and that most violations are unlikely to be reported: Save the Children, *Over a Thousand Children and Women Have Been Violated in the Ivory Coast Crisis*, 28 November 2011, <http://reliefweb.int/node/461560>. The Committee on the Elimination of Discrimination Against Women expressed its concern about “the small number of cases reported with respect to sexual and gender-based violence; the difficulties faced by women to obtain redress through the justice system; [and] the stigmatization faced by women victims of sexual violence”. Committee on the Elimination of Discrimination Against Women, *Concluding Observations: Côte d'Ivoire*, 8 November 2011, CEDAW/C/CIV/CO/1-3, <http://www.un.org/Docs/journal/asp/ws.asp?m=CEDAW/C/CIV/CO/1-3>, paragraph 30.

¹⁰⁰ IRIN, *Analysis: Côte d'Ivoire One Year On*, 1 December 2011, <http://www.unhcr.org/refworld/docid/4ed8b20b2.html>. A centre that assists victims of gender-based violence in Duékoué, in the Moyen Cavally region, reported nearly 700 cases of gender-based violence between January and October 2011, including 162 committed by armed men, and 181 cases of rape, of which 55 per cent targeted children. The director of the centre stated that these figures underestimated the true scale of the problem, since some women do not declare the abuses to which they are subjected, either because of shame or for lack of resources. UN News Service, *UN Envoy Urges Solidarity with Survivors of Sexual Violence in Conflict*, 25 November 2011, <http://www.unhcr.org/refworld/docid/4ee061912.html>.

In August 2011, UNOCI itself received allegations of sexual exploitation and abuse involving its peacekeepers based in the west of the country. UN News Centre, *Côte d'Ivoire: UN responding to allegations of sex abuse by peacekeepers*, 1 September 2011, <http://www.un.org/apps/news/story.asp?NewsID=39431>; Committee on the Elimination of Discrimination Against Women, *Concluding Observations: Côte d'Ivoire*, 8 November 2011, CEDAW/C/CIV/CO/1-3, <http://www.un.org/Docs/journal/asp/ws.asp?m=CEDAW/C/CIV/CO/1-3>, paragraph 28.

¹⁰¹ OCHA, *Bulletin Humanitaire No. 5*, 25 November 2011, <http://reliefweb.int/node/461419>; Protection Cluster in Côte d'Ivoire, *Profil Zone Issia Ville et Villages*, October 2011, <http://ivorycoast.humanitarianresponse.info/Portals/0/clusters/protection/minutes/Profil%20zone%20de%20ISSIA%20ville%20et%20villages%20Octobre%20Draft%201%20-%20Comm%20EA.pdf>. The UNOCI Human Rights Division reported the rape of four women and two girls aged 16 and 17 on 20 May 2011 near Daloa in Haut Sassandra, reportedly by FRCI members. Tabou, in Bas Sassandra, is reported to be among the worst affected areas, with twelve rape victims seeking specialized medical care during the month of July. UN Human Rights Council, *Report of the United Nations High Commissioner for Human Rights on the situation of human rights in Côte d'Ivoire*, 20 September 2011, A/HRC/18/52, <http://www.unhcr.org/refworld/docid/4e89a7002.html>.

¹⁰² The African Women Welfare Committee has reported five cases of sexual violence against women who had voluntarily repatriated to Côte d'Ivoire since the start of UNHCR's voluntary repatriation operations

women living in sites for internally displaced persons were reported to have suffered from violence, including sexual violence.¹⁰³

Due to the current challenges in the administration of justice in Côte d'Ivoire, in particular the criminal justice system, victims of sexual and gender-based violence experience serious difficulties in accessing justice and obtaining remedies.¹⁰⁴ Observers have noted that this situation has largely contributed to a climate of impunity in relation to sexual and gender-based violence.¹⁰⁵ While the Ivorian Penal Code includes rape as a crime punishable by five to 20 years of imprisonment, it does not define the crime of rape, posing a further obstacle to access to justice for survivors of rape.¹⁰⁶

In the west of the country, the FRCI reportedly recruits children between the ages of 16 and 18.¹⁰⁷

In light of the above, UNHCR considers that women and children in the circumstances as described above may, depending on the individual facts of the case, be in need of international refugee protection. Depending on the circumstances of the individual case, this may be on the ground of membership of a particular social group, but possibly also for reason of (perceived) political opinion (e.g. in the case of forced recruitment of children).¹⁰⁸ Asylum claims made by children, including any examination of exclusion

from Liberia in October 2011. OCHA, *Bulletin Humanitaire No. 3*, 11 November 2011, <http://reliefweb.int/node/462450>.

