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“My Heart Is Cut”

Sexual Violence by Rebels and Pro-Government Forces in Côte d’Ivoire

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...At the market of Tiapleu...they [the rebels] tried to force my brother to rape me and he refused and so they killed him. They took me and for a week they raped me all the time, they locked me in a home. We were about ten or fifteen girls there, being raped. When they weren't raping me I just had to be there. They used to tie me up with my legs spread apart and arms tied behind me to rape me. They'd rape me three or four of them in the night, they would put their guns next to you and if you refuse they kill you. They killed one of my friends and made us bury her...

—Victim Testimony to Human Rights Watch

Glossary of Acronyms

AIDS	Acquired Immune Deficiency Syndrome
AU	African Union
BAE	<i>Brigade Anti-Émeute</i> (Anti-Riot Brigade)
CECOS	<i>Centre de commandement des opérations de sécurité</i> (Security Operations Command Center)
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
ECOWAS	Economic Community of West African States
FAFN	<i>Forces Armées des Forces Nouvelles</i> (Armed Forces of the New Forces)
FANCI	<i>Forces Armées Nationales de Côte d'Ivoire</i> (National Armed Forces of Côte d'Ivoire)
FDS	<i>Forces de Défense et de Sécurité</i> (Defense and Security Forces)
FESCI	<i>Fédération estudiantine et scolaire de Côte d'Ivoire</i> (Federation of students and schools in Côte d'Ivoire)
FN	<i>Forces Nouvelles</i> (New Forces), rebaptized as the FDS-FN, or <i>Forces de Défense et de Sécurité des Forces Nouvelles</i> (Defense and Security Force of the New Forces) in 2006
FPI	<i>Front populaire ivoirien</i> (Popular Ivorian Front)
HIV	Human Immunodeficiency Virus
ICC	International Criminal Court
IDP	Internally displaced person
JP	<i>Jeunes patriotes</i> (Young Patriots, also known as the “ <i>Congrès panafricain des jeunes patriotes</i> ” or COJEP, namely the Panafrican Congress of Young Patriots)
LIMA	Group of armed Liberians fighting with pro-government forces in Côte d'Ivoire, whose name/acronym remains a mystery
MILOCI	<i>Mouvement ivoirien pour la libération de l'ouest de la Côte d'Ivoire</i> (Ivorian Movement for the Liberation of Western Côte d'Ivoire)
MJP	<i>Mouvement pour la justice et la paix</i> (Movement for Justice and Peace)
MPCI	<i>Mouvement patriotique de Côte d'Ivoire</i> (Patriotic Movement of Côte d'Ivoire)
MPIGO	<i>Mouvement populaire ivoirien pour le grand ouest</i> (Ivorian Popular Movement for the Great West)
MSF	<i>Médecins sans frontières</i> (Doctors without Borders)
NGO	Non-Governmental Organization
ONUCI	<i>Opération des Nations Unies en Côte d'Ivoire</i> (United Nations Operation in Côte d'Ivoire)
PDCI	<i>Parti démocratique de la Côte d'Ivoire</i> (Democratic Party of Côte d'Ivoire)
RDR	<i>Rassemblement des républicains</i> (Rally of Republicans)
STI	Sexually Transmitted Infection
UN	United Nations

Executive Summary

Since an armed conflict erupted in 2002 between the Ivorian government and northern-based rebel groups, girls and women in Côte d'Ivoire have been victims of brutal forms of sexual violence by armed men on both sides of the military and political divide.

Human Rights Watch documented over 180 cases of sexual violence in Côte d'Ivoire, including individual and gang rape, sexual slavery, forced incest, and egregious sexual assault. Combatants raped women old enough to be their grandmothers, children as young as six, pregnant women, and breastfeeding mothers. Sometimes family members were forced to watch or were forced to rape their own relatives. Women and girls had guns, sticks, pens, and other objects inserted into their vaginas. Others were abducted to serve as sex slaves or were forcibly conscripted into the fighting forces. Abducted women and girls were often obliged to become the sex slaves of their captors (“husbands”), and were sexually abused over extended periods of time. Some sex slaves and other rape survivors gave birth to children fathered by their rapists. Sexual victimization of girls and women was often accompanied by other gross human rights violations against them, their families and their communities, as armed men on both sides of the political divide massacred, killed, tortured, assaulted, and kidnapped innocent civilians.¹

Some rape victims died because of the sexual violence inflicted against them. Many who did survive were raped so violently that they suffered serious bleeding, tearing in the genital area, long-term incontinence, and severe infections. While some pregnant women miscarried and other women became infertile as a result of the sexual violence they endured, yet others experienced the trauma of unwanted pregnancies resulting from rape. The women whom we interviewed suffered psychologically as well as physically. They told Human Rights Watch of their anguish,

¹ There is an ongoing debate over the use of the terms “victim” and “survivor.” Some suggest that the term “victim” should be avoided because it implies passivity, weakness and inherent vulnerability and fails to recognize the reality of women’s resilience and agency. For others the term “survivor” is problematic because it denies the sense of victimization experienced by women who have been the target of violent crime. This report uses both terms.

shame, rage, and depression as well as their courage in the face of unimaginable suffering.

Determining the full extent of the problem of sexual violence is complicated by difficulties in documentation arising from the fear of perpetrator reprisals, the authorities' lack of concern, and tremendous security risks associated with reporting or investigating crimes. Underreporting poses an additional problem, and partly reflects the low status of women and girls in Côte d'Ivoire, the cultural taboos around the issue of sexual violence, and women's fear of rejection by family or communities.

Causes and Perpetrators: the Responsibility of Both Government and Rebel Forces

The armed conflict that began in 2002 triggered the worst sexual violence in Côte d'Ivoire since the acute national political crisis began in 2000. Abuses took place throughout the country, especially in the hotly contested western regions which experienced the most fighting. Mixed groups of Liberian and Sierra Leonean mercenaries supporting both the Ivorian government and rebel forces in the west were guilty of especially egregious and widespread sexual abuses. However, even after the end of active hostilities, from 2004 onwards, sexual violence remained a significant problem throughout both rebel- and government-held areas.

Rebels in Côte d'Ivoire perpetrated horrific sexual abuse against women and girls in areas under their control, including rape, gang rape, sexual assault, forced miscarriages, and forced incest. The various rebel factions targeted some women for abuse because of their ethnicity or perceived pro-government affiliation, often because their husband, father or another male relative worked for the state. Many others have been targeted for sexual assault for no apparent reason. Women and girls were subjected to sexual violence in their homes, as they sought refuge after being found hiding in forests, stopped at military checkpoints, working on farms and attending places of worship. Sexual violence was often accompanied by other acts of physical violence such as beating, torture, killing, mutilation, or cannibalism. Numerous girls and women were abducted and subjected to sexual slavery in rebel camps, where they endured successive rapes over extended periods of time. Resistance was frequently met with horrific punishment, even death. Senior rebel

commanders made little or no effort to sanction rapists within their ranks or to prevent sexual violence against civilians, especially in the West and during periods of active fighting.

Pro-government forces, including members of the gendarmerie, police, army, and militias also carried out acts of sexual violence. Rape and sexual abuse of women by government forces was particularly prevalent throughout the contested western region and along frontlines, especially in towns that were subject to frequent takeover by different armed factions. Pro-government forces also targeted women and girls suspected of supporting the rebels. They singled out women from northern Côte d'Ivoire as well as women from neighboring states such as Burkina Faso, Mali, and Guinea; Muslims; and those who supported opposition political parties. In particular, pro-government forces targeted women affiliated with the predominantly Muslim opposition party named *Rassemblement des républicains* ("Rally of Republicans," or RDR). Law enforcement officers, militia men, and other pro-government forces abused women at checkpoints, in their homes during raids, in makeshift prisons, and in marketplaces. Violations by pro-government forces appeared to increase during periods of heightened political tension during the four-year political stalemate.

The low status of women and girls in law and custom contributes to the extent to which they are vulnerable to sexual violence. The fact that sexual violence during the conflict predominantly involved men raping women reveals that conflict-related rape, like most rape, reflects a dynamic of gender inequality and subordination. This power dynamic is deeply imbedded in societal attitudes.

For Victims, No Justice and Few Services

Government and rebel authorities appear to have directly or indirectly authorized sexual violence since the war began in 2002; the prevailing impunity for these crimes has emboldened the perpetrators at all levels.

Throughout the conflict in Côte d'Ivoire, the Ivorian government and rebel authorities have made scant efforts to investigate or prosecute perpetrators of even the most heinous crimes of sexual violence. This failure has contributed to an environment of

increasingly entrenched lawlessness in which impunity prevails. Several significant factors underpin this impunity. First, the destruction of courts in the rebel-held north of Côte d'Ivoire during the period of active hostilities shattered the already inadequate judicial system, undermined accountability, and often left rape survivors with nowhere to turn for redress. Second, many court and law enforcement personnel in the government-held south lack an adequate understanding of and fail to enforce laws relating to sexual violence, typically allowing perpetrators to escape justice. Third, women and girls in Côte d'Ivoire are subjected to structural discrimination by customary law, which offers inadequate protection for rape survivors. Ultimately, in Côte d'Ivoire, victims of sexual violence suffer in silence while perpetrators of crimes walk free.

Neither Ivorian nor international actors have made sufficient efforts to protect at-risk women and to provide survivors with much needed medical, psychological, or social support. Few programs have been established for women and girls who were subjected to sexual violence, even those who endured sexual slavery. Survivors often struggle alone with the severe physical and mental health consequences of the abuses they underwent. While some local actors and international aid agencies operate programs, their efforts cannot compensate for the national authorities' failure to adopt national strategies to address survivors' various needs. Moreover, attacks and threats against local and international non-governmental organizations (NGOs) by pro-government forces or rebels have at times resulted in closures of or constraints on some of the few existing programs.

The situation can and must improve. International human rights and humanitarian law requires the Ivorian authorities to put an immediate end to impunity for perpetrators and to provide adequate services to survivors.

The *Forces Nouvelles* ("New Forces" or FN) rebels and the Ivorian Government must shoulder the greatest responsibility for ending impunity and stopping ongoing abuses. They should publicly acknowledge and condemn past sexual abuses committed by their supporters, investigate alleged crimes, and punish perpetrators of sexual violence. Specialized law enforcement units should be established to deter

future sexual violence, or at a minimum, more law enforcement and judicial staff must be recruited and trained to address the problem.

The Ivorian government should immediately permit the International Criminal Court (ICC) Office of the Prosecutor to conduct a mission to Côte d'Ivoire to determine whether to open an investigation there. For their part, the United Nations Security Council members should expedite the publication of the 2004 UN Commission of Inquiry into human rights violations committed since 2002, and meet to discuss its findings and recommendations. The UN sanctions committee for Côte d'Ivoire must activate additional travel and economic sanctions against individuals identified as responsible for serious violations of international human rights and humanitarian law in Côte d'Ivoire.

However valuable it is to address impunity on both domestic and international fronts, justice alone cannot alleviate the suffering of survivors. The New Forces, the government, and aid agencies must improve medical assistance, provide free medical certificates to rape victims, launch a nationwide information campaign on the connection between sexual violence and HIV/AIDS (on prevention, counseling, testing and treatment), and prioritize the nationwide establishment of sexual and reproductive health programs for women and girls. Ivorian women should be active participants in the formulation and implementation of these programs.

Recommendations

To the New Forces and the Government of Côte d'Ivoire

- **Publicly acknowledge and condemn** the sexual abuses committed by your agents, alongside violations of international human rights and humanitarian law including extrajudicial execution, torture, physical abuse, and extortion of civilians.
- **Thoroughly investigate** all allegations of sexual violence and **prosecute** individuals against whom there is sufficient evidence of such abuses in compliance with international standards of fair trial.
- **Improve the response of law enforcement entities** to sexual and gender-based violence. Recruit and train more female law enforcement officers to respond to the needs of victims of sexual violence and gender-based violence. Provide training to members of the security forces on human rights and international humanitarian law, with a focus on women's human rights and gender-based crimes. Create specialized units within law enforcement entities to respond to sexual and gender-based violence.
- **Improve the response of the judiciary** to sexual and gender-based violence, including recruiting and training more female judicial staff, developing specialized teams for sexual violence and gender-based violence, and providing training on women's rights and sexual violence to members of judiciary in government-held areas and to New Forces authorities responsible for adjudicating cases in rebel-held areas.
- **Create an Ombudsman office for sexual exploitation of children** to investigate reported incidents of sexual abuse or exploitation of children and monitor appropriate disciplinary and judicial responses.
- **Immediately allow the ICC Office of the Prosecutor to conduct a mission** to Côte d'Ivoire to collect information necessary to determine the possibility of opening an investigation into serious crimes committed there, including sexual abuse committed by all parties to the conflict. Provide any cooperation to the ICC necessary to facilitate such a mission.
- **Cooperate with NGOs' and Opération des Nations Unies en Côte d'Ivoire (United Nations Operation in Côte d'Ivoire, or ONUCI) investigations of sexual**

- violence.** Support, cooperate with, and create a favorable environment for independent human rights monitoring.
- **Assist the National Inter-Ministerial Task Force for the Elimination of Violence Against Women (CNLVFF),** to more effectively implement their mandate. [The CNLVFF was founded in July 2000, and is mandated to coordinate all government initiatives responding to sexual violence, and to provide enhanced social, medical, and legal services for victims of sexual and gender-based violence.]
 - **Launch a nationwide public awareness campaign** on sexual and domestic violence against women to highlight the extent of the problem, consequences for survivors, strategies to reduce exploitation, and judicial consequences for perpetrators of exploitation and abuse; to change prevailing negative societal attitudes; and to educate the general population on women's human rights.
 - **Comply fully with Côte d'Ivoire's obligations under the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).** Implement the Family and Social Services Ministry 2006 Action Plan, implement these obligations as a matter of urgency, and strengthen all legal protections afforded to women. Take the necessary steps to revoke or revise existing laws that discriminate on the basis of gender and ensure that they meet international human rights standards. Provide training on these new laws for the judiciary, police, prosecutors, and staff of local courts.
 - **Enhance women's participation** in all aspects of planning and implementation of the peace process and reconstruction and rehabilitation efforts. Ensure that women are in a position to design and lead responses to sexual and gender-based abuse, and to shape violence prevention programs.
 - **Give orders to combatants to release all women and girls abducted during the armed conflict** who continue to be held. Provide these women and girls with the necessary social and economic options to enable them to leave these often abusive relationships.
 - **Enact laws that allow women to have access to voluntary and safe abortions.** These measures should include the repeal of penal code provisions that criminalize abortion, especially those that punish women who have had an induced abortion. In order to allow for the actual enjoyment of the right to access a legal and safe abortion, the state may need to provide abortion

services free of charge for some women and girls. In Côte d'Ivoire this is certainly the case for survivors of rape or incest.

To Medical Service Providers

(The Ministry of Health and Public Hygiene, the FN health authorities, and independent medical service providers)

- **Eliminate costs for medical certificates for rape victims.**
- The Director of the National Program for Reproductive Health and Family Planning (DCPNSR/PF) must **disseminate a protocol for treatment of rape victims to all health centers**, which should include education about post-exposure prophylaxis drugs and training on the clinical management of rape.
- **Establish gynecological health clinics nationwide** for women and girls that can provide information on testing, voluntary counseling and treatment for HIV/AIDS and also for other sexually transmitted infections. Provide mobile health teams if health infrastructure is either unavailable or inadequate.
- **Train traditional healers on treatment for sexual violence.**

To the United Nations High Commissioner for Refugees (UNHCR)

- **Provide victims of sexual violence who fled their homes in Côte d'Ivoire and are living in the subregion with necessary assistance.** Make available social and economic options needed to enable women and girls who were held as sex slaves to leave these relationships if they are still with their captors.

To ONUCI and France's "Licorne" Peacekeeping Force

- Authorize the ONUCI human rights investigators to **engage in a comprehensive investigation on sexual violence** and women's rights, with additional funds and support as needed.
- **Strengthen in number and capacity the military observers and liaisons and the vital human rights monitoring component of ONUCI**, with a focus on sexual violence and women's rights.
- **Ensure that any drawdown or withdrawal of international peacekeepers be done only once it has been ascertained that Ivorian security forces are**

positioned and able to provide for civilian protection in those areas in which the drawdown or withdrawal is contemplated.

To the United Nations Security Council

- Further the work of the UN Sanctions Committee and immediately **activate travel and economic sanctions against additional individuals** identified as responsible for serious violations of international human rights and humanitarian law. South Africa, China, and Russia must review their positions which have thus far fostered impunity with no clear positive impact on furthering the peace process.
- **Expedite the publication of the 2004 report of the UN Commission of Inquiry** into human rights violations committed since 2002, and meet to discuss its findings and recommendations.

To the Economic Community of West African States (ECOWAS) and the African Union (AU)

- ECOWAS as a whole and individual member states adjacent to Côte d'Ivoire must take all necessary steps to **ensure that former fighters release all Ivorian women and girls abducted** during the armed conflict who continue to be held.
- ECOWAS and the AU should unequivocally **condemn sexual violence** by all parties, call for investigations and prosecutions, and call for the respect of the African Charter on Human and Peoples' Rights and of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa.

To the International Criminal Court Office of the Prosecutor

- **Continue to press to conduct a mission** to Côte d'Ivoire to obtain information necessary to assess the possibility of an ICC investigation.
- **Issue a clear public message** that the ICC is monitoring abuses, including sexual violence, committed in Côte d'Ivoire, that perpetrators of serious crimes under international law must be held to account, and that national authorities should promptly commence appropriate national prosecutions for serious crimes.

To NGOs and United Nations agencies such as the UN Population Fund (UNFPA), the UN Children’s Fund (UNICEF), and the UN Development Fund for Women (UNIFEM)

- **Improve collaboration of partners** working on sexual and gender-based violence, including representatives from the government, international NGOs, and local organizations. Organize regular meetings for all active institutions to share information and coordinate programs.
- **Develop services for survivors** of sexual violence including both medical and social rehabilitation programs. It is vital to conduct needs assessment in targeted communities to determine skills, knowledge, and level of services provided to victims of sexual violence, identifying all potential local partners; to upgrade counseling and psychosocial support to survivors; to support social centers run by local NGOs (especially centers for women rejected by their families); and to promote income-generation and economic opportunities for women.

Methodology

Human Rights Watch interviewed 176 survivors of and witnesses to sexual violence for this report, 35 of whom were interviewed in small groups, and the rest of whom were interviewed individually. Human Rights Watch also interviewed over 100 representatives of NGOs, medical service providers, United Nations and French peacekeepers, diplomats, rebels, and government representatives. In an attempt to ensure balanced regional and ethnic representation of victims and witnesses, field research for this report spanned different regions of Côte d'Ivoire (in and around Abidjan, Guiglo, Duékoué, Man, Danané, Korhogo), Burkina Faso, Liberia, Mali, and Senegal, and lasted from August to October, 2006. Numerous reports and studies were also collected and analyzed as background material.

Human Rights Watch believes that cases of sexual abuse may be significantly underreported due to a number of methodological challenges, including the possibility of reprisals by perpetrators, fear of ostracism by families and communities, and cultural taboos. Local human rights groups consistently reported that the stigma attached to rape victims probably prevented many women from openly discussing these violations with a stranger.

The tense security situation, particularly in western Côte d'Ivoire, made it difficult for Human Rights Watch to travel freely and intimidated local and international partners. Attacks against local and international NGOs, including burning of their offices and their staffs' homes, likewise led to disruptions in record-keeping, making more difficult to review existing NGO documentation regarding past incidents of sexual violence.

Care was taken with victims to ensure that recounting their experience did not further traumatize them or put them at physical risk. While we sought as much information as possible from each interview, the well-being of the interviewee was always paramount and some interviews were cut short as a result. The interviews were mostly conducted in French, or in one of the languages spoken by the different

ethnic groups and translated into French by an interpreter. In most interviews only females were present.

The names of all witnesses and most staff members of national and international humanitarian organizations have been withheld in order to protect their identity, privacy, and security. Details of testimonies have been suppressed in cases where these could help perpetrators identify individuals who had the courage to speak out.

Human Rights Watch identified victims and witnesses through the help of numerous local organizations and reviewed many studies by a range of partners in Côte d'Ivoire, many of whom requested that their identities and reports remain confidential. Consultations with a broad array of actors ensured a more comprehensive understanding of sexual violence in Côte d'Ivoire.

General Background on the Conflict in Côte d'Ivoire

"Ivoirité" and the beginning of the crisis in 2000

For nearly seven years Côte d'Ivoire, once considered a pillar of stability in West Africa, has been consumed by a political and military crisis rooted in ethnic, religious, political and economic power struggles.

From independence in 1960 until the 1990s, Côte d'Ivoire enjoyed relative harmony and economic stability, becoming a key economic power in West Africa, a global leader in cocoa and coffee production, and a magnet for migrant workers who would eventually come to make up an estimated 26 percent of its population. Under the leadership of long-time President Félix Houphouët-Boigny, a Catholic and ethnic Baoulé, over 60 ethnic groups coexisted with over 3 million immigrants from the West African sub-region.

Following Houphouët-Boigny's death in 1993, which coincided with a steady deterioration in Côte d'Ivoire's economy, politicians began focusing on the issue of nationality and "*Ivoirité*" (or Ivorianness)—an ultra-nationalist political discourse that marginalized perceived outsiders and denied them citizenship.² Politicians exploited ethnic divisions to oust political rivals in elections, using the state apparatus to repress opponents and incite hatred or fear among populations that had lived in relative harmony for decades.

In 2000, candidates for the presidential elections played up the issue of *Ivoirité*. This focus proved explosive. Nationalist political fervor stoked by politicians turned popular sentiment in some constituencies against foreigners, Muslims, and northern Ivoirians, precipitating two unprecedented waves of violence which resulted in over

² Upon the death of Houphouët-Boigny in 1993, Henri Konan Bédié became the second president of Côte d'Ivoire. Within a few years of assuming the presidency and after winning scheduled elections in 1995, Bédié and his counselors reversed Houphouët-Boigny's 'open door policy' to immigrants, replacing it with the philosophy of "*Ivoirité*," and sending the once immigrant-friendly nation into a downward spiral of ethnic discrimination. A succinct review of this period can be found in Thomas Hofnung, *La Crise Ivoirienne: Dix clés pour comprendre* (Paris: La Découverte, 2005), pp. 29-31.

200 dead.³ The killings of that year shocked Ivorians and members of the international community alike, grimly highlighting the danger of manipulating ethnic loyalties and latent prejudice for political gain. The elections culminated in a contested victory for current President Laurent Gbagbo.

Armed conflict and political-military stalemate

On September 19, 2002, armed men attacked Abidjan, the commercial and de facto capital of Côte d'Ivoire, and the northern towns of Bouaké and Korhogo. The rebellion would spawn several groups whose stated aims were the redress of recent military reforms, new elections, an end to political exclusion and discrimination against northern Ivorians and the removal of President Gbagbo, whose presidency they perceived as illegitimate due to flaws in the 2000 elections.⁴

Although they did not succeed in taking Abidjan, the rebels encountered minimal resistance and quickly managed to occupy and control half of Côte d'Ivoire. Rapidly joined by two other western rebel factions,⁵ they formed a political-military alliance called the *Forces Nouvelles* ("New Forces"). Their advances were fueled and facilitated by the easy circulation of arms and mercenaries from neighboring Liberia and by the willingness of Burkina Faso to provide support to the rebel forces, underscoring the fragility of the sub-region and drawing Côte d'Ivoire into a complex regional quagmire.⁶

³ Presidential and parliamentary elections in Côte d'Ivoire in October and December 2000 were marred by political violence, leaving over 200 people dead and hundreds wounded. Human Rights Watch, *Côte d'Ivoire – The New Racism: The Political Manipulation of Ethnicity in Côte d'Ivoire*, vol. 13, no.6 (A), August 2001, <http://www.hrw.org/reports/2001/ivorycoast/>.

⁴ A crucial argument for his illegitimacy was that the 2000 elections were flawed because 14 of 19 presidential candidates had been excluded.

⁵ The Patriotic Movement of Côte d'Ivoire (*Mouvement Patriotique de Côte d'Ivoire*, MPCI) was joined by two western groups: the Movement for Justice and Peace (*Mouvement Pour la Justice et la Paix*, MJP) and the Ivorian Popular Movement for the Far West (*Mouvement Populaire Ivoirien du Grand Ouest*, MPIGO).

⁶ The situation analysis in this paragraph is based on a previously published report: Human Rights Watch, *Trapped Between Two Wars: Violence against Civilians in Western Côte d'Ivoire*, vol. 15, no. 14 (A), August 2003, <http://www.hrw.org/reports/2003/Cotedivoire0803/>.

Peace agreements

Efforts to resolve the conflict between the government and the rebels have resulted in a string of unfulfilled peace agreements,⁷ over 11,000 foreign peacekeeping troops on the ground to prevent all-out war and to protect civilians, and the imposition of a UN arms embargo in addition to travel and economic sanctions. On February 27, 2004, the United Nations Security Council established a peacekeeping mission in Côte d'Ivoire. The force, deployed on April 4, 2004, is comprised of some 8,000 UN peacekeepers ("blue helmets") and nearly 1,000 police officers, and is backed by 3,500 more heavily armed French troops belonging to Operation Unicorn (*Licorne*). These peacekeepers monitored a buffer zone running the width of the country east to west and separating the opposing Ivorian forces, which was known as the "Zone of Confidence." The UN peacekeeping mission in Côte d'Ivoire is also charged with assisting the government with implementing a national disarmament, demobilization, and reintegration (DDR) plan, and with protecting civilians under imminent threat of physical violence, within its capabilities and its areas of deployment. The UN Security Council also imposed an arms embargo on Côte d'Ivoire in November 2004, and in February 2005 named a panel of experts to monitor it.

Although the peace agreements and French-backed UN peacekeeping mission brought about a cessation of active hostilities, they did not bring peace or unity to the country. The end result is a stalemate, a situation of "no peace, no war," in which the rebels continue to refuse to disarm because they do not trust the government to manage free and fair elections in which Ivorians from the north will be allowed to vote. For over four years, Côte d'Ivoire remained split between the government-controlled south and rebel-held north, with a dividing buffer zone patrolled by United Nations peacekeepers and French troops.

A new peace accord signed in the Burkina Faso capital of Ouagadougou on March 4, 2007 ("The Ouagadougou Agreement"), and later endorsed by the African Union and the United Nations Security Council,⁸ is the latest negotiated effort to reunite the country

⁷ Linas-Marcoussis brokered by the French government in January 2003; Accra III brokered by West African countries and then-UN-Secretary-General Kofi Annan in July 2004; and the Pretoria Agreement brokered by South African President Thabo Mbeki on behalf of the African Union and signed in South Africa on April 6, 2005.

⁸ "The Situation in Côte d'Ivoire," United Nations Security Council Presidential Statement, March 28, 2007 S/PRST/2007/8 (2007).

and bring about an end to the conflict. Unlike all previous peace agreements, the Ouagadougou Agreement was the process of direct negotiations between Ivorian President Laurent Gbagbo and the New Forces rebels. The agreement outlines six key provisions: a new transitional government, resumption of a stalled citizen identification process that will lead to voter registration and issuance of national ID cards, the disarmament of the rebel fighters in the north and pro-government militias in the south, the creation of a new integrated military command center for both rebel and government armies, the redeployment of administrative officials into the north, and the gradual elimination of the buffer zone with security henceforth to be assured by Ivorian forces.

Though many political observers believe that the Ouagadougou Agreement presents the best hope yet for settlement of the Ivorian crisis, it is not without its risks and shortcomings. In particular, the Ouagadougou Agreement does not provide for victim compensation or services for war victims, nor does it establish a plan for accountability for past human rights violations. It could eventually leave civilians unprotected by UN and French peacekeepers, and the call to end the arms embargo could lead to arms proliferation and further violence.

At the time of writing, several provisions of the Agreement had been implemented including initial dismantling of the buffer zone formerly patrolled by French and UN peacekeepers and the creation of an integrated military command center. However, little or no progress has been seen on the vital points of disarmament, voter registration, or issuance of ID cards.⁹ Under the timeframe originally established by the agreement, elections were anticipated approximately ten months after signature. However, due to delays in implementation, it is likely elections will be pushed back by at least several months. Few, if any, of the problems at the heart of the Ivorian conflict—such as the eligibility for citizenship of millions of immigrant residents and competition for land resources between “indigenous” and immigrant communities in the volatile western region—have been comprehensively resolved.

⁹ An estimated three million Ivorians do not have nationality documents or voting cards. See, “Côte d’Ivoire: Key pre-electoral identification process delayed,” IRIN, March 31, 2006, available at http://www.irinnews.org/report.asp?ReportID=52549&SelectRegion=West_Africa. This issue has come to be seen by many as the *raison d’être* of the rebellion, according to New Forces officials interviewed by Human Rights Watch in Abidjan and Bouaké in March 2006.

Impact of the war and ensuing militarized stalemate: human rights abuses and displacement

The human rights fallout from the crisis for civilians living on both sides of the political-military divide has been and continues to be devastating. Political unrest and the impasse following the 2002-2003 armed conflict between the government and northern-based rebels have been punctuated by atrocities and serious human rights violations attributable to both sides including extrajudicial killings, massacres, enforced disappearances, and numerous incidents of torture.

