



**Submission by:** Front Line – the International Foundation for the Protection of Human Rights Defenders, and the Coalition Ivoirienne des défenseurs des droits humains (CIDDH)

**Related to:** Côte d'Ivoire  
**UPR Session:** 6th session of UPR, December 2009  
**Submitted:** 13 April 2009

The following submission has been jointly prepared by Front Line and the *Coalition Ivoirienne des défenseurs des droits humains*.

Front Line is an international NGO based in Ireland with Special Consultative Status with the Economic and Social Council of the United Nations. We have particular expertise on the issue of the security and protection of human rights defenders and we work to promote the implementation of the UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (UN Declaration on Human Rights Defenders) adopted by General Assembly resolution 53/144 of 9 December 1998.

The *Coalition Ivoirienne des défenseurs des droits humains* (CIDDH) is a coalition of national non-governmental organisations from Côte d'Ivoire. CIDDH is member of the West African Human Rights Defenders Network (WAHRDN).

## Introduction

Human rights defenders in Côte d'Ivoire operate in the context of a country in transition and still facing challenges from the recent past as well as the current difficult reconciliation process. The conflict and the separation of the country in two areas since 2002, the south controlled by the government and the north controlled by the armed coalition the New Forces, has created a climate of insecurity for human rights defenders and an environment where attacks and violence have remained unpunished.

Human rights defenders in Côte d'Ivoire are active on a wide range of civil and political as well as economic, social and cultural rights including women's rights, minority rights, child rights, discrimination, human rights education, documentation of the violence and abuses linked to the conflict, as well as monitoring of the reconciliation process.

While human rights defenders are not targeted systematically, they often face threats, intimidation and attacks including raids on the offices and physical assaults. Intimidation and harassment particularly increased during election periods, when defenders denouncing abuses were specifically targeted. Freedom of expression has been limited and pro-government groups, militia and the police have

harassed and at times attacked journalists and the premises of several newspapers. Independent and opposition newspapers and local radio stations have at times been banned or suspended. Trade union activists and human rights organisations working on labour rights have also been exposed to violence.

While the government has in some cases introduced legislation increasing the space for human rights work, the overall domestic human rights system, including the National Human Rights Commission, remain weak.

### **Intimidation and attacks against human rights defenders**

The precarious security context has had a negative impact on the security of human rights defenders, who have been victims of attacks by both parties to the conflict. Although there is no systematic targeting of human rights defenders as such, defenders are often victims of threats, acts of intimidation, physical attacks as well as attacks on their offices.

- The organisation Transparency Justice has had its offices targeted on several occasions. On 29-30 July 2008, its offices were entered into, five computers were stolen and the premises vandalised. Less than one year later, on 21-22 February 2009, three individuals unsuccessfully attempted to enter its offices. It is reported that Transparency Justice has been targeted because of its work on the Ivorian justice system.
- On 21 May 2007, following a teachers' strike, members of the *Fédération Estudiantine et Scolaire de Côte d'Ivoire* (FESCI) marched towards the offices of the *Ligue Ivoirienne des Droits Humains* (LIDHO), where the teachers on strike used to meet. They then marched towards the offices of the *Action pour la Protection des Droits Humains* (APDH), which played a role trying to mediate between the teachers on strike and students. In both instances, FESCI members vandalised the offices, despite the intervention of the police which did not prevent the damages.

A significant number of attacks occurred in the period preceding the elections that were scheduled for 2005. During that period, a number of defenders were targeted because they highlighted human rights violations committed by the authorities. The cases reported included acts of intimidation such as the shooting at the residence of a human rights defender by elements belonging to the security forces; death threats; confiscation of documents and equipment; and the targeting of friends and relatives of human rights defenders. While the situation has improved in recent years, most of the attacks against defenders have remained unpunished.

### **The media and freedom of expression**

Journalists and editors continue to be particularly exposed to intimidation, attacks and arbitrary arrest. The same applies to human rights defenders publishing critical reports, in particular when they address issues perceived as sensitive or political.

The government recently decriminalised press offences. However, no steps have so far been taken to harmonise the Penal Code with the decision on decriminalisation. As a result, journalists and human rights defenders remain exposed to the risk of prosecution. The National Audiovisual Communication Council (CNCA) is the public media regulatory and monitoring body. The CNCA is under the sphere of influence of the government and has been used to closely monitor independent and opposition media.