¹⁰³ Committee on the Elimination of Discrimination Against Women, *Concluding Observations: Côte d'Ivoire*, 8 November 2011, CEDAW/C/CIV/CO/1-3, <http://www.un.org/Docs/journal/asp/ws.asp?m=CEDAW/C/CIV/CO/1-3>, paragraph 28.

¹⁰⁴ The Committee on the Elimination of Discrimination Against Women noted that it remained “concerned about the lack of effective access to justice for women and the serious logistical and human resource challenges experiences by the criminal justice system as a result of the conflict.” Committee on the Elimination of Discrimination Against Women, *Concluding Observations: Côte d'Ivoire*, 8 November 2011, CEDAW/C/CIV/CO/1-3, <http://www.un.org/Docs/journal/asp/ws.asp?m=CEDAW/C/CIV/CO/1-3>, paragraphs 20 and 28.

¹⁰⁵ Amnesty International, *Côte d'Ivoire: Briefing to the UN Committee on the Elimination of Discrimination against Women - 50th Session, October 2011*, AFR 31/009/2011, 20 September 2011, <http://www.amnesty.org/en/library/info/AFR31/009/2011/en>.

¹⁰⁶ Committee on the Elimination of Discrimination Against Women, *Concluding Observations: Côte d'Ivoire*, 8 November 2011, CEDAW/C/CIV/CO/1-3, <http://www.un.org/Docs/journal/asp/ws.asp?m=CEDAW/C/CIV/CO/1-3>, paragraph 30; Amnesty International, *Côte d'Ivoire: Briefing to the UN Committee on the Elimination of Discrimination against Women - 50th Session, October 2011*, AFR 31/009/2011, 20 September 2011, <http://www.amnesty.org/en/library/info/AFR31/009/2011/en>.

¹⁰⁷ Protection Cluster in Côte d'Ivoire, *Profil de Zone de Taï*, October 2011, <http://ivorycoast.humanitarianresponse.info/LinkClick.aspx?fileticket=jPae-OoCYos%3d&tabid=81&mid=938&language=en-US>. For the period November 2010 to September 2011, UNICEF and Save the Children reported 47 cases of forced recruitment of children by armed groups. UNICEF and Save the Children, *Vulnérabilités, Violences et Violations graves de droits de l'enfant*, November 2011, <http://www.unhcr.org/refworld/docid/4ee05ecb2.html>.

¹⁰⁸ Rape and other forms of sexual and gender based violence, such as domestic violence and trafficking, may amount to persecution, particularly where the State is unwilling or unable to provide effective protection. For further guidance see UNHCR, *Guidelines on International Protection No. 1: Gender-Related Persecution Within the Context of Article 1A(2) of the 1951 Convention and/or its 1967 Protocol Relating to the Status of Refugees*, HCR/GIP/02/01, 7 May 2002,

considerations for former child soldiers, need to be assessed carefully and in accordance with the UNHCR guidance on child asylum claims.¹⁰⁹

B. Eligibility under Broader International Protection Criteria, Including Complementary Forms of Protection

Persons who are outside their country of origin because of a threat of serious and indiscriminate harm arising from a situation of generalized violence or events seriously disturbing public order may also be recognized as refugees under the broader international protection criteria where applicable. Such broader criteria are reflected in regional refugee instruments¹¹⁰ and form part of UNHCR's extended mandate.¹¹¹ In other regions the 1951 Convention refugee definition has not been extended, but rather complemented through the establishment of specifically tailored international protection mechanisms.¹¹²

Asylum-seekers from Côte d'Ivoire who do not meet the refugee criteria in Article 1(A) of the 1951 Convention or Article 1(1) of the 1969 OAU Convention may thus be eligible for international protection under these broader international protection criteria. In light of the unstable security situation in certain parts of the country, applications by Ivorian asylum-seekers claiming to face a threat of serious and indiscriminate harm due to a

<http://www.unhcr.org/refworld/docid/3d36f1c64.html>; and UNHCR, *Guidelines on International Protection No. 2: "Membership of a Particular Social Group" Within the Context of Article 1A(2) of the 1951 Convention and/or its 1967 Protocol Relating to the Status of Refugees*, 7 May 2002, <http://www.unhcr.org/refworld/docid/3d36f23f4.html>. According to the Committee against Torture, the failure of the State to exercise due diligence to intervene to stop, sanction and provide remedies to victims of gender-based violence, such as rape, domestic violence and trafficking, facilitates and enables non-State actors to commit such acts with impunity, the State's indifference or inaction provides a form of encouragement and/or *de facto* permission; see UN Committee Against Torture (CAT), *General Comment No. 2: Implementation of Article 2 by States Parties*, CAT/C/GC/2, 24 January 2008, <http://www.unhcr.org/refworld/docid/47ac78ce2.html>.