Rebels in Côte d'Ivoire carried out widespread abuses against civilians in some areas under their control. These included extrajudicial executions, massacres, torture, cannibalism, mutilation, the recruitment and use of child soldiers and sexual violence including rape, gang rape, egregious sexual assault, forced incest, and sexual slavery. Liberian combatants fighting alongside Ivorian rebel groups were responsible for some of the worst crimes. However, even after their departure, various forms of violence have continued.

In response to the rebellion, government forces and government-recruited Liberian mercenaries frequently executed, detained, and attacked perceived supporters of the rebel forces based on ethnic, national, religious and political affiliation. Southwestern Côte d'Ivoire was especially hard-hit, but pro-government forces carried out abuses throughout the areas under their control. Civilian militias, tolerated if not encouraged by state security forces, engaged in widespread targeting of the immigrant community, particularly village-based Burkinabé agricultural workers in the west. The conflict also sparked a sharp escalation in inter-community, inter-ethnic violence in the west and elsewhere, often pitting presumed non-native groups, such as Burkinabé, Malians, or Dioula,¹⁰ known derogatively as the *allogènes* (namely foreigners), against the presumed indigenous groups (known as *autochtones*), such as the Guéré, Bété or Krou.

¹⁰ The term "Djoula" or "Dioula" refers to a simple description of an ethnicity primarily from northeastern Côte d'Ivoire. However, it can also be somewhat pejorative and over the past decade, the term "Dioula" has come to mean more than just another ethnic group such as that of the "Baoulé." It often now encompasses northerners of Malinké, Sénoufo and other ethnicities, as well as foreigners and people of foreign origin like Ivorians of Burkinabé and Malian heritage. In this report, Human Rights Watch will use the term Dioula as it is commonly used by many Ivorians: to refer to Ivorians who, even if resident in the south, originated from the northern Mande and Gur ethnic groups, including members of the Malinké, Sénoufo, and Bambara ethnicities.

Even after the end of active hostilities, state security forces assisted by government-supported militias such as the *Jeunes Patriotes* (“Young Patriots” or JP) regularly harassed and intimidated the populace, particularly those believed to be sympathetic to the New Forces rebels or the political opposition. Security forces in government-controlled areas regularly extorted and physically abused Muslims, northerners, and West African immigrants, often under the guise of routine security checks at road blocks.

Violence by armed men on all sides has triggered mass displacement and economic disruption. At least 700,000 people are displaced in southern government-held areas alone (many having fled the rebel-held north) and 1.7 million people are estimated to be internally displaced nationwide.¹¹ A conservative estimate of additional population displacement suggests at least 350,000 people of Malian origin living in the government-held south have fled for Mali, a country which many of them have never visited.¹² About 450,000 individuals of Burkinabé origin are in a parallel situation, seeking refuge in Burkina Faso.¹³ Many of these people are Malian or Burkinabé migrant workers, while many others are second or third generation immigrants. Tens of thousands more have fled Côte d’Ivoire for other countries in the sub-region and beyond.

A nation divided, Côte d’Ivoire continues to experience the most serious political and military crisis in its post-independence history. Conflict-related sexual violence has taken place and continues to occur against this backdrop of instability, violence, and impunity.

¹¹United Nations Office for the Coordination of Humanitarian Affairs (OCHA), *Emergencies - Côte d'Ivoire*, <http://ochaonline.un.org/webpage.asp?Page=2355>; A joint publication of the Ministry of Solidarity and War Victims, the École Nationale Supérieure de Statistique et d'Économie Appliquée (ENSEA), and the United Nations Population Fund (UNFPA), *Living Conditions of Displaced Persons and Host Families in the Government-held Zones of Côte d'Ivoire: Investigations Results*, January 2007.

¹² Human Rights Watch interviews with senior consular officials, Côte d’Ivoire, September 2006.

¹³ Human Rights Watch interviews with senior consular officials, Côte d’Ivoire, September 2006.

Sexual Violence during the Ivorian Military-Political Crisis

Prevalence of Sexual Violence in Côte d'Ivoire

Neither government nor rebel authorities have any reliable official statistics regarding incidents of sexual attacks perpetrated by their forces or on the levels of sexual violence within areas under their control. The reporting and recording of cases by the police are inconsistent at best, nonexistent at worst. Unfortunately, international NGOs have also been unable to conduct broadly based surveys to determine what percentage of women and girls was subjected to conflict-related sexual violence in Côte d'Ivoire. With no credible study available at the time of this writing, it was impossible to accurately determine what percentage of women and girls had been subjected to one or more incidents of conflict-related sexual violence in different parts of the country.

However, based on interviews with scores of survivors and witnesses as well as with numerous national and international aid organizations and civil society groups, Human Rights Watch believes that hundreds if not thousands of women and girls have been subjected to one or more incidents of sexual violence. The consistency of these testimonies and reports suggests the widespread nature of sexual violence, particularly in western Côte d'Ivoire.

This view is corroborated by numerous reports compiled by humanitarian organizations. For instance, a 2004 report by a local human rights group in the hard hit western province called 18 Montagnes (or the Region of Eighteen Mountains) stated that between November 2002 and June 2004, 122 cases of rape were reported. More notably, it also included estimates that two out of every five women were victims of such sexual abuse among those interviewed during a field investigation into abuses committed against the civilian population in some 20 villages.¹⁴ Other local NGOs reported similarly high numbers of sexual violence into 2004.¹⁵ An aid agency active in both government- and rebel-held areas in western Côte d'Ivoire

¹⁴ Report by a local organization, Côte d'Ivoire, 2004.

¹⁵ Human Rights Watch interview with leader of a local humanitarian organization who has been active in numerous local associations, Danané, Côte d'Ivoire, September 2006.

registered over 2,700 people seeking information and assistance in 2005 for victims of sexual violence, mostly for residual trauma related to violations committed between 2002 and 2003.¹⁶

The Ivorian Ministry of the Family, Women, and Children¹⁷ has a gender program and a Regulation and Protection Office (*Direction de la Réglementation et de la Protection*) and is technically responsible for receiving victims of violence and for orienting victims to specialized services. At the time of writing, this committee had collected information on 473 cases of sexual violence. Within the Ministry of Solidarity, Social Security, and the Handicapped (*Ministère de la Solidarité, de la Sécurité Sociale, et des Handicapés*), the National Program for Persons Displaced by War (*Programme national de prise en charge des personnes déplacées de guerre*) found that one third of the women treated were victims of sexual violence.¹⁸

A 2005 study by one international organization documented sexual violence against children in the rebel- and government-held west; it is based on a survey of 147 children who had been associated with an armed faction. Fifty-six percent of cases of sexual violence reported in this study took place during active fighting, but 35 percent had taken place since the end of active hostilities. According to the study, a high percentage of girls has lived and continues to live in fear of being sexually attacked; a similarly high percentage of mothers share this concern for their female children. When asked, “[w]hat are the security problems that women and children face in the community?” respondents’ answers revealed that fear of sexual violence ranked higher than extortion, forced labor, killings, threats, or other forms of physical violence. “Armed men” (often unidentified) were most often identified as the perpetrators of rape. The study found that 56 percent of the cases of sexual violence against children declared in the survey were reported by children aged 13 to

¹⁶ Ibid.

¹⁷ Decree 2000-133 of February 23, 2000 relative to the organization of the Ministry of the Family, Women, and Children, which created a National Committee against Violence against Women and Children.

¹⁸ Human Rights Watch interviews with local women’s rights activists who attended presentations by the Ministry of the Family, Women, and Children and the Ministry of Solidarity, Social Security, and the Handicapped, Man, Côte d’Ivoire, September 2006.

18. Children aged five to twelve suffered 41 percent of the cases declared. Children under the age of five suffered three percent of the cases declared.¹⁹

It was impossible at the time of writing to accurately determine what number or percentage of women and girls were abducted and later used as sex slaves, or were sexually abused after being “recruited” by armed groups. It is also unclear how many remain under the control of their “husbands” or have returned to their village of origin.

However, one indication of what happened to women and girls taken by armed groups emerges from an unpublished study by an international aid agency that helps children associated with armed conflict to return home.²⁰ The study calculated that roughly 35 percent of the children who demobilized themselves (instead of waiting for an official demobilization program) in the west were girls, 30 percent of whom reported that they were raped and 35 percent of whom reported that they witnessed the rape of other girls.²¹ The report noted that the proportion of teen mothers was extremely elevated, ranging from 28 percent to 75 percent in different communities.²² Although not all of the teen mothers spoke openly of rape, it is probable that many of these children had become pregnant as a result of sexual intercourse with men in the armed groups—rebels, militias, or government soldiers.

Sexual Abuses by Ivorian Rebel Groups

Rebels in Côte d’Ivoire carried out horrific sexual abuse against women and girls in areas under their control, including rape, gang rape, sexual assault, forced miscarriages, and forced incest. Women and girls were subjected to sexual violence in their homes, as they sought refuge, after being found hiding in forests, after being stopped at military checkpoints, as they worked on their farms, and even in places of worship. Sexual violence was often accompanied by other acts of physical violence such as beating, torture, killing, mutilation, or cannibalism. Numerous women and

¹⁹ Ibid.

²⁰ The Marcoussis and Accra peace accords lessened armed conflict in Côte d’Ivoire, and men and women started to auto-demobilize soon after.

²¹ Human Rights Watch interview with the staff member of an international humanitarian organization, Man, Côte d’Ivoire, September 2006.

²² Ibid. The lowest rate is recorded in Blédi Deya with 28 percent of child mothers among the interviewed girls. Other rates include: Danané, 37 percent; Zeaglom, 53 percent; Bloléquin, 70 percent; and Toulepleu, 75 percent.

girls were abducted and subjected to sexual slavery in rebel camps, where they endured rapes over extended periods of time. Resistance was frequently met with punishment, even death.

Information available suggests that the most egregious acts of sexual violence were committed during the period of active hostilities: from the outbreak of armed conflict in September 2002 to mid 2003. During this period, Liberian combatants fighting alongside Ivorian rebel groups were those most frequently implicated as perpetrators. The subsequent four-year political-military stalemate has resulted in diminishing levels of sexual violence, but it continues nonetheless. Since the outbreak of hostilities, no rebel faction has made meaningful efforts to promote accountability for sexual violence.

Analysis of the Three Rebel Factions Implicated in Sexual Abuse

Those who carried out these acts initially formed part of three rebel factions: the Patriotic Movement of the Ivory Coast (*Mouvement Patriotique de Côte d'Ivoire*, MPCl), the Movement for Justice and Peace (*Mouvement pour la justice et la paix*, MJP), and the Ivorian Popular Movement for the Great West (*Mouvement Populaire Ivoirien du Grand Ouest*, MPIGO).

MPCl was composed predominantly of northern ethnicities (although its membership at both the troop and high political levels included most Ivorian ethnic groups), some Burkinabé and Malian recruits, and the “*Dozos*.”²³ The MPCl was the most organized, disciplined and ideological rebel group in Côte d'Ivoire.

In November 2002, two new rebel groups emerged: the MJP and the MPIGO. They opened a new military front in the west, rapidly capturing the major western towns of Man, Danané, Toulepleu, and Bolequin. Human Rights Watch documented numerous sexual assaults which took place during MPJ and MPIGO's first major military offensive, which started on November 28, 2002. In 2003, these new groups

²³ The brotherhood of *Dozos* has no equivalent in the Western world; it combines “hunter,” “healer,” and “magician” in a traditional brotherhood with a prestigious and widely feared position in society. Although the role of the *Dozos* faded during the construction of post-colonial states, they resurfaced across the sub region with the advent of brutal wars in the 1990s. In Liberia and Sierra Leone, the *kamajors*—who are closely related to the *Dozos*—transformed into major fighting forces during those countries' respective wars.

formed a military-political alliance with the MPCI and became collectively known as the New Forces (*Forces Nouvelles*, or FN).

Although the MJP and MPIGO claimed to be Ivorians, both groups were comprised of hundreds of Liberian—and, to a lesser extent, Sierra Leonean—fighters. Many of the Liberian fighters had formerly fought with armed groups linked to then-Liberian President Charles Taylor and many of the Sierra Leoneans had been members of the Sierra Leonean rebel group, the Revolutionary United Front (RUF).

Of the three rebel groups, the MPCI was considerably more organized and disciplined; it was also implicated in fewer atrocities than were combatants from the MPJ or MPIGO. These two west-based groups committed widespread and systematic abuses against Ivorian civilians throughout areas under their control. According to the New Forces national communications secretary, atrocities by MPJ and MPIGO worsened before becoming a political liability for the MPCI.²⁴ The New Forces leader Guillaume Soro conducted a visit to and around western Côte d'Ivoire in March 2003, which convinced him that the Liberian and Sierra Leonean fighters had to be expelled from Côte d'Ivoire. After this visit, Soro allegedly gathered the military chiefs in the rebel capital of Bouaké and told them that what he had witnessed in the west had to stop, that the civilian casualties would cause problems, that the conflict threatened to ignite much of West Africa, and that he wanted volunteers to expel Liberian and Sierra Leonean fighters from Côte d'Ivoire. As a result, in early 2003, MPCI leaders deployed troops from their stronghold in Bouaké to the west to expel or kill the Liberian and Sierra Leonean fighters and their leaders Félix Doh and Sam Bockarie. The MPCI leadership's mass expulsion of Liberian and Sierra Leonean fighters brought a gradual end to the worst conflict-related sexual violence in the rebel-held west.

²⁴ Human Rights Watch telephone interview with Alain Lobognon, National Secretary for Communication, April 10, 2007; Human Rights Watch interviews, former rebel spokesman, Monrovia, Liberia, October 2006: During the Spring of 2003, MPCI leaders in Bouaké sent troops to expel or kill Liberian and Sierra Leonean fighters in the west and their leaders Félix Doh and Sam Bockarie, ostensibly because the MPJ and MPIGO troops were responsible for such numerous violations that they had become a political liability. The MPCI mobilized troops from the north towards the west and the forces of Chérif Ousmane known as the "Leopards" (*Companie Guépard*) proceeded to attack combatants from the MPJ and MPIGO, expelling and killing foreign fighters including MPJ leader Félix Doh. Guillaume Soro himself allegedly accompanied Ousmane to Danané, presented Ousmane to the population, and asked for the people's support.

Targeting Women and girls Perceived to Support the Government

Human Rights Watch documented numerous cases in which the wives, daughters, sisters, and mothers of members of the ruling Popular Ivorian Front (*Front Populaire Ivoirien*, FPI) party and pro-government security forces, including members of the police, gendarmes, and army, were sexually assaulted because of the position held by a male relative. These sexual attacks were often preceded or followed by vicious attacks on other family members. Several rape survivors interviewed by Human Rights Watch described how rebels singled them out along with other women related to policemen, members of the ruling party, and other pro-government bodies. They reported that some rebels called them traitors and explicitly told them that they were being punished because of positions held by one or more of their family members. Similarly, local health and humanitarian workers active in western Côte d'Ivoire in 2002-2003 told Human Rights Watch that they had documented numerous cases in which women and girls appeared to have been similarly targeted for abuse.

One woman described to Human Rights Watch how in 2002 she had been targeted by four rebels specifically because her father was a gendarme. The attack took place in Danané, in western Côte d'Ivoire:

My father was in the gendarmerie, so we were hunted, with all the families of those in uniform. The Thursday that the war came, my dad was coming back from guard duty, he was resting at home, lying down. I was outside. Then suddenly I saw six guys coming in all over the house, we heard many shots and the camp filled with rebels, they entered into the house so fast we didn't hear them coming. And they dragged daddy outside. They shot him in front of me. Four of them raped me. In front of my father's body.²⁵

The daughter of a policeman told Human Rights Watch how shortly after the rebels took Danané in 2002, she was gang raped by several rebels who asked repeatedly for her father's whereabouts:

²⁵ Human Rights Watch interview and email correspondence, Monrovia, Liberia, October 2006.

My father, who was a policeman...was working...I heard shots and ran straight to find him at the camp but he wasn't there. So I grabbed the kids I could find and my sisters who had run home. I heard rumors that my big brother was killed and that my dad was tied up and arrested. Still no one knows what happened to him. In the bush, my brother and I hid the family members we had found...and we went to the road to try and find food and information. Then the rebels found us. Ivorian rebels were pointing out people to Liberian rebels and showing them who was affiliated with the police. We were pointed out and the Liberians almost shot us right there. They hit my brother really hard, started beating him. I recognized the young Ivorian rebel who pointed us out. He is the one who said "where is your father?" They beat my brother so much I was crying and begging them to stop, and they dragged me off on my knees and my knees were all raw, and they dragged me – and then raped me. My brother had to watch everything. Then they finished raping me and beat me so much I was screaming. They had broken my brother's arm. His bone was sticking out. They tried to drag me into their car, asking me "where is your dad?" They beat me again. In the end they got back in their car, aiming their guns at us the whole time. We lay on the ground and pretended to be dead.²⁶

A woman whose husband was suspected of being a government spy in Bouaké described being abducted, gang raped, tortured, starved and kept as a sex slave in a rebel-controlled prison in Bouaké from October 2003 to November 2004, as a punishment for her husband's alleged activities. Her husband was 'disappeared' during the same period.

I want to try to forget. Sometimes I have crises. I am alone but I talk to myself. In 2002 the war started. I was married...The rebels came and shot all over the house. They said [to my husband] "you are a spy and you give messages to Gbagbo"...They took him away. I waited and stayed [in my house] for one week. The rebels came back and said

²⁶ Human Rights Watch interviews, Monrovia, Liberia, October 2006.

“where is your husband?” They shot up the house all over. I said, “I should be asking you where he is, you are the ones who took him last week.” They were very angry at me then and took me to a rebel prison. I found the rebel leaders there and they said again “where is your husband” and again I said “I don’t know.” They [the rebels] beat me every day and raped me all the time. Look, I have marks all over my thighs and legs. They tied me up and kept me naked and hit me with knives and guns...They raped me too much.²⁷

In addition to being sexually and physically abused, this woman was forced to witness torture, extrajudicial executions, and massacres (in which prisoners were machine-gunned). She told Human Rights Watch that she was interrogated, imprisoned, and sexually abused by mid- and high-ranking New Forces officers.

Women were also singled out for sexual abuse on the basis of their ethnicity. For example, Human Rights Watch documented the targeting of several ethnic Yacouba women, a primarily western group widely perceived to be supportive of former president Robert Guei. A middle-aged Yacouba woman described being attacked by five rebels in late 2002:

I fled to Liberia but on the way there the rebels beat me. I’m Yacouba, so they said to me, “you supported the president.” Then five rebels caught me and locked me in a house and raped me. They hurt me very badly. There was suffering in Côte d'Ivoire.²⁸

Sexual Violence against Pregnant Women and Forced Miscarriages

Human Rights Watch documented several cases in which the rebels—particularly those from the MPJ and MPIGO—committed especially egregious forms of sexual violence against pregnant women, including those who were close to term. Pregnant women were raped, gang raped, threatened with disembowelment, and beaten on their stomachs in an apparent attempt to provoke labor or a miscarriage. Others

²⁷ Human Rights Watch interview, Monrovia, Liberia, October 2006.

²⁸ Human Rights Watch interview, Nimba County, Liberia, October 2006.

were sexually assaulted or sexually mutilated. A woman who was nine months pregnant at the time described one such attack in Danané carried out by a mixed group of Liberian, Sierra Leonean, and Ivorian rebels in September 2002:

The attack in Danané found me in my father's house. He was the representative of the FPI in Danané. I was almost about to give birth. We heard shots and ran inside. But the rebels came to our doors and they hit and banged. They were speaking Liberian and Sierra Leonean English, and Liberian and Ivorian Yacouba, and some French, so they were mixed. They were saying in our Ivorian Yacouba that Daddy was a traitor. I hid under the bed but they found me. I was with my big sisters and my Mommy and they took my Daddy and put him on his knees because his knees are bad, he doesn't walk well. Then they told all three girls to undress in front of Daddy. I undressed. They made me do shameful things. They made me parade in front of them with my pregnant tummy. They were mocking me, insulting me, saying "she will make a boy, no she will make a girl, she will make a boy, no she will make a girl," and then they said "you have to sit, you have to give birth. Push!" I couldn't! I said, "I can't." They started to kick me, even in my sex, they were hitting us, my father couldn't stand it any more and he ran to protect us, they hit him with their guns, he fell, they fell on my sisters and they started raping my two big sisters in front of all of us. My sisters screamed and cried. They were shooting in the air and smoking drugs and laughing. After that they finished raping my sisters. Then they started to tell me that they wanted to see if it was a boy or a girl I was carrying and told me to "push, PUSH! You have to give birth!" and they beat me. I tried but couldn't give birth and they kicked me so hard, it hurt so much. They started putting their hands in my sex, said they will take out the child. I was crying. And they made me get on my knees and started to rape me. I fainted. When I came to [my senses], I was outside, without anyone from my family. ²⁹

²⁹ Human Rights Watch interview, Monrovia, Liberia, October 2006.

Other women who were not visibly pregnant told rebels that they were pregnant in hopes of being spared from rape and other forms of sexual abuse. One such woman described to Human Rights Watch how she begged MFIGO rebels not to rape her because she was pregnant, but was gang raped anyway. This attack took place in 2002 in the western town of Danané:

I was one month pregnant. They told me I must. I said that I didn't want to, I have a boyfriend and I am pregnant. But one of them took me. And then each time one would leave I would be the wife of the others. They raped me so much. Tomate is a chief of MFIGO and he gave me to all his followers a little. And it was so hard to give birth because of all the rapes. They said I might die. My boyfriend heard that I had been the wife of rebels and he abandoned me and said he doesn't want me any more, or even our baby. I am now with his child but I am alone.³⁰

According to several midwives interviewed by Human Rights Watch, some women gave birth in exceedingly difficult circumstances because of vaginal tearing and other consequences of rape,³¹ or experienced miscarriages as a result of the sexual abuse they suffered, or because of being beaten on their stomachs.³²

The Use of Drugs to Encourage Rebels to Rape and Abuse Civilians

Victims and witnesses noted that a number of sexual and other atrocities were committed by fighters who were under the influence of drugs or alcohol. For instance, one young woman who was abducted and gang raped by Ivorian, Liberian, and Sierra Leonean rebels in a rebel camp not far from Danané told Human Rights Watch that she believed substance abuse was a factor in why the men used sexual violence. She described how rebel fighters raped women while under the influence of drugs.

³⁰ Human Rights Watch telephone interview, Côte d'Ivoire, September 2006.

³¹ Human Rights Watch telephone interview with midwives, Danané, Côte d'Ivoire, September 2006.

³² Ibid.

When they detained us we were in their camp, we saw them and often they were taking drugs. And it's under the influence of drugs that they acted like this. And really, it's so awful that really we don't know. Each time they take women when they come home from war, from combat, the women are assembled in a room and they come, they throw themselves on us, and do whatever they want. They rape us in spite of our screams, our cries, really it doesn't affect them.³³

In addition to a number of survivors who described the role of substance abuse, two men who were forcibly conscripted by rebels told Human Rights Watch that their commanders had obliged them to consume drugs, which they sometimes referred to as "medicine." One young man vividly recounted how he struggled against his captors when they forced him to take drugs and to then rape a woman in late 2002 or early 2003.

They forced me. I didn't want to take it. They started to beat me, to hit me. From left to right, everywhere. And on the spot they gave me this stuff I didn't know, they call this drugs. They put it in my mouth, by force, by violence. With liquids. Unknown fire. When they made me take this, I found myself in another world. My conscience had changed. A war slave sitting nearby more particularly a woman, they asked me to mount her and rape her. I said no. They hit my back, put me on her. I didn't know exactly what was happening, I didn't understand. And I executed what they said. What they told me to do.³⁴

Forcing Men to Rape Women and Forced Incest

At times, civilians were not only punished for protecting women from rape, but they were also forced to participate in rape, under threat of torture and execution. A man who was forcibly recruited by the rebels in late 2002 or early 2003 told Human Rights Watch how he was forced to rape a woman the same day he was abducted. Some

³³ Videotape interview [on file with Human Rights Watch], Liberia, October 2006.

³⁴ Ibid.

men who were forced to rape women still suffer psychologically as a result. The wife of the ex-combatant cited above described her husband's anguish:

I think what he lived is something very, very, very—that hurts. Even I who sit here, even I saw that what he lived is not good. During the night if he sleeps he often screams. Often I wake him up and ask him, “What is it?” He explains things that happened. He has problems now. Even if I think about what he lived through, it hurts me.³⁵

Human Rights Watch documented several cases of forced incest in which family members were forced under threat of torture and execution to have intercourse with each other. A middle-aged man described one such incident which took place in a rebel camp in the west in 2002:

They [the rebels] asked me to sleep with my sister. And after that they put us in their vehicle and brought us to their camp. They started to beat us again. My sister was in their hands. They were doing whatever they wanted with her. They took me, they asked me to sleep with her again, publicly, and I was obliged to do it.³⁶

Family members who refused to partake in raping or torturing their sisters, wives, or daughters were punished, even killed. One young woman described seeing her brother killed during the war, in Tiapleu, after he refused to have sexual intercourse with her.³⁷

Forced Witnessing of Sexual Violence

Many women and girls were raped in front of family members, which served to not only increase their psychological agony but also punish their relatives. Human Rights Watch documented numerous cases of husbands, fathers, mothers, and children who were forced to watch the sexual assault against their wives, daughters, and

³⁵ Ibid.

³⁶ Human Rights Watch interview, Liberia, October 2006.

³⁷ Human Rights Watch interview, Monrovia, Liberia, October 2006.

mothers, while they were helpless to do anything. One man described to Human Rights Watch how he was forced to witness the rapes of his wife and sister by rebels in late 2002.

One night the rebels came in my house, in my courtyard, with heavy weapons, and they broke the door. They came into my house. My wife had gone to the living room. They started to rape her. And the screams I heard...I jumped up, I went down. They overpowered me, because I was chubby. They took my son, they took my sister. My wife was in their hands. And with this strength they had, we were forced...They beat us. And you can even see my scars. They are black on my skin. On my back. And even on my son. And my sister, they were raping her... I have never seen my wife since I left Côte d'Ivoire. After this, we were in their hands.³⁸

Men, women, and children were forced to watch sexual violence as punishment, apparently in an attempt to terrorize them. One twelve-year-old recounted to Human Rights Watch how she was forced to witness the raping of several women at the age of eight.

In 2002 when the war came in Danané I was [sitting] without my parents in the market, sewing. I was eight years old. When they started shooting everywhere I was shaking...[I] panicked, everyone was shouting, people told me to calm down but the shots got worse. A group fled and I joined them. En route, the rebels bothered us and said "we will help you, come here." I was afraid of defying them, they ordered me to come and because I was very afraid, I came. They made the families go and kept the young women behind [in a house], and some older ones too. The biggest ones, the rebels raped them in front of me. The oldest [women] were 30 or 45 maybe. Four of them were raped. I was with the other kids, watching. I hid my eyes. I had never seen anything like this. I had never had sex or seen sex before. But

³⁸ Human Rights Watch interview, Liberia, October 2006.

they made me watch. Since then, when I sleep, my heart stops. I feel terrible when I think of this. Of the oldest women being raped, the oldest one died right there. Then the body was left in the room with us for four days. Since then, when I see older people, I feel terrible. I worry it will happen to them. It mixes me up in my head. I have bad nightmares, I see these ladies being raped. See violence. I think they are going to get me.³⁹

Children were raped in front of relatives and in some cases, mothers and their children were raped by the same groups of perpetrators. The mother of a ten-year-old girl describes how in 2002 three rebels raped both her and her daughter in their home in Danané:

Three rebels broke in and broke down the door and said "where is your husband?" Three came in with guns. They found me. They stabbed me and I fought back. Then two of them raped me and the other one raped my ten-year-old girl. They stole everything. They burned the house. I was bleeding, my daughter was very badly hurt. I was sobbing, I took my children and we went into the bush...⁴⁰

In some cases raping women in front of their relatives resulted in the breaking of family and community ties. Some husbands left their wives because of the shame inflicted by the taboo associated with sexual assault. One twenty-two-year-old explained to Human Rights Watch how her husband had divorced and abandoned her and their baby daughter after rebels raped her in front of him near the Liberian border in 2002. She was only 18 when rebels gang raped her, setting in motion the disintegration of her family.

I was in Danané before the war, in 2002. I fled the war and got to the border of Logouatou with my husband and my five-month-old daughter. I was 18. We encountered some rebels while we were fleeing. They

³⁹ Human Rights Watch interview, Côte d'Ivoire, September 2006.