- On 5 January 2008, human rights defender Mr Antoine Assale Tiemoko, was charged with defamation for publishing a paper on judicial corruption in the country. He was sentenced to one year's imprisonment and paid a fine of 600,000 CFA (approximately \$1,200);
- On 13 December 2008, police arrested Ebenezer Viwami, editor of *Alerte Info*, an independent

news agency based in Abidjan, for allegedly publishing false information on a riot at the central prison in Abidjan which occurred the same day. Viwami was released without charge five days later;

- On 27 February 2007, Charles d'Almeida, chief editor of the newspaper *L'Inter*, and Hyppolite Oulai, journalist, were called in by the police for questioning. Previously, in January 2006, reporters from *L'Inter* had their equipment taken away by pro-government protesters while they were covering a demonstration staged in the context of the statement issued by the International Working Group (GTI) on the end of the constitutional mandate of the Parliament;
- In February 2007, Denis Kah Zion, director general of the newspaper *Le Nouveau Reveil*, and Andre Silver Konan, journalist, were detained for six hours following the publication of an article claiming the President's responsibility for human rights violations that had occurred since his term in office started. The day after their release, they were called in by the district attorney Tchimou Raymond and pressured to publish a public apology.

### **Freedom of association**

The establishment and functioning of human rights NGOs is governed by Law 60/315 of 21 September 1960. Human rights defenders have been advocating for its amendment as some of its elements are seen as problematic. One of these elements is the provision on the dissolution of associations. The law provides for the dissolution of an organisation to be pronounced by government decree, whereas previous legislation assigned to the courts the authority to decide whether the activities or objectives of the organisation are against the law. Human rights defenders perceive this provision as a constant threat to their work.

Human rights defenders have been advocating for a new NGO law specifically regulating non-government organisations, as Law 60-315 regulates as a single category associations, NGOs and political parties.

### **Trade union activists**

Trade unionists are often exposed to risks, in particular arrest by the police during strikes.

- One of the unions which has suffered harassment is the *Syndicat National des Enseignants du Second degré de Côte-d'Ivoire* – SYNESCI (Secondary School Teachers Union). On 11 March 2009, three members of SYNESCI executive committee were arrested, together with several of the teachers on strike. They were briefly detained and released shortly after. During the course of 2008, SYNESCI members have been arrested on a number of occasions. In February 2007, following a strike and a protest organised by SYNESCI, five trade unionist were detained for 18 days before being released without charges. It is reported that on the same occasion the police attacked protesters using excessive force, which resulted in at least 19 protesters being injured.

### **The national human rights commission**

Following the 2003 Lina Marcoussis Accord, the following year the Parliament passed Law 2004/202 establishing a national human rights commission. This followed an earlier unsuccessful attempt in 2001. The commission started working in January 2007.

Human rights defenders consider that the commission does not fully conform to the Paris Principles<sup>1</sup> as regards, in particular, its membership and composition. The Paris Principles require that the membership of a national human rights institution be pluralist and representative of all sectors of

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<sup>1</sup> 1993 Principles relating to the status of national institutions, UN General Assembly resolution 48/134.

society. The Presidential decree 2006/258 of 9 August 2006 on the modalities of appointment of members of the commission does not require any of its members to be representative of human rights civil society organisations. At the same time, ten of the commission's consultative members are representatives of the government and the nine members with voting rights represent the parties to the Linas Marcoussis Accord, most of which are in the government.

Furthermore, the founding legislation requires the commission to conform to government policies and provides that the commission cannot conduct any mission without government's approval.

As a result of the lack of independence of the commission, human rights defenders have disengaged from any collaboration with it. The Commission is not accredited by the International Coordinating Committee of National Human Rights Institutions (ICC).

## **Recommendations**

Front Line and CIDDH call upon the UN to urge the authorities in Côte d'Ivoire to prioritise the protection of human rights defenders and in doing so to:

1. Conduct an independent inquiry into the source of threats, ill-treatment, and all forms of intimidation and harassment directed towards all those human rights defenders mentioned in this report;
2. Fully implement the government's decision to decriminalise media offences by amending relevant provisions of the Penal Code;
3. Amend the Law 60-315 on Associations and introduce judicial oversight for decisions to dissolve an association;
4. Amend the founding legislation of the national human rights commission, in particular as regards respect of the principle of pluralistic representation and independence, with a view to bring it into compliance with the Paris Principles and apply for ICC accreditation;
5. Ensure that all human rights defenders in Côte d'Ivoire are free to carry out their human rights activities free from persecution.