¹⁰⁹ UNHCR, *Guidelines on International Protection No. 8: Child Asylum Claims under Articles 1(A)2 and 1(F) of the 1951 Convention and/or 1967 Protocol relating to the Status of Refugees*, HCR/GIP/09/08, 22 December 2009, <http://www.unhcr.org/refworld/docid/4b2f4f6d2.html>.

¹¹⁰ See for example, Organization of African Unity, *Convention Governing the Specific Aspects of Refugee Problems in Africa ("OAU Convention")*, 10 September 1969, 1001 U.N.T.S. 45, <http://www.unhcr.org/refworld/docid/3ae6b36018.html> (Article 1(2)); and *Cartagena Declaration on Refugees, Colloquium on the International Protection of Refugees in Central America, Mexico and Panama*, 22 November 1984, <http://www.unhcr.org/refworld/docid/3ae6b36ec.html>.

¹¹¹ UNHCR's mandate encompasses the refugee criteria under the 1951 Convention, as well as broader refugee criteria developed through successive UN General Assembly resolutions in conjunction with regional refugee instruments and international human rights law.

¹¹² In the European Union, for example, "subsidiary protection" shall be granted to persons who have been found not to meet the criteria for refugee status under the 1951 Conventions, but are at risk of serious harm in the form of the death penalty or execution; torture or inhuman or degrading treatment or punishment; or a serious and individual threat to a civilian's life or person by reason of indiscriminate violence in situations of international or internal armed conflict. See European Union: Council of the European Union, *Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (recast)*, 20 December 2011, L337/9, <http://www.unhcr.org/refworld/docid/4f197df02.html> (Article 15).

situation of generalized violence or events seriously disturbing public order need to be assessed carefully on their individual merits.¹¹³

C. Internal Flight or Relocation Alternative (IFA/IRA)

The availability of an internal flight or relocation alternative (IFA/IRA) for Ivorian asylum-seekers needs to be considered on the basis of the individual circumstances of each case.¹¹⁴ Consideration of possible internal relocation areas is not relevant for refugees coming under the purview of Article I(2) of the 1969 OAU Convention.¹¹⁵

For individuals from Côte d'Ivoire who have a well-founded fear of persecution emanating from state actors, there is a presumption that an IFA/IRA is not available.¹¹⁶ Such state actors include the FRCI.¹¹⁷

Where an IFA/IRA is deemed to be relevant, its reasonableness in relation to the applicant must be assessed. If the claimant cannot be expected to lead a relatively normal life without facing undue hardship in the proposed area of relocation, it would not be reasonable to expect the person to move there. When assessing the reasonableness of an IFA/IRA for claimants from Côte d'Ivoire, relevant considerations include: the serious difficulties faced by people who currently remain internally displaced within Côte d'Ivoire, including lack of access to food, land and livelihoods; the continued dependency of IDPs on aid to restore their livelihoods; conflicts over land ownership and the near impossibility of accessing land if one is not from the proposed area of relocation; the

¹¹³ Eligibility under broader international protection criteria, including complementary forms of protection is, however, outside the scope of these interim Guidelines.

¹¹⁴ A detailed analytical framework for assessing the availability of an internal flight or relocation alternative (IFA/IRA) is contained in UNHCR's *Guidelines on International Protection No. 4: "Internal Flight or Relocation Alternative" Within the Context of Article 1A(2) of the 1951 Convention and/or 1967 Protocol Relating to the Status of Refugees*, HCR/GIP/03/04, 23 July 2003, <http://www.unhcr.org/refworld/docid/3f2791a44.html>. These interim Guidelines are issued in the context of an evolving security and human rights situation in Côte d'Ivoire. Decisions about the availability of an IFA/IRA need to be made on the basis of up-to-date information about the prevailing conditions at the time of the decision.