⁴⁰ Human Rights Watch interview, Monrovia, Liberia, October 2006.

raped me in front of my husband. My husband doesn't want me any more. He says it is an abomination in our custom. He divorced me. I live in very difficult conditions.⁴¹

Male rape

Men were forced to rape women and to witness rapes, but men and boys have also reportedly been raped and otherwise sexually assaulted by combatants, although no figures on male rape or sexual assault are available. Few survivors give detailed statements about attacks they have suffered, largely because of cultural taboos. However, a woman who works in an international aid agency told Human Rights Watch about rape of men in her home village:

Many men were mistreated. The rebels forced them to work like slaves and also raped some of the men. Not boys, they were 18 to 35. I heard about the men raped because when the Liberians attacked, we had already finished harvesting the rice, and all of [the food] was stored in the village. So we had to come to the village to get food when we were hiding in the bush. Some men went for us and five or six of them were raped. Some of the men died. Others are still here.⁴²

Aid organizations also reported cases of torture of a sexual nature inflicted against men and boys. For instance, in Sangouiné, one organization interviewed a group of fathers, who described a case in which a boy was tied by his penis and dragged for nearly two kilometers by the New Forces.

Moreover, men were sexually humiliated, as women were. One girl told Human Rights Watch how psychologically destructive it was for her grandfather to be sexually humiliated: "Rebels...caught my grandfather and hit him and undressed him completely naked. It was very shameful. He cried."⁴³

⁴¹ Human Rights Watch interview, Monrovia, Liberia, October 2006.

⁴² Human Rights Watch interview, Man, Côte d'Ivoire, September 2006.

⁴³ Human Rights Watch interview, Monrovia, Liberia, September 2006.

Rape with Foreign Objects

Several witnesses described how rebels inserted objects such as firewood and guns into women's vaginas. One woman described to Human Rights Watch how rebels beat and raped her and her two adolescent daughters, and then shoved firewood into the vaginas of the two girls.⁴⁴ This particularly brutal attack took place in late 2002 in or near the western town of Logoualé.

Me and my two girls, they raped us. They hit us a lot. Frankly I don't know how I will cope. They took sticks to put in the vaginas of my two daughters...They took wood to shove it up in their vaginas. When they took out the wood they put their hands in. Really, they ruined my children. The blood was running. When the blood is running they told me to wipe it up. Wood, hands...when they were done... they beat my girls again and said they will kill us. I had to clean up the blood from my daughters.⁴⁵

Another witness told Human Rights Watch how whilst fleeing fighting between rebels and government troops near Man in 2002, she witnessed a young woman being anally raped by a rebel near a western village called Biankouma:

In 2002, we were in Man, but fled when the loyalists came to town, they are the ones who pillaged everything. A woman on the road gave birth to twins, the rebels killed her and her babies...I saw it with my own eyes. I was with my five children. And I even saw three groups on the road raping girls. I saw a woman being raped in the bush, one was raping her anus with his gun.⁴⁶

Co-existing Human Rights Violations alongside Sexual Violence

Human Rights Watch found that many cases of sexual violence took place in a context of other acts of brutal violence including killing, cannibalism, torture, assault,

⁴⁴ Ibid.

⁴⁵ Human Rights Watch interview, Nimba County, Liberia, October 2006.

⁴⁶ Human Rights Watch interview, Bamako, Mali, October 2006.

abduction, forced conscription, arbitrary detention, forced labor, and forced displacement.

An international NGO conducted a survey of 489 persons in the western rebel-held 18 Montagnes and government-held Moyen Cavally regions to understand the experiences of girls formerly associated with the armed conflict either as female child soldiers, cooks, porters, sex slaves, or in some combination of these roles.⁴⁷ The study found that while they were with fighting groups in rebel-held and government-held regions, girls not only experienced or saw rape and gang rape, but were also subjected to frequent psychological abuse including harassment, humiliation and death threats.⁴⁸ They also often witnessed torture, murders, physical abuse such as beatings, and forced drugging. The girls described camps as a violent and terrifying environment, with incessant sounds of gunfire.

Rarer but more terrifying atrocities such as cannibalism were also linked to rape, in ways which appeared to completely terrorize victims and witnesses. Several women who had been abducted by rebel factions described to Human Rights Watch how they had either witnessed acts of cannibalism or were forced to cook and, in a few cases, eat human flesh.

One young woman who was in her late teens when she was detained as a sex slave in a rebel camp recounted the terror she felt when rebels cut out part of her flesh and ate it in 2003.

They took me and for a week they raped me all the time, they locked me in a home. When they weren't raping me I just had to be there. They used to tie me up with my legs spread apart and arms tied behind me to rape me. They'd rape me three or four in the night, they would put their guns next to you and if you refuse they kill you. They killed one of my friends and made us bury her. We were about ten or 15 girls

⁴⁷ Report by an international humanitarian organization, which wished to remain anonymous, based on a March-June 2006 study of community reinsertion of girls who were associated with different armed groups in Western Côte d'Ivoire, unpublished document [on file with Human Rights Watch], hereinafter "Reinsertion of Former Girl Soldiers," 2006.

⁴⁸ Ibid.

there, being raped. They starved us. The nice ones would feed us secretly but if they were found out they were killed. They cut off a piece of my leg and they did the same thing to two other girls. They cooked it in front of us and ate it and said they wanted to taste human flesh. And they put a cloth in my wound and my leg closed over it but it got so infected, with pus coming out, still today my foot hurts sometimes when I put my foot down.⁴⁹

Punishment for Resistance

Women who resisted attacks and friends or family members who tried to rescue women from sexual slavery or violence were often severely punished, and sometimes killed. A member of an Ivorian human rights group told Human Rights Watch that his organization interviewed numerous men who were punished for trying to free their wives from sexual slavery. He described abuses he had witnessed as well as those his organization had documented in 2002-2003 in the rebel-held west:

The Chief named Zana sent his patrols to go tear women away from their homes and bring them to “commissariats” [rebel bases]. When the husbands came to complain, they were forced to lie on the ground with their eyes on the sun, and stare at it steadily. If you didn’t, then you were beaten. Two husbands were beaten to death. I myself saw these men whom they forced to lie in the sun all day. These husbands were exposed, stripped naked, all day. Women were slaves for cooking, everything. These types of abuses lasted about four to eight months.⁵⁰

One woman who had been abducted and kept as a sex slave in Danané in late 2002 told Human Rights Watch how her brother was machine-gunned in the leg for trying to save her, and how a few weeks later her father was beaten and probably killed for trying to stop her fourteen-year-old sister from being abducted:

⁴⁹ Human Rights Watch interview, Monrovia, Liberia, October 2006.

⁵⁰ Human Rights Watch interview with a staff member of an international humanitarian organization, Man, Côte d’Ivoire, September 2006.

My papa was beaten and taken off to be imprisoned and probably killed. This all happened to him because he tried to save my little sister. I heard my sister is still held hostage in Bin-Hounien. And I have no news from her. She was 14 when they took her...What happened is that they took me in Danané and started to violate me. And then they brought me to Bin-Hounien to get my things. That is when they saw my little sister. They tried to take her right away. I said “no, please I beg you don’t do this she is too little, you can have me.” But they hit me and took away my papa who also tried to stop them. I heard they brought him to the Gendarmerie de Zouan-Hounien. My little brother tried to defend me but they machine-gunned his leg so badly that his leg had to be cut off, it was just hanging off, we were all screaming. I heard that he is still there, alone and handicapped. I was taken, my sister was taken, my father was taken, and they burned the house down. They killed seven people in my family. Who will take care of my little brother now that he cannot walk?⁵¹

Victims of sexual violence themselves who tried to resist and prevent their rapes were subjected to additional beatings, torture, and other violations. One pregnant woman described how she was sexually mutilated near Man in late 2002 or early 2003 because of her initial refusal to be raped.

On the road close to Man the Ivorian rebels found me. They raped me and ripped my sex because they raped me so hard. I was three months pregnant and I lost my pregnancy. They ripped me also with their knives on my arms and legs, and beat me, because I refused to sleep with them.⁵²

Another young woman from Danané described how rebels who were enraged by her resistance beat her and subjected her to torture with ants in late 2002:

⁵¹ Human Rights Watch interview, Monrovia, Liberia, October 2006.

⁵² Human Rights Watch interview, Côte d’Ivoire, September 2006.

They went from courtyard to courtyard to recruit new fighters. My brothers said “no.” They asked the girls to fight, too. I said no, I told my brothers and sisters to refuse. They got mad at me. They grabbed me and took me and I screamed to my family to run away and hide. I said if I die it is alright but just save my children. The rebels took me in their pickup. My village is halfway to the Liberian border from Danané. They took me into the bush and raped me there. Five people. Then they beat me, and after raping and beating me they took me to a hut where they imprisoned other girls too. When they first tried to imprison me there I fought back. And so they stripped me naked and threw me on ants that ate me, I could hardly feel my skin. They undressed me. Then they threw me into the jail with the other girls. They raped us.⁵³

Sexual Harassment, Strip Searches, Sexual Humiliation and Forced Nudity

Because of the extreme, brutal forms of sexual violence experienced by scores of Ivorian women, less serious forms of sexual harassment appeared to go almost unnoticed. For instance, harassment, strip searches, sexual humiliation, and forced nudity appeared to be of such relative unimportance that interviewees rarely mentioned them unless specifically questioned.

Women described to Human Rights Watch how they never knew when or where they might be harassed, stripped, sexually humiliated, or sexually threatened, whether in their village, while traveling, at work, or in their homes. One woman who was stripped naked whilst in rebel custody in March 2003 in a makeshift prison in the town of Man described her ordeal:

In March 2003 I was arrested on a pretext that I was a spy. They beat me so badly I thought I’d die. They brought me to the prefecture and accused me of giving information to the father of a former student I’d taught a while back [who was apparently a government official], when I was a teacher. They threatened to kill me. They kept me naked a whole day from 13:00 [hrs] to 17:00 [hrs] the next day...I cried, I was so scared.

⁵³ Human Rights Watch interview, Côte d’Ivoire, September 2006.

They kept me in the Justice Palace where they had their headquarters. They beat me. It even left traces. The UN mission came and took a photo of the horrible marks on my back. They almost destroyed my eye.⁵⁴

Sexual Slavery

Sexual slavery has been defined as the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised, including sexual access through rape or other forms of sexual violence, and includes most if not all forms of forced prostitution. In Côte d'Ivoire, women and girls were abducted along with men to perform forced labor and in addition, many abducted women and girls became the sex slaves of the rebels. Consistent with fairly common practice in Côte d'Ivoire, many rebels had polygamous "marriages," including with abducted women whom they had forced to "marry" them. Rebels also changed "wives" frequently when they tired of them or when their "wives" fled, became ill, or died.

Most of the abductions and cases of sexual slavery documented by Human Rights Watch occurred in the western rebel-held areas of Côte d'Ivoire, particularly in the region of 18 Montagnes.

After being captured, abducted, or detained, numerous women and girls were raped or gang raped during single incidents or raped over extended periods of time. Many were forced to live with their captors for periods ranging from several days to over a year. Some were forcibly compelled to take active part in the fighting. While some sex slaves were used in camps for forced labor based on gender roles, such as carrying water, cooking, cleaning, and other household chores, others were incarcerated in small, confined spaces where they were kept as prisoners just for sexual intercourse, occasionally even tied up. Some survivors described being considered the "property" of one combatant, which appeared to ensure some degree of protection from such crimes as gang rape. As a result of abduction and sexual slavery, women and girls suffered brutal abuse, enduring beatings and humiliation in addition to sexual violence.

⁵⁴ Human Rights Watch interviews with a staff member of a local humanitarian organization, Man, Côte d'Ivoire, September 2006.

Several former sex slaves interviewed by Human Rights Watch spoke of living in near constant fear, with gunshots, violence, atrocities, and physical punishment becoming a daily reality. Most of them recalled with particular anguish the torment of suffering alone, knowing that they were separated from their loved ones. One woman, who was abducted as a teenager in 2002 by MPIGO forces and held for months, described what she saw:

Going from boy to boy is so hard. So sad. I nearly died many times. The rebels took girls from all the nearby villages around where I was. We would see the new girls coming into the camp. And the boys talked about this. They were proud of it. There were four girls in my house in the camp alone. I met many girls from all over the region, even from far away like villages close to Bangolo and Logouatou and next to Man.⁵⁵

Human Rights Watch spoke with women and girls who had been kept as sex slaves who described having been abducted as children. For instance, one seventeen-year-old told Human Rights Watch how she was abducted off the street in Danané in late 2002 when she was only 13.

When the war came, rebels came from all over...This big rebel commander, Samson, drove up in a big car and said “get in the car or we’ll kill you.” I said, “Why kill me? What did I do?” He said “Just get in.” They drove me to a house, he raped me, he had me, he had me all the time. The house had three bedrooms and a living room. We were lots of girls in there. At least ten girls. Any time you want to go out or try to talk they beat me. Always punish me because he thinks I will run away. Whenever I’d say “I want to go home,” he’d say “No, do what I want or I’ll kill you.” I’d say, “No I want to go home now.” He’d say “No, you’re my woman now.” I’d say “No,” and he’d beat me. For a year I think...Samson, he hurt me so badly, he’d take me rough.⁵⁶

⁵⁵ Human Rights Watch interview, Monrovia, Liberia, October 2006.

⁵⁶ Human Rights Watch interview, Côte d’Ivoire, September 2006.

Some women and girls were abducted off the streets, on rural roads, or in the bush. Others were ripped from their own households, in full view of their family and neighbors who were powerless to protect them. One girl told an international NGO, “I had been enrolled by force in Zeaglo. My father refused that I follow them. They killed him in front of my eyes. My father is dead because of me.”⁵⁷

One civil society leader working in the rebel-held west in late 2002-early 2003 documented many cases in which women and girls were abducted from rebel checkpoints and raids on villages in and around the town of Man. He explained:

I used to teach in that zone so I knew a lot of people and they talked to me, they trusted me. The military were the ones responsible. FAFN [FN], Liberians and Ivorians all mixed up. Especially MJP but also MPIGO and some symbiosis with the MPCI. There were mostly gang rapes. When women went to do errands in the market the [rebel] soldiers would kidnap them on their way back at checkpoints. There would also be cases of periodic raids where [rebel] soldiers would take girls [or women] and goods, then the patrol groups would go back to the camp with the [girls or] women. From the checkpoints and raids, the [girls or] women would stay in camps easily one, two, or three weeks, sometimes more. When husbands would go to fetch their wives and pay ransoms, they’d be beaten. Five young women were kept for three months, so long that the families thought the kids were already dead. When they tried to meet the [rebel] soldiers’ supervisor, it was impossible. A lot of times they took girls from their families.⁵⁸

A young man recounted his cousin’s abduction in 2003 by Sierra Leoneans fighting with the forces of MPIGO or MPJ in the town of Danané.

One of my cousins was taken by a Sierra Leonean warlord called Idrissa. He saw her in a disco. She is very beautiful. She didn’t want to

⁵⁷ Ibid.

⁵⁸ Human Rights Watch interview with a staff member of an international humanitarian organization, Man, Côte d’Ivoire, September 2006.

date him but he would come to the house with all his men, shooting in the air, everyone panicked. He terrified everyone. He was sadistic: he shouted that if the girl didn't accept him there would be a massacre. They barged into the courtyard shooting. The guards were savages. The whole neighborhood woke up. The family was so afraid that they pushed the girl to go with him. They even asked me to intervene and tell her that she needed to sacrifice herself to save the rest of the family. The mother came to ask me to intervene, she said that her daughter had to accept to save us all from the barbarism of this man. My cousin's case really makes you feel pity...Her mom died, because she was sick before and the anxiety over her daughter killed her.⁵⁹

While some sex slaves interviewed by Human Rights Watch recounted harrowing tales of escape, numerous others were forced in 2003 to flee into Liberia with retreating Liberian or Sierra Leonean combatants. Even though the period of active hostilities has long passed, many of these women and girls remain with their captors, both out of the fear of reprisals and fear of rejection by their families. Some women indicated to Human Rights Watch that they remained with their captors because they feared that their families would blame them for having been abducted and raped; others remained because they had given birth to their children, or because of drug addictions.

Those who wish to sever links with their captors have few alternative economic or social options, and remain a very vulnerable group with little or no means of support. In Côte d'Ivoire as in Liberia, sex slaves who have escaped their captors find themselves destitute and abandoned, with no option but to engage in survival sex or to eke out a meager living as low income workers in the informal economy. More than half of the former Ivorian sex slaves interviewed by Human Rights Watch in Liberia had at one point traded sex for as little as a plate of food.

Escaped sex slaves interviewed by Human Rights Watch and Ivorian refugee leaders in Liberia believe that many Ivorian women and girls remain with their former captors

⁵⁹ Human Rights Watch interview with former rebel spokesman, Monrovia, Liberia, October 2006.

in Liberia and to a lesser extent in Côte d'Ivoire.⁶⁰ One humanitarian worker told Human Rights Watch:

There are a number of girls from Bangolo captured by Liberians, who were found in Bin-Hounien and reunified with their families. They'd been prisoners, wives, for as much as three years, handed from Liberian to Ivorian rebels. And many more girls went to Liberia and haven't come back from there. A lot of times they took girls from their families, and now they *still* live with them at checkpoints and houses as concubines. These girls don't know how to go back, sometimes they have kids or they are now on drugs.⁶¹

Several former sex slaves interviewed by Human Rights Watch in Liberia explained how difficult it had been for them to escape their captors, both physically and psychologically. Some said they still live in fear that they will be found and punished or even killed for having had the temerity to run away.

Killings of Sex Slaves

While some sex slaves and "wives" of rebels escaped or remained with their captors, others were killed. Human Rights Watch interviewed several witnesses to the killing of female abductees. Women and girls were killed in particular during the internal power struggle between the MPCJ and combined forces of the MPJ and MPIGO in early 2003, which resulted in the expulsion of Liberian and Sierra Leonean fighters from the rebel-held west. Although this brought a gradual end to the worst conflict-related sexual violence in the rebel-held west, the expulsion of the Liberians and Sierra Leoneans gave rise to a short but brutal surge in violence against women.

According to interviews with local civil society leaders, the staff of aid agencies, former sex slaves, and a former rebel spokesman, numerous women and girls who had been abducted by Liberian and Sierra Leonean fighters between 2002 and 2003 were killed during or shortly after their foreign captors were expelled from Côte

⁶⁰ Human Rights Watch interviews with Ivorian refugee leaders, Liberia, October 2006.

⁶¹ Human Rights Watch interview with over a dozen staff members of an international humanitarian organization, Man, Côte d'Ivoire, September 2006.

d'Ivoire.⁶² These killings happened in two contexts. First, for reasons which remain unclear, the Liberians and Sierra Leoneans started to kill their own sex slaves. Second, the MPCI forces involved in expelling the Liberian and Sierra Leonean fighters killed many of the Liberian/Sierra Leonean rebels' Ivorian "girlfriends" in reprisal killings.

Liberians and Sierra Leoneans killing their own "wives"

Women who had already suffered the trauma of abduction and sexual slavery told Human Rights Watch about their panic when the killings began. Numerous killings are reported to have taken place between Man and Danané near the Liberian border as fleeing Liberians fighters killed some of their own captives. Four separate former sex slaves described to Human Rights Watch how they witnessed the murder of scores of Ivorian "wives" of Liberian and Sierra Leonean fighters in separate group killings which occurred in early 2003. One former sex slave told Human Rights Watch of her own terrifying near-death experience at the hands of her Liberian rebel captors in the bush near Logouatou during this troubled time:

They killed four Ivorian girls in front of me. It was in the bush near Logouatou. I said "Please, please, I beg you, let them live, they are my sisters." I tried to intervene but they were killed. They were girls from Danané. I recognized two of them. I didn't know the other two but all four said they were from Danané. We didn't bury them. I wanted to but I couldn't bury them. Some of the Liberians wanted to kill me too. They said that all the girls should be killed. But the five men who were raping me said "No, she is our wife." I heard that there were many, many other girls killed on the way to the border.⁶³

One woman abducted in late 2002 and enslaved by her captors in a number of rebel camps around the western region of 18 Montagnes stated: "When the Liberians left

⁶² Reports of additional killings of abducted women and girls by forces loyal to then-Liberian President Charles Taylor merit further investigation. These reports suggest that many abducted Ivorian and other women and girls may have been killed in the Liberian town of Ganta when Liberian government forces, allegedly acting on the orders of Liberian then-President Charles Taylor, murdered his former ally.

⁶³ Human Rights Watch interview and email correspondence, Monrovia, Liberia, October 2006.

Côte d'Ivoire they killed many, many girls they had kidnapped, from Danané to the border. I saw some executions with my own eyes and other girls like me told me about things they had seen too.”⁶⁴ This woman estimated that over a period of several weeks she saw roughly ten abductees killed. Another escaped sex slave described her near death experience at the hands of her rebel captors:

After two days they took us, we were nine women, most of us in our twenties and thirties. They put us in the back of their pickup truck and put bands on our eyes. We were naked. We stopped. They told us to get out. They said they were going to shoot and when they shot in the air we should run otherwise they would kill us. But we didn't know that we were all on the edge of a river. Without knowing it because of the bands on our eyes. They shot and we ran without seeing the river. At least five young women drowned that way. The water carried me down. I held onto a tree and I managed to get my bandage off. The river carried me to Liberia. I managed to crawl out in the bush where there were women working in the fields. I was naked, staggering because I had almost no strength, the rebels had starved us for three days. I fell in the fields. They thought I was dead. But they took me and washed me and fed me and gave me water, dressed me. These Liberian women were nice. It was next to the village Bohepleu. I spent one week in that village.⁶⁵

MPCI targeting Liberians' and Sierra Leoneans' Ivorian “wives” in reprisal killings

Moreover, Ivorian MPCI rebels involved in the purge of Liberian and Sierra Leonean combatants allegedly killed numerous girls associated with them. According to a former rebel spokesman with credible information regarding the fate of these women, those killed during the 2003 expulsion of Liberians and Sierra Leoneans could actually be between 50 and 100:

⁶⁴ Human Rights Watch interview, Côte d'Ivoire, September 2006.

⁶⁵ Human Rights Watch interview, Monrovia, Liberia, September 2006.

When the Ivorians pushed the Liberians out all the girls who were left behind got killed. If someone designated your courtyard and said that you had dated a Liberian warlord or even one of his fighters, they will kill you, they don't want to know anything. These girls who were killed were so many...too many. I can't give an exact number but I have seen about ten bodies of Ivorian girls killed in Danané alone, with my own eyes. And because of my position I heard of many others.⁶⁶

Women and girls abducted by Sierra Leonean and Liberian rebels who heard of these reprisal killings were terrified. Former sex slaves told Human Rights Watch that these reprisal killings made it even more dangerous for them to escape their "husbands" and stay behind in Côte d'Ivoire.⁶⁷

Sexual Violence at New Forces checkpoints

From the beginning of the war all the way through 2006, the numerous checkpoints scattered across rebel- and government-held areas of Côte d'Ivoire have been focal points for predatory sexual behavior. Abuses include rape, gang rape, sexual exploitation, and sexual harassment in addition to crimes such as theft, extortion, intimidation, beatings, torture, killings, and forced disappearances. Survivors of sexual abuse, civil society leaders, and bus drivers alike described how women were forced out of buses and kept behind while other passengers were allowed to pass, especially in the rebel-held west.

Human Rights Watch and other organizations documented numerous cases of rape, gang rape, sexual humiliation, physical abuse and sexual harassment perpetrated by rebel combatants at rebel-manned checkpoints. One civil society leader who conducted investigations in 2002 and 2003 into abuses in 20 villages within the rebel-held west, told Human Rights Watch that his organization had documented at least 40 cases of rape, most of which had occurred at checkpoints. One Ivorian humanitarian worker who traveled frequently in the west described what she saw:

⁶⁶ Human Rights Watch interview with former rebel spokesman, Monrovia, Liberia, October 2006.

⁶⁷ Human Rights Watch interview, Côte d'Ivoire, September 2006.

I had to travel all the time, and I have seen girls taken off buses at least ten times, maybe more like 15. I even remember a case where the parents were there and they were screaming and crying and the mother begged the soldiers on her knees and so in the end the rebels let the daughter go and get back on the bus. But this [letting the young women go] did not happen very often.⁶⁸

Certain roads in the western rebel-held region of 18 Montagnes were particularly perilous for women and girls, long after the armed conflict stopped. A local civil society leader reported that in November 2006 a ten-year-old girl was raped at a checkpoint near Bloalé.⁶⁹ A humanitarian worker described what she saw at a checkpoint near the entrance to Logoualé:

When a girl pleases a rebel there, she has to stay behind, cook, and be a sex slave. In many places. The checkpoint at the entrance of Logoualé was bad, they blocked a lot of girls there. A woman I know used to be a saleswoman and every time she had to cross the checkpoint she was forced to stay and got raped every time. Her husband came with her one time and they took her even in front of him.⁷⁰

Witnesses, including over a dozen minibus drivers who pass through scores of checkpoints on a daily basis, told Human Rights Watch that from 2002 to 2004 they routinely saw women being forced or pressured to stay behind while the rest of the bus passengers were allowed to proceed. The drivers described how attractive young female passengers were routinely forced off public transport vehicles. This was particularly prevalent during the active conflict, but continued through 2006, at which time this report was researched. As one driver put it, “At checkpoints, they

⁶⁸ Human Rights Watch interview with a staff member of a local women’s organization, Danané, Côte d’Ivoire, September 2006.

⁶⁹ Human Rights Watch interviews with a staff member of a local organization, Man, Côte d’Ivoire, September 2006.

⁷⁰ Human Rights Watch interviews with a staff member of a local organization, Man, Côte d’Ivoire, September 2006.

keep the young and pretty girls, and let the other women go.”⁷¹ Drivers from Abidjan to Man, from Man to Danané, and from Guiglo to several destinations all told Human Rights Watch of cases when women and girls had been taken thus by men from a variety of armed factions. Two young women told Human Rights Watch that they were raped at checkpoints by rebel combatants in 2003 and 2004, one in a region near Bouaké and the other not far from Bangolo.⁷² A group of three drivers told Human Rights Watch how they observed young women dressing in unattractive ragged clothing to make themselves as ugly as possible, or even cross-dressing as young men, in order to avoid the anticipated harassment and sexual exploitation at checkpoints.⁷³

One survivor recounted how she was kidnapped at a checkpoint, beaten, stripped, and raped by a New Forces officer in Danané in late January 2006, apparently in retaliation for her perceived support of the ruling party. She believes she was targeted because she had traveled from government-controlled Abidjan, and was thus accused of being a government-spy:

I stayed in Abidjan when the war happened. But I had no contact with my parents and my two kids. I worried so much about them...In the end in 2005 I decided to leave Abidjan and I went on 26 January 2006, arrived January 27. The rebels harassed me at many of the checkpoints and asked me for money and said my papers were bad and some of them wanted me to stay with them. In spite of this I made it nearly all the way to Danané...and there again they asked for my papers. The rebels said “You are a spy, we know people like you. You are a liar, this paper is proof.” They locked me up in a little house and all day they mistreated and hit me and threatened me...Then at 18:00 [hrs] they sent me to Danané town to the Belleville neighborhood to the Station Chief [*Chef de Poste*]...I told him that I am not a spy, I just got operated and I didn’t want to die without seeing my mother and

⁷¹ Human Rights Watch interview with Joseph Djitro, staff member of the United Nations High Commissioner for Refugees (UNHCR), Guiglo, Côte d’Ivoire, September 29, 2006.

⁷² Human Rights Watch interviews, Abidjan, Côte d’Ivoire, September 2006.

⁷³ Human Rights Watch interviews, Abidjan, Côte d’Ivoire, September 2006.

children. But he ripped off my clothes and hit me very hard and I said “Please, please, I just had an operation” and tried to show him my scar but he raped me anyway. It was my first time having sex since my operation and it hurt a lot, he forced me very hard. I fainted. And I woke up and saw he had left me on the ground, naked and I heard him talking to the men outside, then I heard him say “We are taking her into the bush, get ready.” So I was very afraid and pushed a chair up on a window and jumped out of the window naked. And I crawled and made it to a house and they gave me a *pagne* [a cloth which women wrap around themselves] and after a bit I fled.⁷⁴

Nearly all of the 15 NGO staff and civil society leaders interviewed by Human Rights Watch in rebel-held western Côte d’Ivoire separately and independently confirmed that sexual violence continues at checkpoints. They noted that market women were particularly vulnerable, given the nature of their work which obliged them to travel in order to sell their goods. According to the NGO staff and civil society leaders as well as bus drivers, market women are systematically asked for money at checkpoints. Those who are unable to pay the bribes being demanded are often held behind and subjected to sexual abuse, including rape.

Sexual Violence During the Period of “No Peace, No War,” 2004-2007

When French and UN troops began patrolling the buffer zone between northern rebels and government forces in the south, active fighting came to a halt, ushering in the political and military stalemate of 2004-2007. This period has often been characterized as the period of “no peace, no war.” While abuses against civilians were more concentrated in the period of active hostilities, serious violations including massacres, extrajudicial executions, torture, harassment, pillaging, and intimidation have nevertheless continued to take place.⁷⁵

⁷⁴ Human Rights Watch interview, Nimba County, Liberia, October 2006.

⁷⁵ ONUCI, Human Rights Division, *ONUCI Report on the Human Rights Situation in Côte d’Ivoire, Report N° 6, May – June – July – August 2006*, 2007. This report noted that the human rights situation is especially alarming in the Zone of Confidence where inter-communal, inter-ethnic violence “continues to plunge the population in rampant insecurity,” with criminals, armed men, militias called “Cocos taillés”, *Dozos*, and other armed groups acting in total impunity. ONUCI reported assassinations, killings, extortion and theft, kidnappings, disappearances, and other physical abuse in the Zone of Confidence which continue to trigger forced displacement of populations. In the rebel areas, ONUCI found frequent summary executions and detention of suspected spies, and received reports of rapes.

Human Rights Watch documented fewer cases of sexual abuse committed by the New Forces rebels during the period of 2004-2006 than was the case during the 2002-2003 war or ensuing periods of active combat. This improvement was also noted by civil society representatives and humanitarian workers active in rebel-held Côte d'Ivoire.⁷⁶

Absent more substantial data on patterns and prevalence, it is impossible to be sure why sexual and other attacks have decreased since 2004. However, local observers and civil society members attribute the decrease in sexual attacks first and foremost to the departure in 2003 of Liberian and Sierra Leonean fighters (who had been the most egregious perpetrators of sexual assaults against women and girls); second to the French peacekeepers' impact while controlling a buffer zone known as the "Zone of Confidence" and conducting regular patrols into rebel territory; third to the arrival of ONUCI troops who also conduct regular patrols in rebel-held areas;⁷⁷ and fourth to an effort on the part of rebel leadership to address the problem. For example, after the UN-imposed sanctions on rebel commander Martin Kouakou Fofié for major human rights violations in February 2006, New Forces leader Guillaume Soro ordered a reduction in checkpoints, partly in recognition of the many incidents of human rights abuses at such locations.⁷⁸

Rebel spokesman Sidiki Konaté declared on May 26, 2006 in a press conference that all New Forces were responsible for crimes in zones under their control. He declared: "Everyone will answer for his acts, for human rights violations...this crisis will end one day, but it will not be possible to erase these crimes. It is key to pay attention and understand that it's different now than it was before."⁷⁹

However, sexual abuse continues to occur. Human Rights Watch documented and received many reports of sexual abuse in rebel-held Côte d'Ivoire from 2004-2006,

⁷⁶ Human Rights Watch interview with civil society representatives and humanitarian workers active in rebel-held Côte d'Ivoire, Côte d'Ivoire, September 2006.

⁷⁷ The United Nations Operation in Côte d'Ivoire (*Opération des Nations Unies en Côte d'Ivoire*, ONUCI) replaced the United Nations Mission in Côte d'Ivoire (*Mission des Nations Unies en Côte d'Ivoire*, or MINUCI) on 4 April 2004.

⁷⁸ Human Rights Watch telephone interview with Alain Lobognon, New Forces National Secretary for Communication, April 10, 2007.

⁷⁹ ONUCI, Human Rights Division, *ONUCI Report on the Human Rights Situation in Côte d'Ivoire, Report N° 6, May – June – July – August 2006*, 2007, p. 21.

primarily rape and gang rape. Although civil society representatives unanimously noted that the situation had improved dramatically since the end of active hostilities, they were adamant that sexual violence remained a problem. One local women's rights NGO leader told Human Rights Watch in the fall of 2006:

We find sexual violence up to today you know. Like in Vavoua a young woman was the victim of a forced marriage to her cousin and she fled. She went to confide in the local authority for help, who was a rebel chief. He forced her to become his wife...One month ago.⁸⁰

Likewise, the human rights section of the UN Mission to Côte d'Ivoire (ONUCI) documented dozens of cases of sexual violence committed by rebel combatants from 2004 to 2006.⁸¹ Some of these cases, which took place in all areas under rebel control, include rapes, gang rapes, and sexual assault of women and girls in Vavoua, Bouaké, Konankankro, Ibodokro, Korhogo, and other locales in the north.

Regional Differences in Sexual Abuses by Rebels

Sexual abuse by rebels did not take place with the same intensity or frequency everywhere in rebel-held Côte d'Ivoire. The extent to which rebel zone commanders tolerated, encouraged, or participated in sexual violence appeared to influence the prevalence of sexual violence in certain areas under rebel control.

Central and far northern territory, controlled by the MPCJ, was spared the widespread sexual violence experienced by civilians in the MPJ- and MPIGO-controlled west.⁸² Since the 2003 expulsion of Liberian and Sierra Leonean mercenaries, the west has been more tightly controlled by the MPCJ leadership in Bouaké, but the local New Forces commanders in Man and Danané appear to remain relatively independent of centralized oversight.

⁸⁰ Human Rights Watch interviews with the leader of a local women's organization, Abidjan, Côte d'Ivoire, September 2006.

⁸¹ ONUCI, Human Rights Division, *ONUCI Report on the Human Rights Situation in Côte d'Ivoire, January – February – March – April 2006*, June 2006, pp. 31-36; ONUCI, Human Rights Division, *ONUCI Report on the Human Rights Situation in Côte d'Ivoire, August – September – October – November – December 2005*, February 2006, pp. 27-29; ONUCI, Human Rights Division, *ONUCI Report on the Human Rights Situation in Côte d'Ivoire, May – June – July 2005*, October 2006, pp.29-33.

⁸² Human Rights Watch, *Trapped Between Two Wars*, pp 24-25.

When Human Rights Watch conducted investigations in 2003, civilians who lived in center-north, MPCI-controlled zones (including some who were unsympathetic to the rebels' cause) testified that the MPCI generally respected most civilians in the towns they captured in the north, conducting meetings with the civilian population, explaining their aims, and telling civilians that they were not there to attack them.⁸³ One credible motive for this pattern of behavior is that the MPCI initially viewed itself as a liberation movement and wanted to maintain its reputation as such in the center-north, especially where the population shared the rebels' predominant ethnicities and religious affiliation, and had experienced discrimination under the southern-dominated security forces.

Nonetheless, despite such positive reports and the MPCI's efforts to curb MJP and MPIGO atrocities, the MPCI center-northern rebels have been responsible for numerous egregious human rights violations, reminiscent of those committed by their erstwhile western allies. For instance, when the rebels took Bouaké in September 2002, they arrested roughly 100 gendarmes and detained them in the barracks of the 3rd Legion of the Gendarmerie. Several weeks later, on October 6, 2002, between 90 and 131 people were found in a mass grave in the communal cemetery of Dar-es-salam in Bouaké, many allegedly connected to the gendarmerie. The dead were believed to have been summarily executed by the MPCI.

Killings were not the only punishment MPCI meted out to perceived government supporters; sexual violence was used as well. Local human rights groups reported cases of sexual violence in which MPCI rebels targeted women whose family members were affiliated with police and other government officials, women affiliated with the ruling FPI party, and certain ethnicities considered to be loyal to the government or simply hostile to the New Forces.⁸⁴ Most of these occurred in the first few months of the rebellion, from September through December 2002, during which period MPCI rebel atrocities around Bouaké terrified civilians and triggered massive

⁸³ Ibid, p. 24.

⁸⁴ Ethnicities considered to be loyal to the government or simply hostile to the New Forces could include Baoulé, Bété, Guéré, or Krou.

population displacement.⁸⁵ A civil society leader in a northern town described this dynamic to Human Rights Watch:

Bouaké had lots of Baoulé and other southerners but also northerners. The Baoulé and southerners supported the loyalists and government, and so many of them fled Bouaké when the rebels won. Ngatakro, Aouniansou and other Baoulé and southern neighborhoods have been empty since the rebels came, whereas Koho and Dar-es-salam are very busy and full of life, because they were always Dioula. They are empty because the people suffered abuses. They were looted and also there was some sexual violence.⁸⁶

When the largely Baoulé population fled, they headed south into government-controlled territory, especially Yamoussoukro and Abidjan. Midwives and social workers based in Yamoussoukro told Human Rights Watch that during November and December 2002, they treated dozens of women who had been raped by the rebels.⁸⁷

Amnesty International documented cases in which MPCl rebels raped relatives of government officials. For example, in one such documented case, rebels gang raped the wife of a government official in the Finance Ministry when they took Bouaké in September 2002. This Baoulé woman who was in her forties was gang raped by MPCl rebels in her house in front of her husband and her children.⁸⁸

⁸⁵ During the rebel takeover of northern and central Côte d'Ivoire during September and October, numerous atrocities were committed. The extent of human rights violations remains hard to quantify. Rebels allegedly arrested and killed scores if not hundreds of people affiliated with police and government. Pro-government forces then briefly retook the city of Bouaké and the region around it, summarily executing a number of alleged rebel supporters, burning and exposing their bodies in the streets. A few days later, on October 8, 2002, when rebels definitively retook Bouaké, they committed similar retaliatory executions, targeting both armed pro-government forces and civilians who had demonstrated support for the government. These atrocities triggered massive population displacement. At least 200,000 people are estimated to have fled Bouaké alone, many from the Baoulé or other southern ethnic groups, who fled partly out of fear that the rebels, largely from the Sénoufo or other northern ethnic groups, would carry out abuses against them. See Human Rights Watch, *Trapped Between Two Wars*.

⁸⁶ Human Rights Watch interview with leader of a local humanitarian organization, Korhogo, Côte d'Ivoire, October 2006.

⁸⁷ Human Rights Watch telephone interviews with midwives and social workers who had been based in Yamoussoukro, September 2006-March 2007.

⁸⁸ Amnesty International, *Côte d'Ivoire – Targeting women: the forgotten victims of the conflict*, AI Index: AFR 31/001/2007, 15 March 2007, available at <http://web.amnesty.org/library/Index/ENGAFR310012007>.

In addition to attacks on civilians including the rape or gang-rape of women, MPCI rebels also kept some women as sex slaves. For example, Amnesty International reported a case in which three sisters aged 17, 16, and 12 were “kept as wives” in their own home by occupying MPCI rebels in September 2002. Although the two eldest sisters reportedly were able to escape, the youngest died en route.⁸⁹ MPCI rebels also forcibly recruited women to partake in active hostilities, almost all of whom were raped or experienced some other form of sexual violence, according to Amnesty International.⁹⁰ A twenty-two-year-old described to Amnesty International how she was abducted in Bouaké by MPCI in September 2002 along with multiple other young women, how she and many others were beaten with metal bars and wooden sticks, and how those who refused to wear uniforms were allegedly killed. She also described how she and the other women and girls were raped from the first day onward; during the first two days rebels indiscriminately raped the various captives, then allocated a woman to each rebel to act as a sex slave.⁹¹

Moreover, as time passed and the salaries and provisions available to the Ivorian rebels dwindled, MPCI rebel troop behavior deteriorated even in the northern zone, with increasing incidents of looting and rape reported in MPCI-controlled territory by May 2003.

Like the MPCI rebels in the center-north around Bouaké, rebels in the far north carried out rapes and other human rights violations during the conflict, too. For example, Amnesty International documented how in the region of Korhogo, not far from the border with Mali, MPCI rebels reportedly raped several women fleeing for Mali, and slit the throat of a man accused of being part of a pro-government force.⁹²

Concerns about sexual violence and other crimes against humanity were included as grounds for the implementation of United Nations travel and economic sanctions

⁸⁹ Ibid.

⁹⁰ Ibid, p. 10.

⁹¹ Ibid.

⁹² Ibid.

initiated against Korhogo rebel commander Martin Kouakou Fofié.⁹³ As detailed in the February 7, 2006 UN Sanctions Committee statement:

Forces under his command engaged in recruitment of child soldiers, abductions, imposition of forced labor, sexual abuse of women, arbitrary arrests and extrajudicial killings, contrary to human rights conventions and to international humanitarian law.⁹⁴

As the Human Rights Watch mission did not include fieldwork around the north-western cities of Odienné or Touba, it is impossible at this time to describe patterns of sexual violence in those areas. Moreover, in part because of security problems and funding limitations, aid agencies and local NGOs have not been able to conduct reliable work on sexual violence in vast swaths of the rural north. Consequently, as a gender-based violence specialist working in Côte d'Ivoire put it, "these areas [like Odienné] are a big black hole. We have no information. Who knows what was happening there? It is probably better than what happened in the west, but it could be quite bad. We just don't know."⁹⁵

Sexual Abuses by Pro-government Forces

Since 2000, pro-government forces have been responsible for numerous acts of sexual violence against women and girls, including rape, gang rape, sexual torture, and sexual slavery. Sexual abuse by pro-government forces started in the beginning of the political crisis in 2000, peaked during the period of active hostilities (2002-2003), and continued thereafter (2004-2006), especially during periods of heightened political tension.

⁹³ One particularly egregious crime attributed to Commander Fofié was a well documented massacre in June 2004 of over one hundred (100) people, mostly dissident rebel fighters, some 60 of whom were found to have died from suffocation after being held in sealed goods containers for several days without food or water. Report of the United Nations Commission of Inquiry on Côte d'Ivoire, unpublished document [on file with Human Rights Watch], p. 38.

⁹⁴ "Côte d'Ivoire: Profiles of Three Ivorians Facing UN Sanctions," *IRIN*, February 8, 2006, available at <http://www.globalsecurity.org/military/library/news/2006/02/mil-060208-irino4.htm>.

⁹⁵ Human Rights Watch telephone interview with a staff member of an international humanitarian organization, Abidjan, Côte d'Ivoire, January 16, 2007.

Many cases of sexual abuse by pro-government forces appeared to be politically motivated because they were committed against women and girls perceived to support the northern-based rebels or political opposition. Those most vulnerable to attack were members of or were related to political leaders from a leading opposition party, the Rally of Republicans (*Rassemblement des républicains*, RDR); women from ethnic groups primarily from the rebel-held north, such as the Dioula and Sénoufo; and women originating from other West African countries, most notably Burkina Faso and Mali.

The most concentrated period of sexual violence by pro-government forces occurred in the context of active hostilities from September 2002 to mid 2003, as government and rebels fought for control in the west and south of Côte d'Ivoire.⁹⁶ Some of the worst sexual violence during this period appears to have been carried out by Liberian fighters working as pro-government mercenaries. Egregious sexual crimes committed by pro-government troops were often accompanied by other serious atrocities including massacres, torture, mutilation, and forced recruitment of children and others.⁹⁷

Following the cessation of active armed conflict in 2003, pro-government forces continued to commit serious sexual abuse against women and girls throughout the government-held south. Sexual abuse during this period—from late 2003 to 2006—was often associated with key political and military developments in Côte d'Ivoire, including riots, large-scale violence, and inter-ethnic clashes. Of the 15 cases of sexual violence documented by Human Rights Watch during this time, six took place during such periods. Most of those targeted appeared to have been singled out on the basis of their ethnicity, nationality, or perceived affiliation with rebel and opposition groups.

⁹⁶ The hardest hit areas of western and southern Côte d'Ivoire appear to have been the administrative regions of 18 Montagnes, Moyen-Cavally, Bas-Sassandra, and Haut-Sassandra, and the towns of Duékoué, Guiglo, Bolequin, Toulepleu, Tai, Tabou, Vavoua, and Daloa.

⁹⁷ Human Rights Watch, *Trapped Between Two Wars*, p. 7-8. Human Rights Watch and others have documented a number of these crimes including the killing of more than 60 civilians by Liberian mercenaries and government troops in Bangolo in early March 2003, the killing of over 50 in Daloa in October 2002, and the killing of some 100 civilians in Monoko Zohi in November 2002.

The Different Pro-government Forces Implicated in Abuses

Those implicated in acts of sexual violence include members of the official armed forces and law enforcement institutions, numerous pro-government armed militias, and pro-government youth groups.

Official security forces

The security forces associated with human rights violations include the gendarmes, who have the mandate for law and order in a district (typically in more rural areas); the police, who maintain law and order in towns; and the National Armed Forces of Côte d'Ivoire (*Forces armées nationales de Côte d'Ivoire*, FANCI), which regroups the army, air force, and navy. Other units function more or less as paramilitary units attached to different forces such as the Security Operations Command Center (*Centre de commandement des opérations de sécurité*, CECOS), the Anti-Riot Brigade (*Brigade anti-émeute*, BAE), the Presidential Guard (*Garde Présidentielle*, GP), the Presidential Security Group (*Groupement de Sécurité Présidentielle*, GSP), and the Republican Guard (*Garde Republicaine*, or GR).⁹⁸

Militias

Since the outbreak of hostilities in 2002, urban and rural militias have played an increasingly active role in matters of national security, including manning checkpoints on main roads in government-controlled areas, checking civilian identification, and generally taking on tasks usually carried out by uniformed government security forces. Militia leaders claim that they are at the vanguard of forces defending the government, compensating for an army that has been split along ethnic and regional lines since the 2002 rebellion.⁹⁹ Western diplomats and Ivorian government officials alike refer to the militias as “parallel security forces.”¹⁰⁰ These militias have been used by government officials to violently suppress opposition demonstrations and anti-government dissent, stifle the press, foment

⁹⁸ Human Rights Watch, *Côte d'Ivoire: The Human Rights Cost of the Political Impasse*, December 2005, <http://hrw.org/backgrounders/africa/Côte1205/index.htm>.

⁹⁹ Ibid.

¹⁰⁰ Ibid.

violent anti-foreigner sentiment, and attack rebel-held villages in the western cocoa- and coffee-producing areas.

Urban militias operating especially in Abidjan include the Young Patriots (*Jeunes Patriotes*); the Group of Patriots for Peace (*Groupe des Patriotes pour la Paix*, GPP); a radical pro-government student group called the Ivorian Students Federation (*Fédération étudiante et scolaire de Côte d'Ivoire*, FESCI); the youth wing of the ruling FPI party; and smaller groups like the Scorpion Guards in Yamoussoukro.¹⁰¹

Numerous other pro-government militias operate in the southwest around Toulepleu, Duékoué, and Guiglo, the largest of which is the Greater Western Liberation Front (*Forces de Libération du Grand Ouest*, FLGO).¹⁰² Other militias in the west include the Ivorian Movement for the Liberation of Western Ivory Coast (*Mouvement pour la libération de l'ouest de la Côte d'Ivoire*, MILOCI); the Patriotic Alliance of the Wê (*Alliance Patriotique Wê*, AP-Wê); and the Union of Patriots for the Resistance of the Far West (*Union des Patriotes Pour la Résistance du Grand Ouest*, UPRGO). Most of the recruits for the western militias come from the Guéré, Bété, Attie, Abey, and Dida ethnic groups, or their allies in the west, or from the Wê and Krou tribes. Other, smaller militias include the Security Front of the Center-West (*Front de sécurité du centre ouest*, FSCO) and the African Solidarity (*Solidarité Africaine*, SOAF).

Liberian mercenaries

In 2002 and at various times since, the government recruited and used Liberian mercenaries, including children, to fight alongside militias and government armed forces, especially in the southwest. Many government-backed Liberian forces, loosely linked to abusive Liberian rebel groups such as the Liberians United for Reconciliation and Democracy (LURD) or the Movement for Democracy in Liberia (MODEL), fought with both the Greater Western Liberation Front (*Front de libération du grand ouest*, FLGO) and “LIMA forces.”¹⁰³ However, whether through policy or a

¹⁰¹ Human Rights Watch has already documented the proliferation of pro-government militia groups and their increased role and power in earlier work. See Human Rights Watch, “Côte d’Ivoire – Militias Commit Abuses with Impunity,” November 27, 2003, available online at <http://hrw.org/english/docs/2003/11/27/cotedi6541.htm>.

¹⁰² Human Rights Watch, *The Human Rights Cost of the Political Impasse*.

¹⁰³ The name “Lima” may be derived from the fact that Lima is the radio alphabet code for the letter “L,” used to designate Liberians.

lack of control, the Liberians became the de facto authorities in some of “their” areas, often acting in collaboration with Gueré self-defense committee members.

Loyalists

Victims and witnesses interviewed by Human Rights Watch were not always able to identify the particular armed group responsible for the sexual abuse they suffered. Sexual abuse from 2002 onwards was often carried out in situations of extreme chaos by men dressed in civilian clothing, in irregular and dissimilar uniforms, or in uniforms lacking identifiable insignia. During 2002 and 2003, Liberian mercenaries, civilian militias, and official government security forces cooperated to retake towns and territory from rebels. Human Rights Watch was repeatedly told that since the beginning of the war, many of the gendarmes and police also donned military fatigues. Without uniforms, often without clear leadership or ranks, and without open links to the government, the identity of these armed men could be difficult to determine. As a result, many victims and witnesses interviewed for this report could only describe their attackers as “men dressed in uniform,” “the men of the government,” or “loyalists.”

Sexual Abuse during Active Hostilities, 2002-2003

The most concentrated period of sexual abuse against women and girls by pro-government troops took place during the period of active hostilities from September 2002 through mid 2003, and in areas where the battles were the fiercest, most notably in the west and southwest. While ethnically based militias and government troops were implicated, Liberian mercenaries were the pro-government fighters most often associated with some of the worst violations, including sexual abuse.

The president of a women’s association, who was also a traditional healer and had treated many women raped and gang raped by pro-government forces, spoke of the violence by those groups in the battle for the western town of Man. The abuses took place at some point between December 1 and 18, 2002, when government forces recaptured Man from rebels.¹⁰⁴

¹⁰⁴ A mixture of rebel forces captured Man on November 28, 2002. The government counter-attacked and succeeded in recapturing Man on November 30, 2002. The loyalist forces then held Man for at least two weeks, until the town was re-taken by the rebels on December 19, 2002.

My husband died in the war with my four-year-old child. My nephew was shot in the foot. They came to my courtyard, in Man. They shot in the air so much everyone was terrified and since then, one of my children is not right in the mind because of the fear. There were so many killings that we had to bury my child in the courtyard. Loyalists are the ones who did this. When they retook the city of Man, they raped many women, almost all the women were Dioula...Many women...come to me about sexual violence, both because I am a traditional healer and because I am the president [of a women's association]. I personally treated at least 30 women, but many more come and I have heard of over a hundred cases [throughout the war]. I just can't help all of them.¹⁰⁵

Midwives, nurses and social workers and confidential reports from local and international organizations operating in the western towns of Man, Bolequin and Toulepleu provided Human Rights Watch with information about dozens of rapes and other forms of sexual abuse by pro-government troops during 2002 and 2003.¹⁰⁶

According to victims, witnesses, and aid workers, combatants from militias comprised of men from the Guéré ethnic group—active in the southwest near Guiglo—were allegedly implicated in numerous human rights violations, including sexual violence, killings, physical abuse, extortion, and harassment. The Guéré militias appear to have targeted in particular West African immigrants, in 2002 and 2003, including those from Burkina Faso and Mali.

Rapes by pro-government forces often took place in the context of other egregious human rights violations. Interviewees described to Human Rights Watch how armed men carried out rapes together with other abuses including extortion, beatings, torture, and killings. For instance, one Muslim woman of Burkinabé background explained to Human Rights Watch how early in the war her community, near the border town of Zouan-Hounien, suffered a number of atrocities including sexual violence at the hands of “Loyalists.”

¹⁰⁵ Human Rights Watch interview with a president of a women's association, Bamako, Mali, October 2006.

¹⁰⁶ Human Rights Watch interviews with health and humanitarian workers, Man, Côte d'Ivoire, September 2006.

My mother and father were killed in Miadatou next to Zouan-Hounien. Loyalists are the ones who did that...They came in, shooting in the air, everyone was shouting and screaming and running and then they slit the throats of four people right in front of me. When they finished killing them, they beat the others, so we fled into the bush. The whole village was burned. Only three houses were left. After that we fled...I left because there were too many shots so I ran away...We don't even know where the rest of the family is. When we were still in the village, the loyalists caught young women and put them in a house, and said they'd kill them if they refused. The loyalists who went into the house to use the girls were numerous, I couldn't count them. One girl was 12, one was five, one was seven. I saw this with my own eyes. We all know they were raped. They were very little. These girls were crying...I feel very traumatized by all this.¹⁰⁷

Many acts of sexual violence appear to have taken place during organized campaigns of violence by pro-government forces, designed to force “*allogènes*” (foreigners) off their lands. Thus, for a number of victims and witnesses, acts of sexual violence were often part of a pattern of broader suffering and loss these communities experienced: villages or homes burned, possessions stolen, and family and friends killed. However, it appeared that the inter-ethnic fighting and attacks over plantations in the southwest were more characterized by extreme *physical* violence than specifically by *sexual* violence.¹⁰⁸ Many victims and witnesses described acts of collective violence, harassment, intimidation, torture, massacres, and the destruction of villages, but stated that they had neither witnessed nor experienced sexual violence.¹⁰⁹ In a study on the role of land ownership in localized conflicts between Bété and Burkinabé households in the central-western forest regions of Côte d'Ivoire, historian Joshua Strozeski found a 500% increase in

¹⁰⁷ Human Rights Watch interview, Nimba County, Liberia, October 2006.

¹⁰⁸ Human Rights Watch, “*Because They Have Guns...I’m Left with Nothing’: The Price of Continuing Impunity in Côte d’Ivoire*,” footnote 13.

¹⁰⁹ Human Rights Watch interview with a random sampling of 14 Burkinabé women who had fled Côte d’Ivoire at various points during the war and crisis, Burkina Faso, October 2006.

physical conflicts after a discriminatory anti-foreign law was passed, but did not discover similarly shocking spikes in sexual violence.¹¹⁰

Moreover, not all local leaders and militias in government-held territories engaged in or condoned sexual and other violence against foreigners and Muslims. Indeed, some local leaders resisted the tide of xenophobia sweeping government-held areas and refused to join or allow ethnically or religiously motivated persecution. One woman described to Human Rights Watch how she believed that her community was spared inter-ethnic violence and sexual targeting of Burkinabé and other migrant women because of her traditional chief's refusal to condone such abuses during the war.

In palavers with my friends, many people talked about rapes. It happened frequently...[but] where I was, the village chief was not ok with violence against foreigners.¹¹¹

Women Targeted because of their Dioula Origin

Politicians in power from President Bédié to President Gbagbo developed and promoted the notion of *Ivoirité*, often using propaganda to manipulate social imagination and to foster divisions between two groups: Ivorians who belonged and whose citizenship was beyond doubt, and those people of dubious Ivorian citizenship, who could be reclassified as outsiders. At first, making this distinction appeared to be aimed at marginalizing current or future political rivals from political life. As the notion of *Ivoirité* gained traction and deepened rifts between ethnic groups, supporters of the RDR political party were progressively targeted as enemies of the government, alongside those perceived to support them: people from the north, Muslims, Dioulas, and foreigners, especially Burkinabés and Malians. Once the war broke out in 2002, this polemic adopted a further interpretation relating to national security.

¹¹⁰ Joshua A. Strozeski, *The Role of Land Ownership in Localized Conflicts Between Bété and Burkinabé Households in the Central Western Forest Regions of Côte d'Ivoire* (Washington, DC: Dissertation Submitted to the Faculty of the Graduate School of Howard University Department of African Studies), unpublished document [on file with Human Rights Watch], May 2006, p. 142. (in Gboghue, Yokorea, Gripazo, Niapoyo/Koneadougou, Sorohio, and Valua).

¹¹¹ Human Rights Watch interview, Burkina Faso, October 2006.

The former cabinet head for the police chief of staff (*Chef de Cabinet du Directeur de la Police*), who is currently the Korhogo Police Prefect, told Human Rights Watch of numerous cases of sexual abuse against Dioula, Muslim, and foreign women by police officers. He described how his efforts to sanction police officers accused of rape from 1999 to 2001 were frustrated, and how, to the best of his knowledge, none of the alleged perpetrators within the police were ever punished:

I was with police for 28 years in Abidjan. I had men under my orders from the south who didn't obey me; they would commit crimes against northerners, even rape and harass women because they were Muslim or because their name was "Ouattara" for example. All kinds of crimes. I made case files about this and tried to sanction people but it never went anywhere. This all started under Bédié even. For example in 2001 I prepared a report about a colleague for rape, to get him fired, but because of the crisis they dropped the case. The lack of sanctions was a way of encouraging more sexual violence...and towards the end my colleagues admitted that rape happened in times of crisis during raids."¹¹²

From 2000 to the present, abuses at checkpoints by pro-government forces against Dioulas frequently turn routine travel into a nightmare for many women. Although extortion and physical violence remained the most common forms of abuse, armed men at pro-government checkpoints subjected women and girls to numerous forms of sexual abuse, including strip searching, sexual humiliation, rape, gang-rape and other abuse. One girl described how she saw gendarmes sexually humiliating and mistreating a Dioula woman in 2002 at an Abidjan checkpoint after accusing her of supporting the rebels:

One day, right in front of me, I was doing commerce in Guedyawaye to resell my wares in Abidjan; I was with a Dioula woman. They made her get out of the bus, the police, and they forced her to crawl around on her knees. She was pregnant. They touched her breasts and searched

¹¹² Human Rights Watch interview with Koné Nabalassé, Korhogo Police Prefect (Préfet de police), Korhogo, Côte d'Ivoire, October 2006.

her and undressed her and were mistreating her. This was in 2002 during the crisis.¹¹³

The girl told Human Rights Watch that the police shouted at their victim that she was a Dioula, and that the war “is the fault of your people.”