¹¹⁵ Article I(2) of the 1969 OAU Convention specifically extends the definition of a refugee as follows: "every person who, owing to external aggression, occupation, foreign domination or events seriously disturbing public order *in either part or the whole of his country of origin or nationality*, is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality" [emphasis added].

¹¹⁶ In relation to the presumption that an IFA/IRA is not available for applicants who have a well-founded fear of persecution from state actors, see UNHCR's *Guidelines on International Protection No. 4: "Internal Flight or Relocation Alternative" Within the Context of Article 1A(2) of the 1951 Convention and/or 1967 Protocol Relating to the Status of Refugees*, HCR/GIP/03/04, 23 July 2003, <http://www.unhcr.org/refworld/docid/3f2791a44.html>, para. 7.I.b.

¹¹⁷ On 29 December 2011, the UN peacekeeping mission in Côte d'Ivoire, UNOCI, voiced "deep concern about reports of numerous human rights violations by members of the country's armed forces." A UNOCI spokesperson was quoted as saying, "Members of the armed forces, known as FRCI, are accused of carrying out rapes, acts of torture, armed robberies and other abuses in several locations in recent weeks." UN News Service, *UN Voices Concern at Reports of Human Rights Abuses in Côte d'Ivoire*, 29 December 2011, <http://www.unhcr.org/refworld/docid/4f0ab3842.html>.

inadequate access to basic services, including water, sanitation, health care and education; and the increasing pressure on IDPs to return to their areas of origin.¹¹⁸

D. Exclusion from International Refugee Protection

In light of the serious human rights violations committed in the course of the internal armed conflict in 2011 following the post-electoral crisis, exclusion considerations under Article 1F of the 1951 Convention or Article I(5) of the 1969 OAU Convention may arise in individual asylum claims by asylum-seekers from Côte d'Ivoire.¹¹⁹ Exclusion considerations may be triggered if there are elements in the applicant's claim that suggest that he or she may have been associated with or involved in the commission of criminal acts that fall within the scope of Article 1F of the 1951 Convention or Article I(5) of the 1969 OAU Convention. Given the potential serious consequences of exclusion from international refugee protection, exclusion clauses need to be applied on the basis of a full assessment of the circumstances of the individual case.¹²⁰

In the context of Côte d'Ivoire, exclusion considerations may be raised in the cases of asylum-seekers with certain backgrounds and profiles, in particular those who participated in the 2011 internal armed conflict in Côte d'Ivoire. In relation to the 2011 armed conflict, careful consideration needs to be given in particular to the following profiles:¹²¹ (i) individuals who held a position of authority in former President Gbagbo's

¹¹⁸ OCHA, *Côte d'Ivoire: Bulletin Humanitaire No. 1*, 21 October 2011, http://reliefweb.int/sites/reliefweb.int/files/resources/Rapport_complet_265.pdf; OCHA, *Côte d'Ivoire: Bulletin Humanitaire No. 2*, 28 October 2011, http://reliefweb.int/sites/reliefweb.int/files/resources/Rapport_complet_269.pdf; CARE, Danish Refugee Council, Oxfam, *Towards Durable Solutions for Displaced Ivoirians*, 11 October 2011, <http://www.unhcr.org/refworld/docid/4e97f2602.html>.

¹¹⁹ As stated above, the scope of these interim Guidelines is limited to the events following the November 2010 presidential elections. However, exclusion considerations may also be relevant in relation to individuals who participated in the 2002-2003 internal armed conflict. Human rights groups have accused both government troops and various rebel groups (including the *Mouvement patriotique de Côte d'Ivoire* (MPCI); the *Mouvement populaire Ivoirien du Grand Ouest* (MPIGO) and the *Mouvement pour la justice et la paix* (MJP)) of committing serious violations of international humanitarian law and international human rights law. Human Rights Watch, *Letter to the UN Security Council on Western Côte d'Ivoire and Liberian Fighters' Involvement in the Fighting*, 14 April 2003, <http://www.hrw.org/news/2003/04/14/letter-un-security-council-western-c-te-divoire-and-liberian-fighters-involvement-fi>; *Government Abuses in Response to Army Revolt*, 28 November 2002, <http://www.hrw.org/en/reports/2002/11/28/government-abuses-response-army-revolt>; Amnesty International, *A Succession of Unpunished Crimes: From the massacre of gendarmes at Bouaké to the mass graves of Daloa, Monoko-Zohi and Man*, 27 February 2003 <http://www.amnesty.org/en/library/info/AFR31/007/2003/en>.