Several women leaders from the RDR opposition party told Human Rights Watch that they regularly received reports from RDR women members (most of whom have Muslim-sounding names) of sexual harassment, and slurs or verbal threats which made reference to their ethnic or national identity. They believed the strip searches, sexual humiliation, and vaginal searches took place more frequently at checkpoints in predominantly Muslim neighborhoods in Abidjan and Yamoussoukro.¹¹⁴

A number of Dioula victims, witnesses, and women leaders told Human Rights Watch how they lived in fear of sexual and physical violence by the police, gendarmes, and other pro-government forces. One testimony from a Dioula woman who lived in Abidjan and who suffered physical and verbal sexual harassment, and possibly sexual abuse, illustrates this fear:

I was selling things in Abidjan and the gendarmes were bothering us. They would chase us and destroy my merchandise...Sexual harassment happened a lot...even to me. But I am too ashamed to speak of it. It happened to many women in the market... If I tell you what happened to me, I will melt in tears. I just can't tell anyone. In the market, if you are a Dioula woman, they take you to the police station. They keep you and lock you up and many of them rape you. If one finishes the other comes up and there are not enough women then they pass on you...¹¹⁵

Numerous rapes occurred during the government razing of “*quartiers précaires*” or shantytowns, occupied by thousands of immigrants and “Dioula” Ivorians. The Red

¹¹³ Human Rights Watch interview with a witness, Abidjan, Côte d'Ivoire, September 2006.

¹¹⁴ Human Rights Watch interview with multiple leaders in the RDR party, Abidjan, Côte d'Ivoire, September 2006.

¹¹⁵ Human Rights Watch interview with a witness, Bamako, Mali, October 2006.

Cross estimated that between September 21 and 24, 2002 some 12,000 people were displaced from Dioula neighborhoods in Abidjan.¹¹⁶ During these operations from October 2002 to December 2002 and even later, government forces allegedly searched for weapons and rebels, but more often would simply order out all the residents and burn or demolish their homes, engaging in numerous human rights abuses, including extortion, arbitrary arrests and detentions, “disappearances,” summary executions, the displacement of thousands, and sexual abuse.¹¹⁷

Women Targeted Because They Were “Foreign”

Human Rights Watch and several other national and international organizations documented a clear pattern of women of West African origin being singled out for sexual abuse and harassment by pro-government forces. Sometimes the sexual abuse against West Africans occurred within the context of attacks on camps or neighborhoods, which were largely comprised of Malians or Burkinabés. Other times these West African women were singled out from others riding public transportation by security forces manning a checkpoint.

Human Rights Watch documented a range of crimes committed against Burkinabé and Malian women ranging from vaginal fingering to gang rape. One local aid organization documented sexual violence against over 100 Burkinabé women and girls in government-held southwest Côte d’Ivoire at the height of the conflict in late 2002 and early 2003, finding that they had been raped or sexually abused by armed men from various pro-government groups.¹¹⁸ The area where the attacks occurred is a stronghold of pro-government militias. A representative of the organization told Human Rights Watch that many of the sexual attacks were committed within the context of body searches for hidden money, and that most of these women subsequently fled to Burkina Faso.¹¹⁹

¹¹⁶ Human Rights Watch, *Government Abuses in Response to Army Revolt*, vol 14, no.9(A), November 2002, footnote 20: “Information provided by humanitarian agencies in Abidjan.”

¹¹⁷ Human Rights Watch, *Government Abuses in Response to Army Revolt*; “Des centaines de soldats ont investi hier des bidonvilles,” *le Jour*, December 12, 2002, p. 2; Human Rights Watch, *Trapped Between Two Wars*, pp. 9-10.

¹¹⁸ Report by an anonymous NGO, unpublished document [on file with Human Rights Watch], hereinafter *Sexual violence in 18 Montagnes*.

¹¹⁹ Human Rights Watch interview with staff members of an international humanitarian organization, Guiglo, Côte d’Ivoire, September 29, 2006.

Many of the Burkinabé women who were raped went back to Burkina Faso. We did research with focus groups...Women said rape was frequent. They were attacked and searched for money. If they had no money, then they were raped. It started because there was a rumor was that Burkinabé women hid their husbands' money in their underclothes. They were raped from age 16 up 'til women in their forties.¹²⁰

One Burkinabé woman told Human Rights Watch about the experience of her sisters' sexual abuse at the hands of pro-government forces in a southwestern community not far from the Liberian border. After Guéré militias and loyalists attacked and raped civilians in her community in the “hot times” of the war, two of her sisters aged 12 and 13 were gang raped by militiamen in 2005, and she witnessed a gang rape by Loyalists:

We are from a *campement* [rural community] with mostly Burkinabé. We suffered. They frighten us and want us to leave. They steal our things and say to us “go home or we will kill you.” [Militiamen] raped two of my little sisters in 2005. In the evening they had gone to see their big sister and the militiamen took them, the girls were scared, one was only 12 and one was 13. The militiamen made them drink. The girls didn't know what to do or how to get help. Then the men all raped my sisters. We were all crying. We sent them to Danané to get them treated. I left so I don't even know if they are alright now. I worry about them. Also one girl coming from the market in Zouan-Hounien, she was raped in front of me by Loyalists...I saw them harass her and take her and then I ran away and was hiding and I heard her screaming “Please, please no” ...They knew she was Burkinabé because of her name on her identity card.¹²¹

¹²⁰ Ibid.

¹²¹ Human Rights Watch interview with a witness, Nimba County, Liberia, October 2006.

Many cases of sexual abuse against women of West African origin involved the victim being strip searched, undressed, or vaginally searched in an apparent attempt to humiliate them. An Abidjan-based humanitarian organization told Human Rights Watch about three cases of vaginal searches of Burkinabé women at gendarme-run checkpoints in Abidjan between 2003 and 2005.¹²² Another documented numerous cases of vaginal searches of Burkinabé and Malian women at checkpoints around the southwestern town of Guiglo, which is dominated by pro-government militias.¹²³ The victims who sought treatment and help from local or international NGOs reportedly described these experiences as profoundly humiliating and traumatic.

One Muslim Ivorian woman discussed how she saw numerous women attacked by pro-government ethnic Bété militiamen in a predominantly Muslim market in Abidjan in the fall of 2002, and recounted how women who were considered to be of foreign origin were stripped naked or partially undressed in acts of sexual humiliation.

It happened in front of me at Abobo. They came, they caught and then beat everyone, stripped many of them naked, and beat and beat and beat people: Malians, Guineans, Burkinabés, not so many Dioulas though. Young Bété men did this. I saw three women they beat and undressed in front of me. I was lucky because an Ivorian woman hid us. This was when the war was hot.¹²⁴

In some cases, vaginal searches and sexual humiliations could be precursors to far worse forms of sexual abuse. For instance, a Malian woman who was singled out for sexual abuse in June 2005 described how a policeman accused her of being a rebel because of her Malian nationality, and then stripped, vaginally fingered, beat and vaginally and anally raped her at the southern road leading into the western town of Duékoué:

¹²² Human Rights Watch interview with the president of a local organization, Abidjan, Côte d'Ivoire, September 2006.

¹²³ Human Rights Watch interview with staff members of an international humanitarian organization, Abidjan and Guiglo, Côte d'Ivoire, September 2006.

¹²⁴ Unpublished affidavit by victim for local human rights organization [on file with Human Rights Watch], Abidjan, Côte d'Ivoire, 2005.

I'd hidden my [Malian papers] in one of the pockets of my clothes. Because in Mali everyone had told me that anyone giving these documents on Ivorian territory risked abuse by the FDS. Thus, at the southern corridor of Duékoué I was asked for my papers. I told the agent that I didn't have any and he brought me to a house near the corridor. He searched my pockets and found my papers. Then he searched my bags. According to him he was looking for drugs that I was hiding. Then he ordered me to undress, he forced me to get naked. Then he put his fingers in my sex and moved them around under pretext that he was looking for drugs, before taking them out and ordering me to dress. He started to hit me with a wooden stick. One of his friends joined him and asked why I was there. He answered that I was a friend of the rebels, and that on top of it I was trafficking drugs. Needless to say, I denied all these accusations. He kept saying that I refused to give him my papers in order not to be identified. So his friend started beating me right away. Then the first police agent stuffed me in a white car under pretext that the police commissioner was asking for me at the police station. On the road, he told me I would go to prison as the rebels' woman and that the danger for me in prison would be that I'd be with men who hadn't made love for years. So they'd rape me. He asked me if I could have sex with five or six people back to back. I said "No," and said "I cannot, and don't want to." He said I had to choose between him and the prisoners...He drove me to a courtyard...he came to me and asked me to sleep with him, and I said "No, please, I can't do it" so he pushed me and I fell and he abused me. Then he put his fingers in my sex and was moving them around. These movements produced difficult pain. Then he turned me over and sodomized me. Before starting these acts he put his pistol on the table.¹²⁵

¹²⁵ Human Rights Watch interview with a witness, Abidjan, Côte d'Ivoire, September 2006.

This policeman kept her in captivity for a night and a day, during which time he forced her to suck on his penis, beat her again, and repeated several times that she was “a friend of the rebels.”¹²⁶

Human Rights Watch documented three cases of rape and collected reports of many more rapes perpetrated by pro-government forces against women of Burkinabé and Malian origin. A leader of an Ivorian humanitarian organization described to Human Rights Watch how she had counseled scores of cases of sexual violence against Malian and “Dioula” women (the term Dioula is often used to refer not only to Ivorians but also to people of northern or foreign background). She told Human Rights Watch that she believed the police routinely raped *allogène* (foreign) and Dioula women whom they detained for various reasons. For instance, she recalled a case in the early months of the armed conflict involving a middle-aged Malian woman who lived in a predominantly Muslim neighborhood of Abidjan. She described how she left the house in spite of a curfew to look for her son because she heard shots outside. On the way she was taken in a car by 12 gendarmes along with two other women, and all were raped before being dropped off at the police station. The NGO leader, who had been alerted to that woman’s detention, picked her up at the police station, where she found her disheveled and sobbing. The NGO leader described nine other cases involving victims of Burkinabé, Malian or Dioula origin in comparable detail, and affirmed that she had documented many more cases.¹²⁷

A number of cases of sexual violence against West African and Dioula women took place during raids on predominantly Dioula neighborhoods by law enforcement officers. For instance, Malian consular officials documented a case in November 2003 in which two young Malian women were raped and one pregnant woman was so badly beaten that she miscarried during a violent raid in the Adjamé neighborhood of Abidjan.¹²⁸ A woman of Malian origin living in a predominantly Muslim neighborhood of Abidjan described how she was raped by soldiers in front of

¹²⁶ Human Rights Watch interviews with consular sources, representatives of a local human rights group involved, and the witness’ testimony, Abidjan, Côte d’Ivoire, September 2006. The consular officials told Human Rights Watch that the policeman involved in this attack was a notorious recidivist who had been implicated in numerous rapes whilst on duty.

¹²⁷ Human Rights Watch in-person and telephone interviews with the president of a local human rights organization, Bamako, Mali, October 2006.

¹²⁸ Human Rights Watch interviews with a consular official, Abidjan, Côte d’Ivoire, September 2006.

her husband on March 25, 2004. The attack occurred during a government crackdown following a protest march by the RDR:

During the crisis that followed the opposition march, I was raped by the military at about 20:00 [hrs]. They came into our house. My husband was in the living room and my three children were in their rooms. The soldiers locked the kids up. I was just coming out from the shower. They forced my husband to sit and watch them raping me under the threat of their guns. This shame prevents me from looking at my husband today. I want to return to Mali because I suffer too much from shame.¹²⁹

Even more serious were rapes or gang rapes accompanied by killings and torture. A businesswoman of Burkinabé origin told Human Rights Watch how in late 2002 or early 2003 men dressed in government military uniforms and civilians of Baoulé, Bété and Agni ethnicity attacked her and other foreigners, one of whom she saw raped and killed. The incident took place on the way from Abidjan to Lomé, Togo.

I was with a friend who is Guinean and a Malian friend. I am Burkinabé. I was selling things between Lomé and Abidjan. One day we left for Lomé. On the way back, bandits stopped us. They killed many people that day: men, women. They killed a young man with us. We were very afraid. That day, so many people were killed. I saw that they killed four men and three women. The bandits were dressed in military clothes, the military of Gbagbo. They were military and civilians mixed together. We were being killed because we were foreigners...this is what they told us. They said we must go home. Baoulé, Bété, Agni were mistreating the foreigners and we were killed. The police never did anything. One of our neighbors on this trip, his daughter was raped. He was going to Niger. They took a knife and sliced her pants. She was

¹²⁹ Human Rights Watch interview with four women leaders of a women's organization, Abidjan, Côte d'Ivoire, September 2006.

raped there, by a first one. Then a second one wanted to rape her, and she resisted. He killed her.¹³⁰

Some cases of sexual violence against women originating from neighboring West African countries have taken place within the context of interethnic conflicts over land, particularly in the southwest. Indeed, southwestern Côte d'Ivoire remains beset by ethnic tensions and violence, characterized by armed gangs and militias attacking villages, destroying homes, schools, wells, and health centers, resulting in ongoing cycles of displacement.¹³¹ Killings, rapes, and a few massacres have continued up until the present, long past the end of active hostilities, and even within the Zone of Confidence.

Women Targeted because they were French or White

Foreign women of non-African descent were also singled out for politically motivated sexual violence. Several white women, most likely French, were raped during the anti-French riots and attacks that rocked Abidjan from November 6 to 12, 2004. These attacks followed a military crisis between Ivorian and French troops; in early November 2004, Ivorian airplanes broke a ceasefire and bombarded a New Forces base at Bouaké, killing numerous civilians and nine French soldiers. The French immediately responded by destroying all Ivorian military aircraft, which then ignited anti-French riots, large-scale violence in Abidjan, and the evacuation of 8,000 foreigners (most of them French).

According to French military officials, several white women were raped; French General Henri Poncet, then commander of the *Licorne* operation (French peacekeeping forces in Côte d'Ivoire), said "I confirm that there were rapes... There were exactions, tragedies for a number of women. I will not comment any more, out of respect."¹³² General Henri Bentégeat, chief of staff of the army who commanded all operational French forces at the time, did not hesitate to describe as "rapists" those responsible for pillaging French residences in Abidjan and attacking French

¹³⁰ Human Rights Watch interview with a witness, Burkina Faso, October 2006.

¹³¹ Strozeski, *Land Ownership*, pp. 142.

¹³² Meera Selva, "Rioters Rape Europeans As They Flee From Ivory Coast," *Independent* (UK), November 13, 2004; Marie-Amélie Lombard-Latune and Christophe Cornevin, "Des plaintes pour viol déposées en justice," *Le Figaro*, November 13, 2004.

citizens.¹³³ Both Henri Aussavy, then spokesperson for *Licorne*, and Hervé Ladsous, then spokesperson for the Foreign Ministry in Paris confirmed that there were indeed rapes in November 2004.¹³⁴ On November 12, 2004, the President of the Union of French Expatriates in Abidjan (*l'Union des Français de l'étranger à Abidjan*), Catherine Rechenmann, hinted that three European women who had been raped had returned to France.¹³⁵ Human Rights Watch was unable to obtain concrete information on the number of overall rapes, or contact information for victims, even those few who had commenced a lawsuit in Paris.¹³⁶

Women Targeted for their Affiliation to the Rassemblement des Républicains (RDR) Opposition Party

Even prior to the 2002 outbreak of hostilities, as early as 2000, women in Côte d'Ivoire were targeted by pro-government forces for their affiliation—either actual or perceived—with the RDR opposition political party. In many cases these acts terrorized entire families and neighborhoods, perhaps in an effort to weaken their support for the opposition party. Some women were raped and gang raped because of the political activities of a husband, father, brother, or other relative, even if they had never engaged in any form of political activism themselves.

A previous wave of politically motivated sexual abuses against women affiliated with the opposition took place in 2000, two years before the outbreak of active fighting. During the violence which accompanied the 2000 presidential and parliamentary elections, police, gendarmes, soldiers, and other pro-government forces committed many rapes and acts of sexual torture perpetrated against real or perceived RDR supporters.¹³⁷ The perpetrators most frequently committed sexual crimes in centers of detention where both male and female detainees were subjected to sexual abuse and humiliation while in the custody of the gendarmes and police, or by supporters

¹³³ "Interview with General Henri Bentégeat," *Europe-1*, November 12, 2004.

¹³⁴ Selva, "Rioters Rape Europeans As They Flee from Ivory Coast" and Lombard, "Des plaintes pour viol déposées en justice."

¹³⁵ France-Inter news [Radio], November 12, 2004.

¹³⁶ Two hundred and thirty-seven complaints were registered at the French tribunal of Bobigny (Seine-Saint-Denis, near the airport Roissy-Charles-de-Gaulle) on February 1 2005, three of which were for rape and one for attempted rape. The cases have been processed and were ongoing at the time of writing.

¹³⁷ Human Rights Watch, *The New Racism*.

of the FPI in the presence of security forces. Men's genitals were beaten, tortured, and/or burned, and male detainees were ordered to get an erection in order to rape women detainees. Women were stripped naked, beaten, threatened with sexual assault, raped, gang raped, penetrated with objects, beaten in the genital area, or sexually humiliated. Rapes took place on the grounds of a technical institute in Cocody, the National Police Academy, and the Youpougon Gendarme Camp.¹³⁸ Other abuses were meted out by supporters of the FPI in the presence of security forces.

In spite of international outrage about the 2000 sexual abuse, these and other atrocities against RDR members and their families continued, reemerging in 2002 with the outbreak of war, and continuing throughout the conflict. From 2002, women associated with the RDR were sexually abused by pro-government forces, at times against a backdrop of intimidation of RDR members in general. A United Nations Commission of Inquiry,¹³⁹ which was mandated to investigate human rights abuses in Côte d'Ivoire from 2002 to 2004, produced a hard hitting report that was suppressed at the United Nations and has not been published. In a leaked version of this report, the Commission of Inquiry described a number of political assassinations of RDR leaders. A leading human rights group, the Ivorian Movement for Human Rights (*Mouvement Ivoirien des Droits de l'Homme*) documented approximately 300 assassinations of RDR activists in the period following the rebellion alone.¹⁴⁰ Interviews with victims, witnesses, and RDR leaders suggest that these attacks were sometimes accompanied by sexual assaults against RDR supporters and their female family members.

Human Rights Watch received numerous reports and documented seven cases from 2002-2006 in which victims of sexual abuse appeared to have been targeted on account of their or a family member's affiliation with the RDR party.

A woman whose family was active in the RDR described how Liberian mercenaries and Ivorian gendarmes gang raped her in front of her husband and then killed him, after accusing him of being a "traitor." The attack occurred in late 2002 when pro-

¹³⁸ Ibid.

¹³⁹ Report of the United Nations Commission of Inquiry on Côte d'Ivoire, p. 52.

¹⁴⁰ Ibid, pp. 36-37.

government forces took the city of Daloa back from the rebels. According to the United Nations Commission of Inquiry, numerous RDR supporters were targeted at this time, during a massacre by pro-government forces in Daloa. The rape survivor told Human Rights Watch that she saw many bodies of other people killed and that she believed other women had been raped as she was, because of their affiliation to the RDR or their perceived support for the rebels.

I was in Daloa when the rebels came. We were RDR and we went out to applaud [the rebels when they took the city] because we thought they were fighting for us. Gbagbo's people made a list¹⁴¹ of all the people who went out to greet the rebels, of all of us who'd clapped. Then later, Gbagbo sent the Liberian mercenaries [and other forces to take back Daloa]. They came to our house. They [the Liberians] were speaking English, mixed in with the gendarmes who were speaking French. They beat my husband. When I complained and screamed, then they beat me terribly and they raped me. In front of my husband. I don't know how many raped me. I had a breakdown and couldn't bear the pain. And afterwards I woke up and I saw that they killed my husband. His body was in front of me. They mostly killed men and raped the women. But if you were unlucky they would rape you and then kill you too.¹⁴²

Human Rights Watch documented two cases in which women whose in-laws were leaders in the RDR in Abidjan appeared to have been targeted for sexual abuse. In both cases, one or more RDR supporters in their family were murdered. The first woman recounted to Human Rights Watch how she was illegally detained, jailed, and repeatedly gang raped in the beginning of the war by eight armed men in Abidjan whom she could not identify, and whom she believed were punishing her because of her father-in-law's political activism with the RDR:

¹⁴¹ For a discussion of lists, see Human Rights Watch, *Trapped Between Two Wars*: "Some of the targeting of political opposition and suspected rebel sympathizers was done with premeditation and planning. Numerous witnesses told Human Rights Watch of the existence of lists of names that circulated among units of the government armed forces in Daloa, Guiglo, Vavoua, and other locations. In several cases, witnesses escaped after being warned of the existence of the lists by friendly government contacts. In most cases these lists appear to have been created with assistance from local villagers and townspeople sympathetic to the government. In some cases however, the names on the lists may have originated in Abidjan."

¹⁴² Human Rights Watch interview, Bamako, Mali, October 2006.

The father of my husband was a big planter and he was at the head of a group of RDR. One day in the war they went to attack him and kill him and he died. I was in the market. And they were looking for my husband to kill him too. They came looking for me in the market. They broke my store where I sell cloth and they killed people in front of the store. They caught me and put me in jail. I was in jail three days. I myself was raped. I was raped. It was very hard. They caught us, in this story of the politics, us seven women. If I talk about it, I feel it touching me and it hurts my heart. It is too much in my heart. They would pass on me one by one. By the hour, they could sleep with me three times in one hour's time. They raped us. They went to put us in a place like a house far away in the bush...I saw some dead women. We found some corpses of women there, in the abandoned house. I'd never seen any bodies with my own eyes before.¹⁴³

The second woman—whose father-in-law and two brothers-in-law were killed—was also detained in a similar clandestine, unofficial jail. She described how she was attacked, beaten, kidnapped, incarcerated, and gang raped for three days while her husband was wounded and her small children left to fend for themselves.

Several interviewees recounted how women were raped in RDR households and neighborhoods at the same time that men were taken to be killed. One woman who resided in an RDR stronghold in Abidjan described an attack on her house in late 2002, shortly after Bouaké was taken by rebels, during which pro-government forces in camouflage uniform detained and later “disappeared” her husband who was a politically active member of the RDR, raped several women, including one who was pregnant, and injured or killed a few neighbors:

My husband and I were in the RDR and did campaigns together...They came to our courtyard in Ndiama. When they came in they killed an old man and hurt a youngster and threw a grenade. Then they came into the women's room to rape women. They took my husband because

¹⁴³ Videotape interview shot in Mali [on file with Human Rights Watch], October 2006.

they said he is RDR...I cannot go back to Abidjan because of what I saw there. This happened after Bouaké was taken. The men who did this were in camouflage uniform with guns. They took everything. The women they raped, one was pregnant. The pregnant woman aborted right there. Yes, the girls were screaming. And when the men left and the pregnant woman aborted, she told us about the rapes. They beat the pregnant lady's husband to death.¹⁴⁴

The sexual violence against relatives of higher ranking RDR members appeared designed to punish and terrorize entire families and communities, perhaps in an effort to weaken their support for the opposition party. Another survivor whose family was Muslim and some of whose relatives were of Malian origin described how her family was attacked by uniformed pro-government forces in Daloa in an effort to ascertain the whereabouts of their brother, an RDR activist. During the attack, her older sister was gang raped by seven "Loyalists" and she herself was threatened with rape, beaten with a gun, and had her arm broken.

My big brother was in the RDR, a political member...They came looking for him. We [my sisters and I] said "He is out." They said then "We will kill the three of you if you don't call him and get him to come." They found a notebook with the number of...my big brother and they called him. They said they would kill his three sisters if he didn't come. He said "I am coming, just take some money, please don't hurt them." They said "We will rape all three." They took me and hit me with a gun and broke my arm, they smacked my big sister in the face. They locked the two of us [younger girls] up. Then they took my beautiful tallest older sister and tied her up and raped her over and over. Then they found the two of us and they beat us again. After a second attack by pro-government forces, some time later we escaped and got into a bus and came to Mali. We heard afterwards that they burned everything and broke everything and stole all our things. So we are here in Mali with nothing. My life is miserable here. Every day I cry. I don't know

¹⁴⁴ Human Rights Watch interview with witness, Bamako, Mali, October 2006.

what to do. My big sister who was raped is married here now. My big sister is so sad and feels the pain forever. They were many of them raping her, seven Loyalists. When I see men now I feel scared and bad.¹⁴⁵

Representatives from the RDR party, consular officials, and local and international NGOs told Human Rights Watch that they believed women and girls from groups perceived to support the rebels or political opposition were particularly vulnerable to sexual violence by security forces and their supporters during political crises.¹⁴⁶ Many of these attacks happened in and around the Abidjan neighborhoods of Sadiba, Adjamé, Abobo, Youpougon and Treichville, which have sizeable Dioula and Muslim populations and as such are rightly or wrongly perceived by most actors in the Ivorian conflict to be strongholds of the RDR party and sympathetic to the New Forces.

Women targeted by FESCI

Human Rights Watch documented several cases of sexual abuse and exploitation perpetrated by the militant pro-government student group Ivorian Students Federation (*Fédération étudiante et scolaire de Côte d'Ivoire*, FESCI). FESCI became increasingly violent as the Ivorian crisis deepened in the late 1990s. It is fiercely loyal to the Gbagbo government. FESCI was once led by the leader of the Young Patriots, Charles Blé Goudé, (who is one of the three individuals in Côte d'Ivoire to have been sanctioned by the United Nations), and Guillaume Soro (head of the New Forces, and currently serving as Prime Minister). Diplomats, journalists, and human rights monitors told Human Rights Watch that in addition to sowing terror, FESCI has in effect become a 'mafia' that uses violence to control economic activity on the university campus, with absolute control over who receives campus accommodation and which merchants operate on campus, seemingly without any fear of being held accountable.¹⁴⁷

¹⁴⁵ Human Rights Watch interview with witness, Bamako, Mali, October 2006.

¹⁴⁶ Human Rights Watch interview with consular officials, Abidjan, Côte d'Ivoire, September 2006.

¹⁴⁷ Human Rights Watch, *Because They Have Guns*, Footnote 41: Human Rights Watch interviews with diplomats, journalists, and human rights monitors, Abidjan, September-October 2005.

In previous reports, Human Rights Watch has documented how at the main university campus in Abidjan, FESCI engaged in frequent acts of harassment, intimidation, and violence against those student and other groups they believe support the opposition or New Forces.¹⁴⁸ These tactics have driven the rival student association, the General Association of Students of Côte d'Ivoire (*Association générale des élèves et étudiants de la Côte d'Ivoire*, AGEE-CI), underground. AGEE-CI members told Human Rights Watch that although they regularly report incidents of harassment and abuse to the police, so far no one has been prosecuted or punished for these crimes. In a July 2005 interview, FESCI leader Serge Koffi Yao justified the attacks because “AGEE-CI is not a student organization and we cannot let them meet on campus. It is a rebel organization created in the rebel zone and seeking to spread its tentacles to the university.”¹⁴⁹

Several local human rights organizations told Human Rights Watch that they feared following up on and making public reports of sexual violence and other attacks on campus perpetrated by FESCI because of safety concerns.¹⁵⁰ While Human Rights Watch documented several cases of sexual abuse by members of FESCI, we believe the numbers and incidence of sexual abuse by them may be significantly underreported.

Human Rights Watch interviews indicate that members of FESCI, including at least one FESCI “general,” have been implicated in sexual violence. For example, in June 2005, an AGEE-CI student leader was brutally gang raped on the Cocody campus in Abidjan, explicitly because of her activism in the AGEE-CI.

I was kidnapped by the same members of this FESCI which had tortured Habib Dodo to death. After dragging me all over the campus, looking for a “general” who was supposed to tell them what to do, they finally went to the old campus. Shortly afterwards, they made me undergo an interrogation. Their questions were trying to make me

¹⁴⁸ Human Rights Watch, *The Human Rights Cost of the Political Impasse* and Human Rights Watch, *Because They Have the Guns*.

¹⁴⁹ “Côte d'Ivoire: University Campus Polarized by Political Violence,” *IRIN*, July 29, 2005.

¹⁵⁰ Human Rights Watch interview with Ivorian human rights organizations, Abidjan, Côte d'Ivoire, September 2006.

confess AGEE-CI's collaboration with the rebels, and to get information about the leaders. I tried to say I didn't know anything...They told me I was screwed. They also gave me information on my home, my private life, to show me that they know a lot about my case and couldn't escape them. When they spoke of my [family members]...I had chills...Then my interrogator asked them to "Be effective" as he locked me up with four of them, and told them to "Do a clean job..."They beat me up. They told me that they were trained to kill and that they'd kill me if I didn't speak. They showed me bloodstains on the ground... and told me it was the blood of my comrades who'd been tortured there not long ago. Then...one of them insisted that they undress me forcibly and make me lay down, which was done. I understood right away that this was to accomplish an evil plan. One of them hit my head against a wall, the others were hitting me and fingering me. I screamed until my voice was hoarse but it was useless...My rapist took his place, squeezing my throat with his two hands. He was strangling me...He covered my face with a piece of coarse cloth and penetrated me. While he was raping me I tried to fight back and scream but the others were holding my feet...My rapist was hurting me. I was disgusted, suffering, and powerless...[After they let me go] they forbade me to return to the campus and told me my studies were finished...on pain of death.¹⁵¹

A leading local human rights organization documented the gang rape of another student active in the PDCI opposition party by two members of FESCI (one of whom she could identify) near her house in Abidjan shortly after she participated in an anti-government protest march on March 25, 2004. This student gave to the human rights NGO a written, detailed testimony, reviewed by Human Rights Watch. The NGO confirmed that there was no police or judicial follow-up for her case.¹⁵²

Three women students alleged to Human Rights Watch that they are frequently victims of sexual harassment and intimidation by FESCI, and believed numerous

¹⁵¹ Human Rights Watch interviews, Abidjan, Côte d'Ivoire, September 2006.

¹⁵² Human Rights Watch interview with representatives of a local human rights organization, Abidjan, Côte d'Ivoire, September 2006.

other women experienced similar threats and abuse.¹⁵³ This assertion was echoed by a leader of the opposition student union AGEE-CI.¹⁵⁴ According to the three students individually interviewed by Human Rights Watch, and a group interview with seven women students, FESCI is also implicated in apolitical sexual exploitation and harassment of women students on campus. Students described a system of campus-wide domination by FESCI, where women students could be forced or pressured to have sexual intercourse with FESCI representatives. They explained that impunity for these attacks is fueled by FESCI's control over the distribution of dorm rooms in university housing. Interviewees also described how the most beautiful women students are especially at risk: "if you are really pretty and they want you, you have a hard time refusing...they can make a lot of problems for you," said one student who refused to give her name or age.¹⁵⁵ A journalist from the UN Integrated Regional Information Network (IRIN) cited a law student as stating, "As soon as a girl pleases them they send their guys to get her. If she refuses to submit to them she is expelled from the residence and prevented from going on campus to attend her classes."¹⁵⁶

When the group of women students was asked how they could contact the school administration for protection or how they could report such behavior for sanctions, the interviewees all laughed and one of them told Human Rights Watch, "You are dreaming! The university will do nothing."¹⁵⁷ Indeed, FESCI members are able to attack with impunity not only students, but faculty and top administrators as well. A teacher's face was disfigured in a FESCI attack, prompting his colleagues to halt work for two weeks.¹⁵⁸ In February 2007, a newly appointed director of the University of Cocody designated by the Ministry of Higher Education was beaten by alleged FESCI members on the day that he was to take up his position, sustaining a head injury.

¹⁵³ Human Rights Watch interviews, Abidjan, Côte d'Ivoire, September 2006.

¹⁵⁴ Human Rights Watch telephone interview with a leader of the opposition student union AGEE-CI, Abidjan, Côte d'Ivoire, September 2006.

¹⁵⁵ Human Rights Watch interviews, Abidjan, Côte d'Ivoire, September 2006.

¹⁵⁶ "Côte d'Ivoire: Violence in University campus," *IRIN*, February 23, 2007.

¹⁵⁷ Human Rights Watch interviews, Abidjan, Côte d'Ivoire, September 2006.

¹⁵⁸ "Côte d'Ivoire: Violence in University campus," *IRIN*, February 23, 2007.

General Sexual Abuse Facilitated by Impunity and Conflict

The protracted nature of the Ivorian political-military crisis has appeared to increase girls' and women's vulnerability to various forms of sexual violence and exploitation including non-conflict-related rape, prostitution of children, sexual abuse by teachers, forced and early marriage, and domestic violence. Many women and girls described being driven to commercial sex work or locked into abusive relationships as a result of the increased poverty caused by the conflict.

Rates of rape where perpetrators are unknown and appear to be civilians or simply armed men without overt government or rebel affiliation are reportedly high. Many cases of sexual assault and exploitation appear to have been facilitated by the breakdown of the legal system, proliferation of arms, and general climate of impunity.

Displacement and poverty caused by the conflict have fueled a major increase in prostitution, sexual exploitation, and sexual abuse of women and children in Côte d'Ivoire. The war is estimated to have displaced an estimated 1.7 million people within the country and additional hundreds of thousands abroad, often splitting up families, undermining the networks that traditionally protect them and leaving women or children to deal alone with responsibility for managing household finances and supporting children. Internally displaced persons appeared to be particularly vulnerable to sexual abuse.

With economic growth rates averaging around 7 percent for the first 20 years of independence, Côte d'Ivoire was the envy of countries throughout the developing world.¹⁵⁹ However, its economy has been dramatically undermined by the war and other causes, leaving millions of Ivorians impoverished.¹⁶⁰ As a result, many women and girls engaged in survival sex (sex for money, food, or services for their families or themselves). An adolescent who was 11 when the war started recounted how, after

¹⁵⁹ Jean-Claude Berthelemy and Francois Bourguignon, *Growth and Crisis in Côte d'Ivoire*, (Washington DC: The World Bank Press, 1996).

¹⁶⁰ Other causes include the declining cocoa prices on the world market, corruption (Hofnung, "Dix clés," p. 9.), and the most rapid deforestation taking place in any country in the world since the mid-1950s (M. P. E. Parren and N. R. de Graaf, *The Quest for Natural Forest Management in Ghana, Côte d'Ivoire and Liberia*, (Wageningen: Wageningen Agricultural University Press, 1995), p. 29. "The average annual deforestation rate, as a percent of the remaining forest, rose from 2.4 percent in 1956 – 65 to 7.3 percent in 1981 – 85, over ten times the pan-tropical average of 0.6 percent.")

becoming separated from her family during the war, she became dependent on a man who eventually became her “husband.”

When the war came, I fled into the bush. I was 11 years old. I lost my family. And during the walk a young man helped me, he saved me because I didn’t know where to go. So since then till now I live with him as a husband. Life is hard.¹⁶¹

Representatives of national and international humanitarian organizations unanimously agreed that there is a dramatic rise in survival sex and sexual exploitation, which they believed to be a direct result of poverty and mass displacement.¹⁶² Several children’s rights organizations noted the increase in the number of children as young as eight involved in selling sex, with girls of 12 years and upwards identified as doing so regularly. A United Nations High Commissioner for Refugees (UNHCR) representative underscored that IDPs were particularly vulnerable, even after their initial displacement.¹⁶³

In exchange for sex, many women and girls receive very small amounts of money (1000 CFA,¹⁶⁴ or US\$2) or basic food items like a packet of biscuits, or a plate of food. Others are given clothing, cell phones, perfume or watches. An OCHA representative based in the western town of Man described how some women and girls sold their bodies for as little as one meal: “Women and teenagers will spend the night with a man for a plate of *atchéké* [a cassava-based staple].”¹⁶⁵ A woman who was gang raped in 2002 by pro-government forces who also murdered her husband now engages in survival sex:

¹⁶¹ Human Rights Watch interviews with a minor victim of sexual exploitation, Côte d’Ivoire, September 2006.

¹⁶² Nearly all of the dozens of national and international NGO representatives who were asked about prostitution and sexual exploitation independently told Human Rights Watch that they believe both increased dramatically in 2002 with the beginning of the conflict, as a direct result of poverty and mass displacement.

¹⁶³ Human Rights Watch interview with Joseph Djitro, a staff member of the United Nations High Commissioner for Refugees (UNHCR), Guiglo, Côte d’Ivoire, September 29, 2006.

¹⁶⁴ The CFA franc (in French: “franc CFA,” pronounced “céfa”, or more colloquially known just as “franc”) is a currency used in 12 formerly French-ruled African countries, as well as in Guinea-Bissau (a former Portuguese colony) and in Equatorial Guinea (a former Spanish colony).

¹⁶⁵ Human Rights Watch interview with Boni M’Paka, a staff member of Office for the Coordination of Humanitarian Affairs (OCHA), Man, Côte d’Ivoire, September 24, 2006.

I fled to Mali. We hid to escape, in a big truck. I live alone in my room, with a Malian family, I pay when I can...I have to prostitute myself to eat. Many girls do this but they won't tell you. I want to kill myself, I want to commit suicide.¹⁶⁶

¹⁶⁶ Human Rights Watch interviews, Bamako, Mali, October 2006.

Effects of Sexual Violence on Survivors and the Need for Services

Nearly all survivors of sexual violence interviewed by Human Rights Watch described their feelings of profound anxiety, shame, anger, depression, and fear. Three women told Human Rights Watch that they regularly contemplated suicide. Others described frequent psychosomatic problems like headaches, insomnia, and nightmares. Many remained with serious and at times debilitating physical impairments they suffered as a consequence of the sexual attack. Human Rights Watch interviewed women who had been so violently raped that for months following their ordeal, they were unable to walk. For others, even sitting and bending to do routine housework caused extreme pain. Women routinely complained of bleeding, aches in their abdomens, and burning pain when they urinated or tried to have sex with their partners. Doctors and other medical workers described having treated many survivors whose genital and reproductive tissue had been torn and damaged or who had suffered miscarriages or difficulties giving birth on account of the sexual attack they had endured. Others suffered from botched illegal abortions they sought out after having become pregnant following their ordeal.

Not a single rape survivor interviewed by Human Rights Watch reported that the perpetrators had used a condom, putting these women and girls at especially high risk for sexually transmitted infections, including HIV/AIDS. Medical treatment available for HIV/AIDS and other sexually transmitted infections was grossly inadequate, as were nearly all gynecological, reproductive health, and psychological medical services for rape victims. All too often, families and communities ostracized or punished rape survivors, in particular those who spoke out about the abuse they endured. While NGOs have displayed courage under fire, they have not been able to cope with these survivors' health and counseling needs.

One civil society leader's testimony about her work with survivors of sexual violence encapsulates many of the psychological and physical effects of sexual violence:

The girls would come to us all torn, beaten, traumatized, afraid of men...There was one girl very wounded. She had been taken at the bus

station at Logoualé on the road to Man, kidnapped by Liberians, tied up, raped, drugged, saw people killed and their throats slit. Her vagina was very badly wounded, she couldn't walk. She had to wear diapers. No one wanted to eat with her; they all thought she had AIDS.¹⁶⁷

Physical Impact of Rape

Trauma to reproductive organs

Women who were especially badly injured as a result of rape had difficulty walking, and experienced bleeding and discharge in the genital area. Most women interviewed felt severe pain for weeks, months, or even years after the rape, especially in the abdomen and vagina. Women who were physically abused in other ways also endured suffering related to their beatings or torture. One woman who had been raped for over a year during the war by rebels in Bouaké explained her appalling physical condition after she managed to escape:

I could hardly walk, was bleeding all the time. I had no money for cloths to stop the bleeding or even for food. I often want to commit suicide. I once decided to really kill myself. I was so sick, they chased me away from the hospital, my living conditions were awful, I smelled bad, I couldn't sleep, I crawled like a baby because I couldn't walk, I felt so bad, I didn't have anyone to help me.¹⁶⁸

One woman described how her two daughters were in agony after being gang raped and having wooden sticks shoved inside their vaginas by rebels during the war in western 18 Montagnes. She described blood literally pooling on the floor under her children.

¹⁶⁷ Human Rights Watch interview with a civil society leader, Man, September 2006.

¹⁶⁸ Human Rights Watch interview, Monrovia, Liberia, October 2006.

Doctors working with victims of rape listed some of the worst physical consequences as being internal and external bleeding, discharge, and uterine prolapse, when the uterus descends into the vagina or beyond.¹⁶⁹

Deaths in childbirth, miscarriages, and difficulties giving birth

Health workers in both rebel- and government-held areas of Côte d'Ivoire noted that the sexual abuses women suffered, in addition to displacement, increased poverty, and the destruction to health centers and hospitals had had serious consequences for maternal health. They spoke of numerous women who had either miscarried or died during childbirth, apparently as a result of what they had endured.¹⁷⁰

Others suffered from rape-related complications during their pregnancy or labor. One woman who was nine months pregnant described how she nearly died after being gang raped by rebels in the western town of Danané:

[I] walked to Liberia for three days and three nights...And I was bleeding a lot down there. It hurt so much that I could hardly walk; they made me a cane...I saw that I was going to give birth, I arrived at the border and my case got very serious. They brought me to the clinic at Logouato. I had contractions for two weeks but couldn't give birth, there was blood and pus coming out but no waters breaking. A jeep from Save the Children took me to Campleu camp...I still couldn't give birth. The UN brought me to Monrovia and I had a caesarian. I gave birth to twin girls but I went into a coma. I came out of the coma and was alone, didn't know anyone.¹⁷¹

One midwife in Danané recounted to Human Rights Watch how from 2002 to 2003 she assisted in birthing the children of numerous women who had been forced to flee their homes and villages during periods of active hostilities.

¹⁶⁹ Human Rights Watch interviews with the Interim Country Director of Médecins Sans Frontières-Belgium (MSF-B), the Country Director of MSF-B, and other MSF-B staff, Abidjan and Man, Côte d'Ivoire, September 2006.

¹⁷⁰ Human Rights Watch interview with health workers in both rebel- and government-held areas of Côte d'Ivoire, Côte d'Ivoire, September 2006.

¹⁷¹ Human Rights Watch interview, Monrovia, Liberia, September 2006.

During the war, when women were fleeing, many of them had to give birth without help, like in the bush even. Many died, and their babies too. So we created the Committee of Midwives. We did trainings and also gave our members birthing kits. I helped with births where they were out in the middle of nowhere, there was nothing, it was a miracle that the babies and mothers lived.¹⁷²

The rise in and dangers of illegal abortions

Since the beginning of the armed conflict, some health workers noted an increase in abortions, despite the fact that the procedure is illegal. Most traditional midwives and gynecologists interviewed by Human Rights Watch described having attended to large numbers of women and girls who attempted to get abortions and suffered complications as a result. Doctors and traditional midwives all speak of a rising trend since the beginning of the conflict of women and girls struggling with botched illegal abortions coming to them in dire medical condition.

From their conversations with patients, many believe that the rise is directly related to the armed conflict and the rising trends of rape, sexual exploitation, and survival sex, as well as the war-related economic pressures an unwanted child would bring on families already struggling to cope.¹⁷³ A midwife at a hospital in Guiglo told Human Rights Watch how the demand for abortions and the emergencies resulting from poorly performed abortions had risen considerably at her hospital at least since the war began:

[There are] so many cases of abortions now. The conflict made this go up dramatically. It used to happen a little but now it's huge. Girls are raped and the father is unknown, or they sell their sex for money. They are afraid of being rejected by their families, can't face the financial burden of a child. I get 15 to 20 girls per week asking for abortions, or coming here with botched abortions where they have mutilated themselves. This happens because there is no sexual education for

¹⁷² Human Rights Watch interview with a women's rights leader, Danané, Côte d'Ivoire, September 2006.

¹⁷³ Human Rights Watch interviews with traditional midwives and gynecologists, Côte d'Ivoire, September 2006.

girls any more. They tell each other really stupid things and try to abort themselves.¹⁷⁴

The Penal Code provides for ten years of imprisonment for those who carry out abortions and their assistants in addition to fines ranging from approximately US\$300 to US\$16,000.¹⁷⁵ Women seeking abortions also face prison time and fines. Dr. Lassina Sanogo, a general practitioner in the rebel-held town of Bouaké, noted that, “Clandestine abortions have attained dangerous levels in our hospitals during these four years of crisis, both on the rebel and government side.”¹⁷⁶

Women seeking illegal abortions from unqualified practitioners risk very serious injury, including infertility, infection, genital tearing, and death. A study conducted in 2005 by a local non-governmental organization showed that 34 percent of the 2,400 women interviewed for the survey had undergone at least one abortion. According to the study, 30 percent of women and girls of those who sought abortions in the north were obliged to have backstreet procedures that often led to complications, some of them fatal.¹⁷⁷ It is crucial to reform Côte d’Ivoire’s abortion laws.

Sexually transmitted infections, especially HIV/AIDS

One of the commonly noted problems associated with sexual violence is vulnerability to infection; rape survivors are at particularly high risk for contracting sexually transmitted infections (STIs), including HIV/AIDS, which can lead to major complications in reproductive health or even death. A 2005 report by Doctors

¹⁷⁴ Human Rights Watch interviews with staff at a hospital in Guiglo, Guiglo, Côte d’Ivoire, September 29, 2006.

¹⁷⁵ Abortion remains illegal in Côte d’Ivoire. Specifically, Article 366 stipulates that “whosoever, by food, drink, medicine, surgical procedures, violence, or any other means, procures or attempts to procure an abortion of a pregnant woman, whether or not with her consent, will be punished by imprisonment of one to five years and a fine of 150,000 (US\$238.78) to 1,500,000 CFA francs (US\$2,387.81).” A woman who procures or attempts to procure her own abortion, or consents to the use of the means administered for that purpose, is subject to punishment of six months to two years of prison and a fine of 30,000 (US\$47.76) to 300,000 CFA francs (US\$477.56). Persons belonging to the medical profession or a profession involving public health who promote or procure the means to induce abortion, are subject to one to 10 years of imprisonment and a fine of 150,000 (US\$238.78) to 10,000,000 CFA francs (US\$15,918.75). They may also be prohibited from practicing their professions. (Penal Code, Art. 366). The only situation in which an abortion is legal is when it is necessary to save a woman’s life. (Penal Code, Art. 367.)

¹⁷⁶ Seguela Aly Ouattara, “Côte d’Ivoire: Abortion - Illegal, Sought After, Sometimes Fatal,” Inter Press Service (Johannesburg), August 23, 2006.

¹⁷⁷ Objectif santé [local NGO, aka “Goal: Health”), unpublished study, 2005.

Without Borders (*Médecins Sans Frontières*, MSF) described a case in which a child died of sexually transmitted infections in their hospital:

A patient arrives semiconscious at the Danané Hospital in northwestern Côte d'Ivoire. She has abdominal pain and no blood pressure can be detected. The concerned midwife finds that the patient's vaginal walls are encrusted with a thick, solid discharge. This is one of the worst cases of sexually transmitted infection (STI) that the midwife has seen in her 20 years of experience. Despite immediate treatment by the hospital staff, the patient goes into cardiac arrest and dies of septic shock. She is 13 years old.¹⁷⁸

Many rape survivors told Human Rights Watch about physical ailments that typify STIs: discharge, discomfort, lack of control over urination, inability to become pregnant, and other symptoms that disrupt their lives and cause them tremendous anxiety.

Medical practitioners with MSF have encountered alarmingly high rates of STIs in clinics they operate in western Côte d'Ivoire: some 20 percent of the adults visiting their clinics in some towns were infected. The teams are convinced that the actual prevalence is higher and that many STIs, including HIV/AIDS, often go undiagnosed and untreated. Like other health providers, MSF's analysis of the situation is that "Family separations and the influx of soldiers have left many women and young girls vulnerable to sexual violence, prostitution, unwanted pregnancy and STIs."¹⁷⁹

While drastic in its own right, the high level of STIs accompanies a parallel increase in the prevalence of HIV/AIDS throughout Côte d'Ivoire, making prevention and treatment efforts all the more urgent. The prevalence of HIV/AIDS is estimated between 7 percent and 10 percent, giving Côte d'Ivoire a generalized HIV epidemic

¹⁷⁸ "International Activity Report 2005, Ivory Coast: Renewed violence deepens crisis," Doctors Without Borders, 2005, available online at <http://www.doctorswithoutborders.org/publications/ar/i2005/ivorycoast.cfn>.

¹⁷⁹ "Top 10 Most Underreported Humanitarian Stories of 2005: Crisis Deepening in Ivory Coast," Doctors Without Borders, 2005, available online at http://www.doctorswithoutborders.org/publications/reports/2006/top10_2005.html#ivorycoast; and Doctors Without Borders, "International Activity Report 2005, Ivory Coast: Renewed violence deepens crisis."

and the highest HIV prevalence in West Africa.¹⁸⁰ This is suspected to have increased since the beginning of the war given its destructive impact on the health system.¹⁸¹ According to ONUCI, the HIV pandemic in Côte d'Ivoire has an increasing gender dimension, with 300,000 women infected in 2005.¹⁸²

The risk of HIV/AIDS infection increases when a rape injures a woman so badly that her genital tissue is torn or bleeds. Obviously, tearing of genital tissue in repeated or gang rape greatly increases the chances of rapists infecting their victims with STIs. It is very likely that a number of women and girls raped by soldiers and other armed men have contracted HIV/AIDS, particularly since the prevalence of HIV infection among military forces is generally above the average infection rate of the population in many conflicts, and violent assault increases the risk of infection through tears and injuries to genital tissue.¹⁸³

Psychological Impact of Rape

Rape and other forms of sexual abuse inflict often devastating psychological and social effects upon not only the victims, but their families and communities as well. Nearly all rape survivors interviewed by Human Rights Watch experienced psychosomatic pains (headaches, stomachaches, listlessness, and insomnia), and feelings of profound anxiety, panic attacks, shame, anger, depression, loss of self-

¹⁸⁰ For a 7 percent estimate, see World Health Organization Country Page and HIV/AIDS report at <http://www.who.int/countries/civ/en/>. See also website for the Joint United Nations Program on HIV/AIDS (UNAIDS) Country Profile for Côte d'Ivoire: http://www.unaids.org/en/Regions/Countries/côte_d_ivoire.asp. For a 10 percent estimate, see Doctors Without Borders, *Renewed violence*; The United States Department of Health and Human Services Center for Disease Control (CDC), "The Emergency Plan in Côte d'Ivoire," http://www.cdc.gov/nchstp/od/gap/countries/Côte_d_ivoire.htm.

¹⁸¹ The World Health Organization, "Côte d'Ivoire, Summary Country Profile for HIV/AIDS Treatment Scale-Up," December 2005, p. 2. "The political and military crisis in Côte d'Ivoire has limited the national capacity to respond to the HIV/AIDS epidemic for the past few years. Trained health personnel are lacking, and the situation has been aggravated by the displacement of existing human resources towards the non-occupied regions. Existing HIV/AIDS interventions are largely concentrated in Abidjan and some other large cities. Drug prices are prohibitive for most people attending accredited centers. Facilities for laboratory monitoring are inadequate." See also, Betsi NA, Koudou BG, Cisse G, Tschannen AB, Pignol AM, Ouattara Y, Madougou Z, Tanner M, Utzinger J., "Effect of an armed conflict on human resources and health systems in Côte d'Ivoire: prevention of and care for people with HIV/AIDS," *AIDS Care*, May 2006;18(4), pp. 356-65.

¹⁸² ONUCI, *Fourth Report*.

¹⁸³ Human Rights Watch, *DRC – The War Within the War: Sexual Violence against Women and Girls in Eastern Congo*, June 2002, <http://www.hrw.org/reports/2002/drc/Congoo602.pdf>, p. 77; Pieter Fourie and Martin Schönsteich, "Africa's New Security Threat: HIV/AIDS and Human Security in Southern Africa," *African Security Review Vol. 10 No 4*, 2001, <http://www.iss.co.za/Pubs/ASR/10No4/Fourie.html>; Timothy Docking, "AIDS and Violent Conflict in Africa," *United States Institute of Peace Special Report No. 75*, October 15, 2001, <http://www.usip.org/pubs/specialreports/sr75.html>.

esteem, and fear of men or sex. One of the most tragic aspects of these women's psychological anguish is that many of them suffer alone, without the benefit of support or understanding. Terrified of being divorced, ostracized, infected with HIV/AIDS, or abandoned by their family and community, rape survivors cope as best they can with their mental health problems in silence and isolation.

One woman raped in 18 Montagnes by rebels during the war declared that she could hardly live with her overwhelming anger.

I cannot forget so long as I am in suffering. I cannot forget, with what I live today, I can't. I am angry. Yes, even I see men I want to jump on them, always because my heart is not in peace, my heart is not even in peace, I am not in peace inside myself.¹⁸⁴

More frequently than anger though, rape survivors expressed extreme anxiety and despair. One Ivorian woman living in a Liberian refugee camp described how she felt after having been raped by rebels in Côte d'Ivoire:

My heart is not ok now. Sometimes I see people and my heart goes boom. My heart evens sometimes starts to, even starts to, starts to...I think I am becoming mad...I say my heart is burning. I don't know what to do. Even if people talk I just want to flee to the bush. You see. So my heart is not in its place...I have my life here but it's all changed, changed, changed. Even not just for me, I say the same thing for other women, we are in the same thing. I have no happiness in my life.¹⁸⁵

Many survivors of sexual abuse felt trapped by their past, unable to move on. One woman who was raped by rebels during the war said:

¹⁸⁴ Human Rights Watch interview, Abidjan, Côte d'Ivoire, September 2006.

¹⁸⁵ Human Rights Watch interview, Nimba County, Liberia, October 2006.

My life is really not free. I feel always bothered, as if I am in prison, I am not free. I am bothered and ashamed, when I think back, when I think about the past, when I think about my story.¹⁸⁶

Several interviewees, like a young woman who was raped by rebels in 18 Montagnes, said they seriously considered committing suicide.

I want to kill myself. I want to kill myself. I can't get out of this. I wasn't like this before. I suffer. I want to kill myself. I want to kill myself [sobbing]. I sit down, I do nothing, I have thoughts, bad things that come in my heart. I want to kill myself. Because I can't do anything.¹⁸⁷

Numerous survivors told Human Rights Watch that their shame, depression, and fear prevented them from having normal sexual relations, and several expressed extreme anxiety that their husbands would leave them as a result.

Others experienced depression resulting from infertility, sometimes temporary, which they believed was related to the sexual assault they had endured. Rape survivors' menstrual periods were often disrupted either by the physical trauma of rape, or by STIs contracted during unprotected sex with their rapists. Some women and girls who were raped found themselves unable to become pregnant again, leading to tremendous psychological anguish in a culture where fertility is considered to determine social 'worth.'

Social Impact of Rape: Rejection by Families and Communities

A 2005 study by an international NGO in Côte d'Ivoire found that 58 percent of victims of sexual assault were blamed and rejected by their family or community following the assault. Only 36 percent of victims polled characterized the response of the family and community as supportive.¹⁸⁸

¹⁸⁶ Human Rights Watch interview, Nimba County, Liberia, October 2006.

¹⁸⁷ Human Rights Watch interview, Abidjan, Côte d'Ivoire, September 2006.

¹⁸⁸ Anonymous NGO, *Sexual violence in 18 Montagnes*.

Following a sexual assault, rape victims have often been rejected by their families, left by their husbands, or, if unmarried, unable to find a husband, especially if they denounce the perpetrator or pursue justice for the assault. One twenty-five-year-old who was gang raped in Abidjan in 2005 described how she was abandoned by her family after speaking out against her rapists, in this case students from FESCI:

The uncle I was living with before refused to take me in after. He blamed me for having been open about it [having been raped]. It was the same with all my friends and family...Without my family's support, the danger around me grew...I went into hiding with a family that I didn't know. But they were not nice to me: when my host mother kicked me out; no family member would take me...I was on the street, alone and sick.¹⁸⁹

The situation of women and girls who become pregnant after rape can be even more dire. Those who cannot or do not want to seek abortions struggle to find ways of living with children born out of rape, especially if they and their children are rejected by the family, which is often the case.

Once a family rejects a victim of sexual violence, it can be difficult to facilitate her re-entry into the family unit. A community social worker explains:

We did investigations all around Man in villages and found places to house the traumatized girls who came to us, and their kids—illegitimate kids of rebels usually. Ninety percent of their kids are from the rebels. Some [of the mothers] are kids themselves. Starting at nine or ten years old, it is already common to see girls being victims of rape -- Incest or school too, not just the rebels...We help the girls who don't have homes or are rejected by their families. We go to the houses, often we are humiliated, but nonetheless we talk to or bring something to the family, because our mission is social and familial reinsertion. It is hard because the kids who have slept with rebels are often rejected

¹⁸⁹ Human Rights Watch interviews, Abidjan, Côte d'Ivoire, September 2006.

by families who see them as rebels too. And it is true that many of the girls are traumatized and very belligerent. But then the families see that the girls change back and the parents end up happy to keep them. It is hard though. We have to do a lot of house calls. Minimum five interventions per girl to reinsert them in the families.¹⁹⁰

Most women and men who were interviewed alluded to or revealed profound psychological discomfort when questioned about rape, and spoke to the deep cultural revulsion around the issue of sexual violence. Most could not clearly designate the word “rape” in a local language. Interviewees used words to describe rape that reflected not only the violent, “repulsive,” and “embarrassing” nature of the crime and its destructive effects upon the survivor, but also the negative impact on the survivor’s family and community.

Many Francophone Ivorians refer to “ruining the child” (*gâter*, as in, “to destroy”). In Guiglo, Guéré men used the term *O Pkaké*, which signifies “forced,” to designate rape, alluding to the notion of physical force. Women preferred the term *O Kôhô*, which means “ruined” or “dirtied,” and underscores the notions of rupture and of destruction of a person after she has been raped. In Yacouba in the 18 Montagnes region, the term used is *Yanshiyi* when a child is raped, and *Yene Whompi* when a woman is raped. Both terms allude to destruction and violence.¹⁹¹

Nonexistent or Inadequate Medical and Psychological Services for Survivors

Poverty, nonexistent or expensive medical services, and the stigma attached to rape victims appear to have deterred many who suffered sexual abuse from seeking treatment and as such, place them at higher risk for illness and psychological trauma.

¹⁹⁰ Human Rights Watch interview with a civil society leader, Man, Côte d’Ivoire, September 2006.

¹⁹¹ Anonymous NGO, *Sexual violence in 18 Montagnes*.

Health and social workers interviewed believe that the majority of survivors of sexual violence receive inadequate or no medical treatment following their assault.¹⁹² This was certainly the case for victims of sexual violence interviewed by Human Rights Watch. Most of them complained of untreated or poorly treated physical and psychological problems related to the rapes.¹⁹³ The lack of medical care for victims of sexual assault appears to be attributable to a number of factors. First, poverty and the high cost of medical services make it harder for some survivors of sexual abuse to seek treatment and as such, place them at higher risk for illness and psychological trauma.