¹²⁰ Detailed guidance on the interpretation and application of Article 1F of the 1951 Convention can be found in UNHCR, *Guidelines on International Protection No. 5: Application of the Exclusion Clauses: Article 1F of the 1951 Convention relating to the Status of Refugees*, HCR/GIP/03/05, 4 September 2003, <http://www.unhcr.org/refworld/docid/3f5857684.html>; and UNHCR, *Background Note on the Application of the Exclusion Clauses: Article 1F of the 1951 Convention relating to the Status of Refugees*, 4 September 2003, <http://www.unhcr.org/refworld/docid/3f5857d24.html>.

¹²¹ It should be noted that in Côte d'Ivoire, criminal charges have been brought against more than 100 military and civilian leaders for their role in the post-election violence; all belong to the Gbagbo camp. These include 47 representatives of former President Gbagbo's regime; international arrest warrants have been issued for those who have left the country. Additionally, 68 former FDS, police and gendarmerie

administration and/or who belonged to his inner circles; (ii) individuals who belonged to forces loyal to former President Laurent Gbagbo, including the *Forces de défense et de sécurité* (FDS), the *Brigade anti-émeute* (BAE), the *Centre de commandement des opérations de sécurité* (CECOS), the *Compagnie républicaine de sécurité* (CRS); (iii) individuals who belonged to pro-Gbagbo militias including the *Fédération estudiantine et scolaire de Côte d'Ivoire* (FESCI), the *Jeunes patriotes*, and the *Front de libération du grand ouest* (FLGO); (iv) individuals who belonged to forces loyal to President Alassane Ouattara, including the *Forces Armées des Forces Nouvelles* (FAFN) and the *Forces républicaines de Côte d'Ivoire* (FRCI); (v) individuals who belonged to pro-Ouattara militias, including the *Commando invisible* led by Ibrahim Coulibaly; (vi) Dozos and other local militia groups; and (vii) journalists and others who published statements or writings in support of violence against segments of the Ivorian population in the aftermath of the November 2010 elections.

For exclusion to be justified, individual responsibility must be established in relation to a crime within the scope of Article 1F. Such responsibility flows from a person having committed or participated in the commission of a criminal act, or on the basis of command/superior responsibility for persons in positions of authority. Defenses to criminal responsibility, if any, as well as considerations related to proportionality, apply. As such, membership in the Government security forces or armed anti-Government groups is not a sufficient basis in itself to exclude an individual from refugee status. It is necessary to consider whether the individual concerned was personally involved in acts of violence or other excludable acts, or knowingly contributed in a substantial manner to such acts. A credible explanation regarding the individual's non-involvement with, or disassociation from, any excludable acts should, absent reliable evidence to the contrary, remove the individual from the scope of the exclusion clauses.

elements have been indicted. UN Security Council, *Twenty-ninth Progress Report of the Secretary-General on the United Nations Operation in Côte d'Ivoire*, 30 December 2011, S/2011/807, paragraph 25, http://www.un.org/ga/search/view_doc.asp?symbol=S/2011/807. Human Rights Watch lists named individuals from both the Gbagbo camp and the Ouattara camp who, based on its fieldwork, it has identified as implicated in responsibility—either for their direct participation or for command responsibility—for the grave crimes committed during the post-election period. Human Rights Watch, *“They Killed Them Like It Was Nothing”: The Need for Justice for Côte d'Ivoire's Post-Election Crimes*, October 2011, <http://www.hrw.org/sites/default/files/reports/cdi1011WebUpload.pdf>. The Independent International Committee of Inquiry established by the UN Human Rights Council provided a list of those identified as most responsible for the grave crimes committed during the post-elections period to the ICC prosecutor; this annex to its report to the Council has remained confidential. Ibid, p. 109. A list of all individuals in detention in connection with the post-election crisis in Côte d'Ivoire is contained in an annex to the report of the independent expert to the Human Rights Council (situation as of 19 December 2011): Human Rights Council, *Rapport de l'expert indépendant sur la situation des droits de l'homme en Côte d'Ivoire*, Doudou Diène, 9 January 2012, A/HRC/19/72, http://www2.ohchr.org/english/bodies/hrcouncil/docs/19session/A.HRC.19.72_fr.pdf.