Second, the health care system in Côte d'Ivoire has been ravaged by the armed conflict, especially in the rebel-held north. Already in 1998, only approximately 30 percent of the population country-wide had access to primary health care.¹⁹⁴ With the outbreak of fighting from 2002 to 2003, many medical facilities in the north were plundered and partially destroyed. At least 90 percent of public health personnel working in New Forces territories were reportedly reassigned to the government-controlled south. Many rape survivors, especially those who live in rural areas, cannot access even basic medical services, and few can afford to pay for transport to a clinic.

Third, social stigma attached to rape deters women from seeking treatment for fear that a medical visit will make the rape publicly known. For instance, nearly all local leaders, local medical staff, and humanitarian workers interviewed in the southwestern town of Guiglo believed that women and girls who went to seek medical treatment concealed their rape experiences because of shame.¹⁹⁵

Fourth, many women opt for traditional healers rather than unfamiliar Western health workers. Many health practitioners maintain that survivors of sexual violence seek

¹⁹² Human Rights Watch interviews with health and NGO workers, Côte d'Ivoire, September 2006. A workshop conducted by an international NGO with 20 local NGOs working on children's rights found that there is no formal system to assist victims of sexual violence with respect to medical, psychosocial, or legal services, and no coordination system or national plan.

¹⁹³ Human Rights Watch interviews, Côte d'Ivoire, Liberia, Mali, Burkina Faso, September-November 2006.

¹⁹⁴ United Nations Population Fund (UNPF), *The State of World Population* (UNPF: 1998), p. 70.

¹⁹⁵ Human Rights Watch interviews with local leaders, local medical staff, and humanitarian workers, Guiglo, Côte d'Ivoire, September 2006.

treatment at clinics or hospitals only in the case of a medical emergency, preferring instead to either remain silent or seek out a traditional healer.¹⁹⁶ Most traditional healers are women with fairly good knowledge of female anatomy and local plants. However, they have little or no knowledge of or access to modern medicine. For example, no traditional healers interviewed by Human Rights Watch had ever heard of the short and affordable course of antiretroviral drugs known as post-exposure prophylaxis (PEP). Prompt PEP administration reduces the risk of HIV transmission. PEP can be administered alongside emergency contraception, which makes it much less likely that a woman who has been raped without a condom will get pregnant.

Nonexistent, inadequate, or expensive medical services place survivors of sexual abuse at even higher risk for medical problems, especially in the case of rape survivors who have contracted HIV. Despite the high estimated prevalence rates for HIV in Côte d'Ivoire, little is being done to combat its spread outside the major city centers. As the health system is in a dilapidated state, drugs, equipment, and staff to deliver services are in short supply or lacking altogether.

Given the reports of sexual violence and the devastating consequences of HIV/AIDS, medical clinics should routinely screen for sexual violence; address reports of sexual violence; and systematically provide information to patients regarding transmission, voluntary testing, counseling, and treatment for HIV/AIDS. It is vital to increase education, prevention, and treatment of STIs, as well as prevention of mother-to-child transmission of HIV, treatment of opportunistic infections, and treatment of AIDS with effective medication.

Some dozen Ivorian humanitarian organizations working country-wide provide services to survivors of sexual violence including psychological counseling, legal aid, healthcare, and HIV/AIDS testing; however, these groups lack financial, logistical, or other capacity to cope with the magnitude and degree of severity of local cases. At least one health center that provided HIV testing and counseling closed in 2006 due to a lack of funds. Moreover, there are few shelters for emergencies, and virtually no long-term shelters, rape centers, or rape hotlines. International organizations such

¹⁹⁶ Human Rights Watch interviews with representatives of Médecins Sans Frontières-France, Médecins Sans Frontières-Belgium, and Médecins Sans Frontières-Holland, Abidjan, Côte d'Ivoire, September 2006.

as MSF, the International Rescue Committee (IRC), and Save the Children have tried to intervene and fill the gaps. However, they too have faced resource constraints, threats of budget cuts, and threats by armed groups, making it impossible to provide services to the large numbers of women and girls in need.

Impunity and the Need for Justice

Neither the government, the leadership of the rebel New Forces, nor the international community has taken meaningful steps to hold accountable those responsible for sexual violence and other serious violations of international human rights and humanitarian law in Côte d'Ivoire since the beginning of the crisis. This failure has created a context conducive to increasingly entrenched lawlessness, one in which impunity prevails and violence against women and girls remains a serious problem.

Despite requests for information from the authorities, and numerous inquiries with UN officials, local and international NGOs, and representatives of the Ivorian bar, Human Rights Watch is unaware of successful prosecutions and convictions of any cases of conflict-related sexual violence in the government-run Ivorian courts or the New Forces administration.

The international Commission of Inquiry mandated by the United Nations to investigate allegations of human rights violations in Côte d'Ivoire from 2002 to 2004 produced a scathing report on serious and widespread abuses. The final report was suppressed at the United Nations, but a version was leaked to the public, in which the Commission noted, “none of those having committed serious crimes, whether they be coup planners, government soldiers, gendarmes, policemen or others, have been pursued in any legal investigations” or, in those few cases in which investigations were conducted, no prosecutions took place. The Commission further noted that this reality “has not failed to fuel the frustration of victims who have yet to see justice, and who see perpetrators enjoying total impunity every day.”¹⁹⁷

The lack of prosecutions appears to be due to a number of factors including victims' unwillingness or inability to pursue cases; the collapse of the legal system in the north; inefficiency and corruption of the legal system in the south and the lack of political will to prosecute sexual violence; and, last but not least, prevalent cultural attitudes that devalue the seriousness of sexual violence and marginalize its victims.

¹⁹⁷ Report of the UN Commission of Inquiry on Côte d'Ivoire, p. 59.

In addition to these more longstanding obstacles to justice, President Laurent Gbagbo in April 2007 signed into law an amnesty for crimes against the state in the latest boost for a new peace deal to reunite the country.¹⁹⁸ The law excludes economic crimes and domestic law crimes from the amnesty except when individuals committed crimes against the security of the state and national defense (primarily applicable to rebel forces) or when individuals committed crimes defending the republican institutions (primarily applicable to government forces).

Disturbingly, the amnesty makes no mention of inapplicability to war crimes or crimes against humanity. The amnesty could potentially be interpreted in an overly broad manner, whitewashing many abuses against civilians. A growing body of treaties and international laws, which prohibits states from granting amnesties for violations amounting to crimes against humanity, war crimes, and other serious human rights violations, calls into question whether such an amnesty would be legal. Human Rights Watch strongly opposes such amnesties and considers them to be in a violation of a state's duty to investigate, prosecute, and punish serious violations of international human rights and humanitarian law.

Victims' Unwillingness to Pursue Cases

Survivors of sexual violence are often reluctant to push for the perpetrators to be held accountable in a court of law. Human Rights Watch interviews with survivors suggested that this disinclination may be due to a number of factors.

First, many survivors feel ashamed of what happened to them and often blame themselves for the assault, a perception reinforced by different sectors of Ivorian society. A rape victim is often seen as a disgrace to her extended family. Survivors are therefore hesitant to speak out lest they bring shame upon themselves and their family, and potentially be ostracized by their communities. Attitudes towards sexual violence and the subordinate status of women and girls create considerable societal pressure for women not to pursue their cases. As one rape survivor whose daughter was also raped by rebels in western 18 Montagnes told Human Rights Watch, "I

¹⁹⁸ Ordonnance n° 2007 457 of April 12, 2007, "Regarding Amnesty;" Loucoumane Coulibaly, "Ivory Coast grants amnesty as peace plan advances," *Reuters*, Abidjan, April 13, 2007.

never told anyone that I was raped and my daughter too. You are the only person I have ever told. I am afraid. It is shameful.”¹⁹⁹ Some of these women and girls simply want to try to forget about the sexual violence and other human rights abuses they have been subjected to and just try to get on with their lives.

Second, women and girls who have suffered crimes of sexual violence must have their medical and psychological needs met both to relieve their immediate distress and to give them strength to pursue judicial redress. A person who is in pain, incontinent, or depressed is unlikely to take a case to court.

Third, some women and girls fear reprisals by perpetrators. Given the current climate of lawlessness and militarization, a number of respondents expressed fear that their rapists would hurt them or their families. For instance, rebels in Man gang raped a nine-year-old girl in 2006, dislocating her pelvis and resulting in her inability to walk or urinate properly. After the attack the rebels threatened to kill her and her parents if they brought the child to a hospital, much less pursued justice for the attack.²⁰⁰

Fourth, few survivors of sexual violence interviewed have faith in either the criminal justice system or the customary law system and their capacity to provide justice. Many respondents told Human Rights Watch that they believed their perpetrator would never be punished or, at best, would only be punished if they had the financial means to bribe the police, prosecutors, judges, rebel commanders, and other authorities.

Fifth, victims lack awareness of their rights. This is undoubtedly the result of high illiteracy rates, prevalent societal attitudes towards sexual violence, and women’s low status in society. In particular, many rural women and girls do not know how to bring a case against the perpetrator.

¹⁹⁹ Human Rights Watch interview with rape victim, Monrovia, Liberia, October 2006.

²⁰⁰ Human Rights Watch interview with a doctor at a hospital in Man, Côte d’Ivoire, September 2006.

The Collapse of the Legal System in the North

There appears to be virtually no effort by the rebel leadership to investigate or punish acts of sexual violence allegedly perpetrated by either rebel combatants or civilians living within the areas under rebel administration. Numerous survivors told Human Rights Watch how they harbored little hope of ever seeing justice realized for crimes of sexual violence committed against them. Victims, their families, and the aid workers assisting them described being afraid of bringing crimes to the attention of rebel authorities, or of being intimidated into dropping their efforts to pursue justice. Others described feeling uneasy because they felt that reporting a perpetrator could result in an extreme punishment, such as a summary extrajudicial execution.

The limited efforts by the rebels to punish alleged perpetrators are most often characterized by arbitrariness and lack of fair trial guarantees in accordance with international standards.²⁰¹ The few cases in which perpetrators were punished do not remotely conform to standards of international law; indeed, these rare punishments were either inappropriately harsh (reported beatings, lynchings, or summary executions), or slaps on the wrist (perpetrators jailed for a few days or months at most, before being released).

General Problems with Justice in the Rebel-held North

Impunity remains the norm for many crimes in the rebel-held north, including sexual violence. Here, there is no judicial system able to ensure fair trial guarantees in accordance with international standards.

The national judiciary in the north collapsed following the outbreak of hostilities in late 2002. Many court and prison buildings were ransacked or destroyed and most lawyers and judges fled south, leaving a void where the judicial and penal system once operated. After the rebellion consolidated control over the northern half of the country, President Gbagbo instructed public servants, including members of the judiciary, to evacuate the north and come to the government-held south.

²⁰¹ Human Rights Watch, *Because They Have Guns*.

In the period immediately following the outbreak of hostilities and departure of judicial authorities, executions and other “extrajudicial methods” were the primary means of enforcing the law.²⁰² The problems of that period prompted the New Forces to establish an ad hoc judicial and penal system run primarily by New Forces police commissioners, most of whom were national policemen before the armed conflict. The head of the New Forces police is a member of the New Forces high command.²⁰³ Under the ad hoc judicial and penal system, New Forces territory is divided into ten military districts, with the police force in each district headed by a New Forces police commissioner.²⁰⁴ The police, which receive no supervision from the Ivorian government, have jurisdiction over all crimes in this region, including those committed by New Forces soldiers.²⁰⁵

There are numerous problems with justice under this ad hoc system. First, individual police commissioners serve, in effect, as investigator, prosecutor, judge, and jury. Second, an accused does not have the benefit of defense counsel at any stage of the investigation, including the determination of guilt, or sentencing.²⁰⁶ Third, some commissioners attempt to impose sentences corresponding to the range provided by the Ivorian penal code for a particular offense, while others simply place an alleged perpetrator in detention for an undetermined period until they feel that he or she has been sufficiently punished.²⁰⁷ Fourth, police commissioners can be influenced by the rebel leadership, which can result in investigations being dropped.²⁰⁸ Lastly, the system lacks independent judicial checks on the power of the police commissioners.²⁰⁹

²⁰² Ibid.

²⁰³ Ibid, footnote 90: Human Rights Watch interviews with New Forces leaders, Abidjan and Bouaké, March 2006. New Forces officials report that in the past there was friction between New Forces police commissioners and New Forces military commanders, who often would not accept the arrest of their soldiers. Placing a military officer at the head of the police forces was a “political solution” designed to ease tensions between New Forces police and the military.

²⁰⁴ Ibid, footnote 88: Human Rights Watch interviews with New Forces officials and UN sources, Bouaké, March 2006.

²⁰⁵ Ibid, footnote 89: In addition, in August 2005, 537 volunteer policemen were given a 45 day training with the help of ONUCI. Human Rights Watch interviews with UN sources and New Forces leaders, Abidjan and Bouaké, March 2006.

²⁰⁶ Ibid, footnote 92.

²⁰⁷ Ibid, p. 31.

²⁰⁸ Human Rights Watch interviews with human rights monitors and New Forces leaders, Abidjan and Bouaké, March 2006.

²⁰⁹ Human Rights Watch, “Because They Have the Guns, footnote 92.

As a consequence, the criminal justice system in New Forces-controlled territory operates in an inconsistent, patchwork fashion in which there are frequent arbitrary arrests, the imposition of custodial “sentences” on questionable legal authority, and lack of adherence to international fair trial guarantees. Arrest and detention, release of suspects, convictions, and acquittals are executed with limited respect for the rights of victims or the accused. The peace agreements do not specifically require the New Forces to establish functioning or effective judicial institutions within the territory under their control; customary international humanitarian law provides protections for civilians in internal armed conflicts such as in Côte d’Ivoire.

Rebels Ignored Complaints or Punished Those Reporting on Sexual Violence

Local and international NGOs alike, alongside members of the diplomatic corps, UN officials, and academic experts, all noted that there appears to be little political will to punish abuses by members of the New Forces. Members of the human rights section of the United Nations Mission in Côte d’Ivoire (ONUCI) told Human Rights Watch that as of late 2006, they had yet to document a single case of rebel-perpetrated sexual violence that had been investigated, tried and punished in accordance with international standards.²¹⁰

They further noted that inquiries about particular cases of sexual violence are frequently met by the rebels with evasion or denials that any crime was committed.²¹¹ According to an NGO that has worked recently with the New Forces on numerous human rights trainings at nearly all barracks and checkpoints in the western region of 18 Montagnes, no such cases have been officially tried and punished by rebel authorities in the west in accordance with international standards since the beginning of the conflict.

A local civil society leader working in western Côte d’Ivoire expressed her frustration about the form or lack of justice for victims of sexual violence committed by both civilians and rebel combatants:

²¹⁰ Human Rights Watch interview with members of the human rights section of the United Nations Mission in Côte d’Ivoire (ONUCI), who told Human Rights Watch that as of late 2006, they had yet to document a case of rebel-perpetrated sexual violence which had been investigated, tried, and punished in accordance with international standards.

²¹¹ Ibid.

When a rape happens, the FN beat the perpetrators, sometimes keep them a few days locked up somewhere, then let them go. And almost nothing happens when it is their own soldiers; they are easier on their own soldiers who rape.²¹²

A local woman community leader told Human Rights Watch “One eight-year-old girl was raped by a soldier in late 2004. She died. The rebel was put in jail for 2 months and then released.”²¹³ The same woman lamented, “We tried to deal with this one FAFN guy who is a rapist; we have reported him over and over. He is a recidivist. He rapes a lot in different villages. There has been no result.”²¹⁴ Another civil society leader echoed this frustration:

There is no justice for sexual violence, no judgment. Sometimes there are friendly settlements, and the perpetrator gives money. Sometimes they will go to prison for a few days. Rapes are not really punished. It’s all about relations. If it is a rape committed by a man in uniform you can forget about justice.²¹⁵

Some survivors, members of their families, and civil society leaders seeking redress for sexual abuse committed by combatants from the New Forces were beaten, intimidated, or suffered other reprisals meted out by the perpetrator or his commander. A staff member of an international humanitarian organization in Man told Human Rights Watch about reprisals against those seeking justice for the 2006 rape of a fourteen-year-old school girl by a rebel combatant after having been detained at a checkpoint. The aid worker recounted how the rebel not only set alight the home of a community member who had assisted the girl, but also went to the victim’s village to threaten her parents not to pursue the case.²¹⁶

²¹² Human Rights Watch interview with a staff member of a local community development organization, Korhogo, Côte d’Ivoire, October 2006.

²¹³ Human Rights Watch interview with a community leader, Man, Côte d’Ivoire, October 2006.

²¹⁴ Human Rights Watch interview with a community leader, Man, Côte d’Ivoire, October 2006.

²¹⁵ Human Rights Watch interview with a staff member of a local community development organization, Korhogo, Côte d’Ivoire, October 2006.

²¹⁶ Ibid.

Their record of helping facilitate justice for the crimes committed remains grossly inadequate in spite of some measures taken by the New Forces aimed at preventing violations. These include statements by various commanders that they would not tolerate abuses against civilians, the creation of a restitution commission to return goods that were confiscated, the provision of human rights training to some troops and commanders have undergone,²¹⁷ and even the MPCI expulsion of Liberians and Sierra Leoneans from the west.

Those few cases in which rebels and civilians living in the rebel-held north were punished happened outside any proper legal process. Instead of being investigated, detained, tried, and sentenced, some rebels who were alleged rapists have been lynched or killed while others were beaten before being released.

Human Rights Watch interviewed social workers from nine national and international organizations working with survivors of sexual violence; collectively they had knowledge about a mere seven cases of sexual violence involving rebels that were acted upon by rebel authorities. None of those cases involved a fair trial of the alleged perpetrator, required under international law. Nevertheless, in these seven cases, the alleged perpetrators were either beaten, tortured, or summarily executed.²¹⁸

It is possible for the New Forces to improve its record on impunity for conflict-related sexual violence. The New Forces leadership must exert greater oversight and discipline over its troops.

Abuses against civilians were so common and so public that they must have been committed with the knowledge of senior commanders—perhaps even with their authorization—and almost certainly without any real fear of punishment. Considering the widespread and systematic nature of sexual violence that took place in Côte d'Ivoire at various periods; the relatively high military coordination of these troops; and their political organization, as described to Human Rights Watch by a former

²¹⁷ ONUCI, Human Rights Division, *ONUCI Report on the Human Rights Situation in Côte d'Ivoire, Report N° 6, May – June – July – August 2006*, 2007.

²¹⁸ Human Rights Watch interviews with nine national and international organizations, Côte d'Ivoire, September 2006.

rebel spokesperson, the evidence indicates that high ranking rebels knew or had reason to know of the severe sexual violence taking place. Echoing the testimonies of many survivors and community leaders, a former senior rebel spokesperson told Human Rights Watch how women and girls were openly pulled off the streets by rebels on foot or in jeeps; he even stated that there were many girls in the camp of Félix Doh (a former western rebel leader). This spokesperson stated that although he believed some came willingly or out of financial desperation, there were others whom he knew had been taken by force.²¹⁹ Witnesses and victims alike described how mid-ranking rebel commanders abducted and raped women. The culpability of superior officers for atrocities that their subordinates commit is known as command responsibility.²²⁰

Whenever a rebel commander authorized or ordered rapes, that individual is criminally responsible for the rapes. Moreover, rebel commanders may be culpable for failing to prevent or punish crimes committed by their subordinates, and for failing to take sufficient action to end abuses by their troops. Senior rebel commanders could be prosecuted under international law so long as it can be proven that they must have known or had reason to know that subordinates were about to commit a crime or had committed a crime, and failed to take necessary and reasonable measures to prevent the crime or to punish the perpetrators.

Lack of Justice in Government Controlled Southern Côte d'Ivoire

In government-controlled southern Côte d'Ivoire, cases of sexual violence of any sort are rarely investigated and prosecutions are even rarer. The result is near total impunity for conflict-related sexual violence perpetrated by pro-government armed forces. There has likewise been scant progress in the few high profile cases of sexual violence in which courageous survivors have spoken publicly about their assaults and have actively pushed to see the perpetrators held accountable. Indeed, at the

²¹⁹ Human Rights Watch interviews with a senior former rebel spokesperson, Monrovia, Liberia, October 2006.

²²⁰ The legal analysis in this paragraph is based on a previously published review of command responsibility in Human Rights Watch, *Sudan – Entrenching Impunity: Government Responsibility for International Crimes in Darfur*, December 2005, vol. 17, no. 17 (A), <http://hrw.org/reports/2005/darfur1205/>. Commanders of armed rebel groups are not exempt from command responsibility, a fundamental and well-established principle of customary international law. In fact, they are directly responsible for unlawful orders.

time of writing, it appeared that no member of a pro-government force had been held accountable for a crime of sexual violence.

Factors undermining justice in the south include intimidation and harassment of victims and legal professionals involved in bringing and adjudicating cases of sexual violence, lack of political will, corruption, financially prohibitive legal expenses, the high cost of medical certificates for rape (without which law enforcement usually refuse to open a case), judicial gender discrimination, and inadequate attention to violence against women.

Lack of Political Will to Pursue Cases

The primary obstacle to justice in the government-controlled south appears to be the lack of political will to bring to justice members of the security forces alleged to have committed crimes of sexual abuse. During a conference organized on August 2, 2006 by ONUCI's Human Rights Division, Ange Kessi Kouamé the Government Commissioner (*Commissaire du Gouvernement*) and Prosecutor of the Republic before the Military Tribunal (*Procureur de la république devant le Tribunal Militaire*) discussed the status of several rape cases involving members of the security services in which they claimed to have investigations ongoing. However, M. Kouamé was unable to cite a single case in which a rapist from the security services had been investigated, tried, and sentenced. He provided only information on three cases in which police officers or members of CECOS are allegedly going to be brought to trial before the Military Tribunal at some future date.²²¹

The state's apparent unwillingness to pursue cases is evident in the case of a Malian woman who was vaginally fingered, beaten, threatened, forced to perform oral sex, and vaginally and anally raped multiple times in June 2005 near Duékoué, by a policeman whom consular officials alleged was a known recidivist. While he has been officially removed from his position, he has yet to be arrested or prosecuted.

²²¹ Human Rights Watch email correspondence with Francoise Simard, Chief Rule of Law Unit, ONUCI, March 13, 2007. In addition to mentioning the Malian victim of rape, Mr. Kouamé discussed two other cases: 1) a young girl was raped by a policeman in Yamoussoukro, which was his sixth case of rape. The policeman has been moved to Abidjan allegedly to be tried before the Military Tribunal. 2) In Alépé, a girl student was gang raped by members of CECOS (a government force composed of police, gendarmes, and military, and charged with maintaining public security). The CECOS forces concerned have had their salary suspended and are allegedly waiting to be tried before the Military Tribunal.

Indeed, the police actively discouraged the victim and her consular representatives from pursuing their claim, and pressured them to drop the case.²²²

In courageously pursuing this case and others, the NGO Ivorian Movement for Human Rights (*Mouvement Ivoirien des Droits Humains*, or MIDH), initiated a project called “SOS Raped Women” in 2006, to advocate for justice in 25 cases of rapes of women and girls by armed men. None of the cases has yet been judged, and no information is available on the status of investigations.

The apparent lack of commitment to pursue justice for cases of sexual assault was evident even before the outbreak of armed conflict. During the deepening national crisis that led up to the 2000 political violence (and in particular after Robert Guei’s military coup with the ensuing deterioration of respect for rule of law) sexual violence was also prevalent, but no prosecutions for sexual violence committed by government forces were brought to trial in the south. For example, no police official has been sanctioned for the well documented sexual abuse perpetrated by police *inside* the Police Training School (*École de police*) in Abidjan in 2000, where men and women were raped and sexually tortured primarily because of their supposed ethnic or political affiliation.²²³

The former Cabinet Chief for the Police Chief (*Chef de Cabinet du Directeur de la Police*), who is currently the Korhogo Police Prefect, told Human Rights Watch that his colleagues and subordinates often sexually abused Dioula, Muslim, and foreign women with total impunity, even when he tried to sanction his staff or register complaints internally within the police.²²⁴

²²² Human Rights Watch interviews with consular officials, Abidjan, Côte d’Ivoire, September 2006.

²²³ Amnesty International, *Targeting Women*.

²²⁴ Human Rights Watch interview with Koné Nabalassé, Korhogo Police Prefect (Préfet de police), Korhogo, Côte d’Ivoire, October 2006.

Intimidation and Harassment of Victims and Legal Professionals

Both victims and legal professionals attempting to pursue cases of crimes committed by pro-government militias have faced intimidation and harassment by pro-government forces.

A striking example of the intimidation of victims occurred in the case of a woman who was gang raped by FESCI in Abidjan in 2005. She expressed outrage at the failure of law enforcement, judicial, or university officials to seek redress for the crime she endured, as well as their failure to respond to death threats she received after pursuing justice for the crime.

The guilty silence of the authorities makes me indignant and afraid. My future seems ruined and FESCI continues its kidnappings and abuses in total impunity...nothing has been done up to this day to uncover the facts and do justice. I want the truth to shine out and justice to be done, I want from the bottom of my heart that they should stop inflicting this kind of suffering...because it rots your life and fills you with humiliation and shame. I need to have confidence in myself again, to know that I am not the one in the wrong. That it is my torturers who were the ones to act badly. That would already be a victory for me...²²⁵

A leading local human rights NGO following that woman's case confirmed that there has been no police investigation of the complaint she registered and that her requests for action from the university, Justice Ministry, and the Human Rights Ministry have received no response.

FESCI is not the only group that appears to be shielded from prosecution, no matter how grave the crimes its members commit. At the time of writing, Human Rights Watch had been unable to uncover a single instance in which any pro-government Liberian mercenary or member of an ethnically based militia in the ravaged southwest had been held accountable for acts of sexual violence.

²²⁵ Human Rights Watch interviews with rape victim, Abidjan, Côte d'Ivoire, September 2006.

Prohibitive Legal Expenses

Judicial corruption is a generalized problem, and those few cases of sexual violence that are brought to the attention of legal authorities do not escape its reach. From the moment rape victims register a complaint with the police, they must contend with corrupt practices by police and judicial personnel, factors which virtually ensure that cases will not be pursued.²²⁶ The Office of the United States Trade Representative reported in 2004 that corruption in Côte d'Ivoire had a great impact on judicial proceedings, and that “it is common for judges open to financial influence to distort the merits of a case.”²²⁷ The 2005 victim of gang rape by FESCI described how corrupt judicial practices stopped her case from moving forward:

The complaint I registered [about having been gang raped] has not received any follow up because we were asked to pay 50,000 CFA [US\$100] before the prosecutor would look at the case. We did not have enough money and so the case has been neglected.²²⁸

Beyond the bribes too often required to move a case forward, general legal and other fees can also deter victims from pursuing justice. According to numerous interviews conducted by Human Rights Watch with survivors, the cost of having to obtain a doctor's report (*certificat medica*) serves as a serious obstacle to seeking redress for sexual violence. Shortly after reporting a case of rape or sexual violation to the police, a survivor is asked by the judicial police to obtain a doctor's report as the physical proof of rape. Indeed the doctor's certificate is indispensable for any further police or legal action against an alleged rapist. However, the price—25,000 to 30,000 CFA (US\$60)—is a sum few women can afford. Appealing to a husband or father for the

²²⁶ United States Department of State Bureau of Democracy, Human Rights, and Labor, *Côte d'Ivoire: Country Reports on Human Rights Practices - 2005*, March 8, 2006. <http://www.state.gov/g/drl/rls/hrrpt/2005/61565.htm>; U4 Anti-Corruption Resource Centre, *Corruption and Distrust in the Côte d'Ivoire Police: A Deep-rooted Problem*, Special Focus Brief, <http://www.u4.no>. Côte d'Ivoire scored 151st out of 163 countries on Transparency International's Corruptions Perceptions Index (CPI). CPI scores relate to perceptions of the degree of corruption as seen by business people and country analysts and ranges between 10 (highly clean) and 0 (highly corrupt). Transparency International gave Côte d'Ivoire a 2.1 score. Transparency International, *Corruptions Perceptions Index 2005*, http://www.transparency.org/policy_research/surveys_indices/cpi/2005.

²²⁷ Office of the United States Trade Representative, *Côte d'Ivoire 2004 Report*, 2004, available at http://www.ustr.gov/assets/Document_Library/Reports_Publications/2004/2004_National_Trade_Estimate/2004_NTE_Report/asset_upload_file537_4746.pdf

²²⁸ Human Rights Watch interview, Abidjan, Côte d'Ivoire, September 2006.

doctor's report is difficult for many women who are financially dependent on the male members of their families and who fear being blamed or rejected by their family as a result of the rape.

One aid worker whose organization assisted the father of a minor raped by civilians during the war said that the father had spent over 100,000 CFA (US\$200) on medical and legal expenses, and that the legal process lasted two years before the suspected rapists were tried.²²⁹ The Rule of Law Unit at ONUCI found in its review of the Ivorian justice system that procedurally, rape cases do indeed tend to be quite lengthy, discouraging victims. Indeed, some magistrates reclassify the facts in rape cases as indecent attempts, violence, or assault and battery in order to avoid protracted procedures.²³⁰ Delays and inefficiencies leave victims frustrated as they run out of money, patience, and time.

Judicial Gender Discrimination and Inadequate Attention to Violence Against Women

According to local women's rights organizations, the authorities do not adequately investigate and adjudicate cases of non-conflict related sexual violence.²³¹ These groups maintain that societal attitudes that undermine the seriousness of sexual violence and that tend to put blame for sexual assault on the victim undermine the lack of justice for victims.²³² A report by the United States Department of State in 2005 characterized the problem this way:

The courts and police viewed domestic violence as a family problem unless serious bodily harm was inflicted or the victim lodged a complaint, in which case they could initiate criminal proceedings.

²²⁹ Human Rights Watch interview with staff member of an international humanitarian organization, Abidjan, Côte d'Ivoire, September 2006.

²³⁰ Human Rights Watch email correspondence with Françoise Simard, Chief Rule of Law Unit, ONUCI, March 13, 2007.

²³¹ Human Rights Watch interviews with leaders of women's rights organizations, Abidjan, Côte d'Ivoire, September 2006.

²³² As of 2005, there were four women justices on the Supreme Court out of 41 Supreme Court justices. See, United States Department of State, *Country Reports on Human Rights Practices: Côte d'Ivoire 2005*. This report also highlights the lack of judicial activity with respect to violence against women. For additional overviews of discriminatory judiciary attitudes, see United States Department of State, *Country Reports on Human Rights Practices: Côte d'Ivoire 2002*; United States Department of State, *Country Reports on Human Rights Practices: Côte d'Ivoire 2003*; United States Department of State, *Country Reports on Human Rights Practices: Côte d'Ivoire 2004*.

Rape was a problem, although its extent was unknown because the government did not collect statistics on rape or other physical abuse of women. Women's advocacy groups continued to protest the indifference of authorities to female victims of violence; however, women who reported rape or domestic violence to the police were often ignored.²³³

The indifference of high level decision-makers and members of government echoes that of the justice system and shapes prevailing discourse. It is reflected in comments made by then-Public Sector, Labor, and Administrative Reform Minister (*Ministre de la Fonction Publique, de l'Emploi et de la Réforme Administrative*) Hubert Oulaye when asked about the 2004 rape in Guiglo of ten girls from the Guéré community. When then-Gender Minister Constance Yai pressed for the case to move forward, Oulaye stated that he had too many vital pressing cases to be able to respond to this one, and said that it was “just a woman's issue,” and “not worth worrying about.”²³⁴

A staff member of the Ivorian Women's Bar Association conducted a review of the Abidjan tribunal's records to review data on the prosecution of sexual violence cases. She found that many members of the judiciary downplay the importance of sexual violence, display undue and illegal leniency to sex offenders even in routine matters not involving government troops, and question victims of sexual violence inappropriately.²³⁵ The lenient attitude to sex offenses is apparent in the case of a male teacher who was convicted in 2006 of raping eight girls aged four to twelve. He received a sentence of just one month, despite the fact that this violated sentencing guidelines. One social worker who had followed the case closely and assisted the victims' families lamented,

²³³ Ibid. This report also highlights the lack of judicial activity with respect to violence against women: “The Government does not collect statistics on rape or other physical abuse of women. The Government has no clear policy regarding spousal abuse beyond what is contained in the civil code. The law forbids and provides criminal penalties for forced or early marriage and sexual harassment, but says nothing about spousal abuse.” For additional overviews of discriminatory judiciary attitudes, see United States Department of State, *Country Reports on Human Rights Practices: Côte d'Ivoire 2002*; United States Department of State, *Country Reports on Human Rights Practices: Côte d'Ivoire 2003*; United States Department of State, *Country Reports on Human Rights Practices: Côte d'Ivoire 2004*; United States Department of State, *Country Reports on Human Rights Practices: Côte d'Ivoire 2005*.

²³⁴ Human Rights Watch interview with former minister Constance Yai, Abidjan, Côte d'Ivoire, September 14, 2006.

²³⁵ Human Rights Watch interviews with members of the bar association, Abidjan, Côte d'Ivoire, September 2006.

How could they sentence this man to just one month? He raped so many girls. They are very little. He really traumatized them, you know. What will happen to these children now? They will let him go back and teach more children and he will do it again. There were even other girls he raped but they did not come to court with the others because their parents did not want it. I think it is wrong, how this was decided. I do not believe in the courts any more.²³⁶

Rape, gang rape, sexual slavery, forced incest, domestic violence, and forced marriage are violations of women's fundamental human rights. To its credit, the government of Côte d'Ivoire has ratified many of the key international instruments guaranteeing women's equality and right to live free of violence²³⁷ and has passed a number of domestic laws prohibiting gender-based violence.²³⁸ Regrettably, however, the record of failure to prevent, investigate, and prosecute violence against women discussed in this report means that the authorities are failing to meet their international legal obligations.

Harmful Traditional Practices and Customary Law Dominate Women's Lives

Customary justice dominates adjudication of the vast majority of legal disputes which should, by law, be adjudicated in the national courts. For instance, a study in western Côte d'Ivoire by an international NGO revealed that 85 percent of all disputes are adjudicated by the village chief (*Chef du village*) or the land chief (*Chef de terre*).²³⁹ Community leaders, victims, witnesses, and NGOs in other regions report similarly high use of traditional or customary justice throughout the entire country. Some legal practitioners have suggested that the use of traditional justice has

²³⁶ Human Rights Watch interviews with Berte Zanga, leader of a local children's rights organization, Abidjan, Côte d'Ivoire, September 2006.

²³⁷ Côte d'Ivoire ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) on December 20, 1995.

²³⁸ Article 354 of the Penal Code of 1982 of Côte d'Ivoire specifically criminalizes rape; law n°98/757 of Côte d'Ivoire December 23, 1998 criminalizes sexual mutilations assimilated to gender-based violence; law n°98/756 of Côte d'Ivoire of December 23, 1998 penalizes sexual harassment, forced labor, and forced or early marriages.

²³⁹ Report by an international humanitarian organization, unpublished document [on file with Human Rights Watch], hereinafter *Problems of Rural Communities in 18 Montagnes*.

increased since the conflict, primarily due to the disruption in official judicial institutions. Many police officers themselves refer crimes, including sexual abuse, to traditional leaders for resolution as ‘friendly settlements’ throughout the country.²⁴⁰

Customary law is not a monolith; there may be as many customary legal systems as there are ethnic groups in Côte d’Ivoire. However, nearly all systems of Ivorian customary law minimize punishments for sexual violence and undermine protection for rape victims, thereby reflecting prevailing societal attitudes that undercut the gravity of sexual violence against women and girls. Under many forms of Ivorian customary law, only rape of a virgin is seen as a serious crime, while rape of a married woman or a non-virgin is often not considered a crime.

The notion of “friendly settlements” for sexual violence is widespread in many Ivorian ethnic groups; in cases where the perpetrator is known, the family (or superiors) of the perpetrator and the girl’s family will try to come to a “friendly settlement” which can involve an apology, agreement to marry the rape victim, or the payment of a fine or a white sheep or goat to the victim’s family. One case described to Human Rights Watch by the staff member of an international humanitarian organization illustrates this type of arrangement in a southwestern community near Guiglo:

Sometime in the fall of 2006 a young girl was raped by two local guys. The girl was pregnant and begged them not to rape her but they did it anyway. The two men are ex-combatants. At first the family wanted help to get justice. Then there was a friendly settlement. The ultimate judgment was that the rape was not a problem. The tribal traditional authority who arbitrated the friendly settlement said that what is bad is that the sexual act took place in the open. The men were supposed to pay a goat. And the family was pressured to drop their official complaint. It was made clear that if they continued, the family would

²⁴⁰ Anonymous NGO, *Sexual violence in 18 Montagnes*.

be banished. The dad said that we can't bring someone to jail for a women's issue.²⁴¹

Sometimes the “friendly settlements” are accompanied by community rituals which are organized with the extended family and run by the village chief. The entire village is concerned by rape because the rape affects its collective identity, especially the rape of a child. According to some Ivorian customs, ancestors of the village are believed to become angry when a rape is committed. They believe this can bring bad luck to and damage the prosperity of an entire village. To avoid this fate, sacrifices are necessary, often involving a white sheep or goat, running water, and Kola nuts (Kola nuts are chewed as part of rituals in some places in Africa). Larger, community rituals appear to have less to do with purifying the victim's body and more with assuaging ancestors. While the goals of rebuilding spiritual order in the community and public shaming or perpetrators are important, it is essential to note that the goal of these rituals is rarely to listen to and validate the experience of the survivor. Moreover, there is almost no confidentiality in such traditional or tribal mechanisms for dealing with rape.

Many survivors of sexual violence of Burkinabé origin (Moré and Dagari) have returned to their village or town of origin in order to undergo purification rites, which requires consultation with fetishes. The fetishes—objects believed to be of particular power and ritual significance—cannot be moved, thus all survivors must come to them. According to some Burkinabé community leaders, Burkinabé girls who had been raped needed to return to Burkina Faso to be purified in their respective families as a precondition for resuming a normal life. One NGO explained the situation as follows:

Even if you are in a country on the other side of the world, if someone raped you, you have to come to the home country to make sacrifices. Otherwise you are chased from the family. If they don't reject you and

²⁴¹ Human Rights Watch interview with staff member in an international humanitarian organization, Guiglo, Côte d'Ivoire, September 29, 2006.

you become pregnant, your father and your brothers will die if you talk with them.²⁴²

Inadequate International Responses to Combat Impunity

The international community has consistently sidelined initiatives to combat impunity in Côte d'Ivoire, presumably due to a fear of upsetting negotiation efforts.²⁴³ For example, the international community has been unresolved in its implementation of a UN Security Council resolution providing for sanctions against persons implicated in human rights abuses; in pressing for the publication of the United Nations High Commissioner for Human Rights Commission of Inquiry report; or in demanding prosecutions. For their part, the ECOWAS community and the African Union have been weak in systematically condemning human rights abuses by regional governments. This weakness is very likely due in part to the dubious human rights records of many of the ruling governments in their home countries.

United Nations Sanctions

Despite repeated threats to impose sanctions on Ivorians who violate human rights, break the arms embargo, indulge in hate speech, or block the peace process, the UN Security Council has only imposed travel and economic sanctions against three mid-level individuals: Charles Blé Goudé and Eugène Djué of the Young Patriots, and Martin Kouakou Fofié, a New Forces commander in Korhogo.²⁴⁴

The sanctions, imposed on Feb 7, 2006, were largely motivated by the January 2006 attacks against United Nations personnel.²⁴⁵ While internationally supported initiatives designed to restrain abusers and combat impunity are welcome and

²⁴² Anonymous NGO, *Sexual Violence in 18 Montagnes*.

²⁴³ For earlier Human Rights Watch analyses of the reluctance of the international community to address the growing problem of impunity, see Human Rights Watch, *The Human Rights Cost of the Political Impasse*. For an earlier Human Rights Watch analysis of the human rights costs of the proliferation of militias, and the government's use of hate speech that incites violence, see Human Rights Watch, *Côte d'Ivoire – Country on a Precipice: The Precarious State of Human Rights and Civilian Protection in Côte d'Ivoire*, vol. 17, no. 6 (A), May 2005, <http://hrw.org/reports/2005/cdio505/>.

²⁴⁴ Under resolution 1572, persons constituting, inter alia, “a threat to the peace and national reconciliation process in Côte d'Ivoire” or “any other person determined as responsible for serious violations of human rights and international humanitarian law in Côte d'Ivoire” may be designated by the Sanctions Committee. See UN Security Council Resolution 1572, S/RES/1572 (2004). These provisions were renewed in late 2006 in UN Security Council Resolution 1727, S/RES/1727 (2006).

²⁴⁵ Human Rights Watch, *Because They Have Guns*.

necessary, it is unfortunate that such measures were only activated after United Nations personnel and material interests were the object of attack.

Subsequent attempts to impose sanctions against additional individuals in late 2006—Affi N’Guessan and Mamadou Coulibaly, both leaders in Gbagbo’s FPI party—were formally stymied by China and Russia in the Sanctions Committee.²⁴⁶

Throughout 2006, South Africa—under the leadership of President Thabo Mbeki, who at the time served as AU mediator in the Ivorian conflict—also created a serious impediment to wider and more consistent use of sanctions through persistent and vigorous behind-the-scenes lobbying, arguing that application of sanctions would seriously impede the on-going peace process.²⁴⁷

To date no further sanctions have been handed down. Human Rights Watch believes that the logic of putting justice and other mechanisms of restraint on hold for an elusive final settlement denies victims the right to see those responsible for serious human rights crimes held accountable. Instead, this kind of strategy appears to have served to embolden perpetrators and fed into the intransigence of the Ivorian government and New Forces.²⁴⁸

In 2007, even the meager gains of the three existing sanctions could be rolled back. In the recently negotiated Ouagadougou accords, both parties expressed an intention to lift the individual sanctions that have been imposed, currently in force until October 31, 2007.²⁴⁹

United Nations High Commissioner for Human Rights Commission of Inquiry

In addition to targeted sanctions against key perpetrators, other measures that might restrain abusers and combat impunity throughout Côte d’Ivoire appear to have been similarly put on hold. For example, following a request by all parties to the

²⁴⁶ Human Rights Watch interview with a diplomat posted to a permanent mission to the United Nations, New York, January 10, 2007.

²⁴⁷ Ibid.

²⁴⁸ Human Rights Watch, *World Report 2007: Côte d’Ivoire*, January 2007, <http://hrw.org/englishwr2k7/docs/2007/01/11/cotedi14956.htm>.

²⁴⁹ United Nations Security Council resolution 1727, para. 1, S/RES/1727 (2006).

Linac-Marcoussis agreement to investigate serious violations of human rights and humanitarian law perpetrated in Côte d'Ivoire since September 19, 2002, the Office of the United Nations High Commissioner for Human Rights (OHCHR) dispatched a Commission of Inquiry to Côte d'Ivoire.

The UN Commission of Inquiry report relating to serious violations of human rights and humanitarian law since September 19, 2002 was handed to the UN Secretary-General in November 2004, and was transmitted to the UN Security Council on December 23, 2004. Release of the report and corresponding debate, especially its recommendations, would likely generate much-needed discussion about how to tackle impunity in Côte d'Ivoire.

However, the UN Security Council has yet to make public or to discuss the findings of the report. The failure to discuss the findings of the report, much less act upon them, sends the wrong signal to abusers.

International Criminal Court (ICC)

One crucial means by which to help combat impunity in Côte d'Ivoire could be the involvement of the International Criminal Court (ICC). However, resistance by Ivorian authorities to the ICC conducting a mission to Côte d'Ivoire is undermining this possibility. The ICC prosecutor has also missed opportunities to use his position to promote accountability for serious crimes committed in Côte d'Ivoire.

Côte d'Ivoire is not a party to the ICC, but in 2003 Côte d'Ivoire accepted the ICC's jurisdiction over crimes committed on its territory since September 19, 2002. On January 28, 2005, the ICC prosecutor, Luis Moreno Ocampo, announced that the ICC intended to send a team to Côte d'Ivoire to assess the possibility of opening an investigation. Later that year, on November 28, 2005, the ICC prosecutor again indicated that an ICC team would visit Côte d'Ivoire. The visit, which was planned for early 2006, was intended to fulfill several important goals: 1) to collect information on whether the crimes committed in Côte d'Ivoire are sufficiently grave to fall under the ICC's jurisdiction; 2) to collect information on whether the judicial system has the capacity and willingness to address such crimes; and 3) to assess the possible

impact of an ICC investigation in Côte d'Ivoire. However, the government has yet to allow the ICC's mission to Côte d'Ivoire to take place.

It is crucial that the Ivorian government immediately permit the ICC to conduct a mission to Côte d'Ivoire so that the ICC can obtain information necessary to assess opening an investigation there. The Ivorian government should also provide the ICC with any cooperation necessary to facilitate such a mission.

A more proactive engagement by the ICC prosecutor regarding the situation in Côte d'Ivoire is also warranted. The ICC prosecutor has made only minimal public statements on a possible role for the ICC in ensuring accountability for crimes in Côte d'Ivoire and has not actively promoted domestic or international prosecutions. Human Rights Watch believes public and private communications indicating the ICC's interest in accountability for past abuses committed in Côte d'Ivoire could help contribute to stemming ongoing abuses. The ICC should in particular send a clear message to perpetrators that the ICC is monitoring abuses committed in Côte d'Ivoire and perpetrators of serious crimes must be held to account.

International Legal Prohibitions against Sexual Violence

Sexual violence against women and girls both inside and outside conflict has a long history. Mass rape of women and girls was documented during World War II, as well as in more recent conflicts in the former Yugoslavia, Rwanda, Sierra Leone, and the Democratic Republic of Congo.²⁵⁰ Sexual violence has often in the past been considered as an inevitable by-product of armed conflict and has been mischaracterized by military and political leaders as a private crime or the unfortunate behavior of renegade soldiers. Rape is increasingly recognized, however, as a weapon of war, meaning that it is not a private or incidental crime. Rape as a weapon of war serves a strategic function and acts as an integral tool for achieving military and political objectives, not merely an act of violence that targets sexuality. It functions to subjugate and humiliate both the women and men within the targeted community. Furthermore, rape is generally not committed in isolation and victims are often subjected to multiple human rights abuses, which serve to further traumatize them. In conflicts in which civilians are the principal targets, sexual violence has become an even more deliberate and insidious weapon of war.

Sexual Violence as a War Crime

International law has prohibited rape and other forms of sexual violence against women during armed conflict for over a century.²⁵¹ International humanitarian law,

²⁵⁰ See, for example, Human Rights Watch, *Bosnia and Herzegovina – A Closed, Dark Place: Past and Present Human Rights Abuses in Foca*, vol. 10, no. 6 (D), July 1998, <http://www.hrw.org/reports98/foca/>; Human Rights Watch and Fédération Internationale des Ligues des Droits de l'Homme, *Shattered Lives: Sexual Violence during the Rwandan Genocide and its Aftermath*, September 1996, <http://www.hrw.org/reports/1996/Rwanda.htm>; and Human Rights Watch, *DRC – The War Within the War: Sexual Violence against Women and Girls in Eastern Congo*.

²⁵¹ Examples of evolving laws prohibiting war-related rape include Italian lawyer Lucas de Penna's advocating in the thirteenth century for the punishment of wartime rape just as severely as rape committed in peacetime, and Hugo Grotius stating in the sixteenth century that sexual violence committed in wartime was a punishable crime. Articles 44 and 47 of the 1863 Lieber Code, which served as the basis for subsequent war codes, also lists rape by a belligerent as a war crime punishable by death. See Instructions for the Government of Armies of the United States in the Field (Lieber Code of 1863), April 24, 1863, <http://www.icrc.org/ihl.nsf/73cb71d18dc4372741256739003e6372/a25aa5871a04919bc12563cd002d65c5?OpenDocument> (accessed June 28, 2007). Article 4 of the Annex to the 1907 Hague Convention provides a general prohibition of torture and abuses against combatants and non-combatants. Article 46 of the same Annex prescribes that “[f]amily honour and rights...must be respected,” which can be interpreted to cover rape. See Convention Respecting the Laws and Customs of War on Land, with annexed Regulations (Hague Convention IV) of October 18, 1907, 36 Stat. 2277, T.S. No. 539, entered into force January 26, 1910, <http://www.yale.edu/lawweb/avalon/lawofwar/hague04.htm> (accessed June 28, 2007), arts. 4 and 46. See Kelly D. Askin and Doreen M. Koenig, eds., *Women and International Human Rights Law* (Ardsey, NY: Transnational Publishers, Inc., 1999), Volume 1, p. 50.

also known as the laws of war, sets out protections for civilians, prisoners of war, and other non-combatants during international and internal armed conflicts.²⁵² Depending on the broader context within which the crimes are committed, perpetrators can be held accountable for rape and other forms of sexual violence as war crimes, crimes against humanity, and acts of genocide.²⁵³ The four Geneva Conventions and their two Additional Protocols implicitly and explicitly condemn rape as well as other forms of sexual violence as serious violations of humanitarian law in both international and internal conflicts. In international armed conflicts, such crimes are grave breaches of the Geneva Conventions and are considered war crimes. Violations involving direct attacks on civilians during internal armed conflicts are increasingly recognized as war crimes.

Common Article 3 to the Geneva Conventions applies to all parties in an internal armed conflict, including armed opposition groups. Through its prohibition of “outrages upon personal dignity, in particular humiliating and degrading treatment,” Common Article 3 implicitly condemns sexual violence. The Fourth Geneva Convention on the protection of civilians in international armed conflicts provides a basis for defining the protections provided under Common Article 3. Article 27 on the treatment of protected persons states that “women shall be especially protected against any attack on their honor, in particular against rape, enforced prostitution, or any form of indecent assault.”²⁵⁴ Article 147 specifies that “torture or inhuman

²⁵² See Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Geneva Convention), adopted August 12, 1949, 75 U.N.T.S. 31, entered into force October 21, 1950; Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Geneva Convention), adopted August 12, 1949, 75 U.N.T.S. 85, entered into force October 21, 1950; Geneva Convention relative to the Treatment of Prisoners of War (Third Geneva Convention), adopted August 12, 1949, 75 U.N.T.S. 135, entered into force October 21, 1950; Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention), adopted August 12, 1949, 75 U.N.T.S. 287, entered into force October 21, 1950; Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I), adopted June 8, 1977, 1125 U.N.T.S. 3, entered into force December 7, 1978; Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 1125 U.N.T.S. 609, entered into force December 7, 1978. Other sources of international humanitarian law are the 1907 Hague Convention and Regulations, decisions of international tribunals and customary law.

²⁵³ Rape and other forms of sexual violence can be defined as constituent elements of genocide. Genocide is defined under the 1948 Convention on the Prevention and Punishment of the Crime of Genocide as “acts committed with the intent to destroy, in whole or in part, a national, ethnic, racial or religious group.” Genocide has attained *jus cogens* status (a norm that preempts other norms) and is prohibited both in its own right and as a crime against humanity. Convention on the Prevention and Punishment of the Crime of Genocide, approved December 9, 1948, entered into force January 12, 1951, http://www.unhcr.ch/html/menu3/b/p_genoci.htm (accessed June 28, 2007).

²⁵⁴ Fourth Geneva Convention, art. 27 (2). Article 76 of Protocol I extends this protection of protected persons to all women. Protocol I, art. 76.

treatment” and “willfully causing great suffering or serious injury to body or health” are grave breaches of the conventions.²⁵⁵ According to the International Committee of the Red Cross (ICRC), rape and other forms of sexual violence are considered to be grave breaches. Even a single act of sexual violence can constitute a war crime.²⁵⁶ Article 4 of Protocol II, which governs internal armed conflicts and applied to the conflict in Côte d’Ivoire, expressly forbids “violence to life, health and physical or mental well-being of persons, in particular murder as well as cruel treatment, such as torture, mutilation or any form of corporal punishment” and “outrages upon personal dignity, in particular humiliating and degrading treatment, rape and enforced prostitution and any form of indecent assault” as well as “slavery and the slave trade in all their forms.”²⁵⁷

Sexual Violence as a Crime against Humanity

Unlike war crimes, crimes against humanity may be committed in times of peace or in periods of unrest that do not rise to the level of an armed conflict. The definition of and prohibition on crimes against humanity has been incorporated into a number of international treaties and statutes of international criminal tribunals, including the Rome Statute of the ICC.²⁵⁸ There is no single international treaty that provides an authoritative definition of crimes against humanity, but such crimes are generally considered to be serious and inhumane acts committed as part of a widespread attack against the civilian population, during peacetime or war. The statutes of both the International Criminal Tribunal for the former Yugoslavia (ICTY) and International Criminal Tribunal for Rwanda (ICTR) make explicit mention of rape, when committed as part of a widespread attack against the civilian population, as a crime against humanity.²⁵⁹

²⁵⁵ Fourth Geneva Convention, art. 147.

²⁵⁶ Theodor Meron, “Rape as a Crime Under International Humanitarian Law,” *American Journal of International Law* (Washington D.C.: American Society of International Law, 1993), vol. 87, p. 426, citing the International Committee of the Red Cross, Aide Mémoire, December 3, 1992.

²⁵⁷ Protocol II, art. 4 (2) (a), (e), and (f). Côte d’Ivoire ratified Protocol II on September 20, 1989.

²⁵⁸ Rome Statute of the International Criminal Court (Rome Statute), A/CONF.183/9, July 17, 1998, entered into force July 1, 2002.

²⁵⁹ Article 5 of the Statute of the International Criminal Tribunal for the former Yugoslavia names rape as a crime against humanity. See Statute of the International Criminal Tribunal for the former Yugoslavia (ICTY Statute), S.C. Res. 827, U.N. Doc. S/RES/827 (1993), as amended, <http://www.un.org/icty/legaldoc-e/index.htm>. Article 3 of the Statute of the International Criminal Tribunal for Rwanda names rape as a crime against humanity. See Statute of the International Criminal

Both tribunals have played a critical role in setting precedents in the prosecution of conflict-related sexual violence, including articulating definitions and elements of many gender-related crimes.²⁶⁰ The statute of the ICC also explicitly identifies the acts of rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity as acts that can be crimes against humanity.²⁶¹ Crimes against humanity, as serious international crimes, may also be subject to universal jurisdiction, meaning that national courts can be given jurisdiction to try a person suspected of a crime against humanity even if neither the suspect nor the victim are nationals of the country where the court is located and the crime took place outside that country. Acts of sexual violence committed as part of widespread attacks against civilians in Côte d'Ivoire can be classified as crimes against humanity and prosecuted as such.

Sexual Violence as Torture

International human rights instruments provide safeguards for women and girls at all times, including during armed conflict. These include protection from rape and sexual assault as forms of torture and other prohibited ill-treatment, slavery, forced prostitution, and discrimination based on sex. Armed opposition groups, particularly those in control of territory, have increasingly been under obligation to respect international human rights standards.²⁶²

Tribunal for Rwanda (ICTR Statute), S.C. Res. 955, U.N. Doc. S/RES/955 (1994), as amended, <http://69.94.11.53/ENGLISH/basicdocs/statute.html>.

²⁶⁰ *Prosecutor v. Jean-Paul Akayesu*, ICTR, Case No. ICTR-96-4-T, Judgment, September 2, 1998 (the Akayesu Trial Chamber Judgment); *Prosecutor v. Tadic*, ICTY, Case No. IT-94-1, November 11, 1999; *Prosecutor v. Delalic et al.*, ICTY, Case No. IT-96-21-A, November 16, 1998; *Prosecutor v. Anto Furundžija*, ICTY, Case No. IT-95-17/1-T, Judgment, December 10, 1998; *Prosecutor v. Blaskic*, ICTY, Case No. IT-95-14, Judgment, March 3, 2000; *Prosecutor v. Kvočka et al.*, ICTY, Case No. IT-98-30-T, Judgment, November 2, 2001; *Prosecutor v. Dragoljub Kunarac, Radomir Kovac and Zoran Vukovic* (Foca case), ICTY, Case No. IT-96-23 and IT-96-23/1, Judgment (Appeals Chamber), June 12, 2002. In general, however, both the ICTY and ICTR have had an inconsistent record on investigating and prosecuting crimes of sexual violence. The ICTR continues to lack a comprehensive approach to the inclusion of sexual violence charges and has failed to include these charges or seek amendments in the original indictments where the Office of the Prosecutor has witness testimony or evidence of sexual violence. Human Rights Watch interview with source from the ICTR (name withheld), Freetown, November 8, 2002.

²⁶¹ Article 7 (1) (g) of the Rome Statute of the ICC enumerates crimes against humanity as “any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack: Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity.” Rome Statute, art. 7.

²⁶² Nigel S. Rodley, “Can Armed Opposition Groups Violate Human Rights?” *Human Rights in the 21st Century: A Global Challenge*, P. Mahoney and K. Mahoney, eds., (Dordrecht: Martinus Nijhoff, 1993), pp. 297-318; International Council on Human Rights Policy, *Hard Cases: Bringing Human Rights Violators to Justice Abroad—A Guide to Universal Jurisdiction*, (Geneva: International Council on Human Rights Policy, 1999), p. 6.

Côte d'Ivoire is a party to the International Covenant on Civil and Political Rights (ICCPR), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) and the regional African [Banjul] Charter on Human and Peoples' Rights (African Charter), which all prohibit torture and other cruel, inhuman, or degrading treatment by officials or persons acting in an official capacity.²⁶³ The Convention on the Rights of the Child (CRC) provides for the right to freedom from torture, sexual exploitation, and abuse as well as liberty and security of person.²⁶⁴ The United Nations Special Rapporteur on torture has recognized that rape can constitute torture,²⁶⁵ as have the ICTY²⁶⁶ and ICTR.²⁶⁷

Under the ICCPR, the African Charter and CEDAW, sexual slavery and forced prostitution in times of armed conflict constitute a basic violation of the right to liberty and security of person.²⁶⁸ Furthermore, slavery is a *jus cogens* norm from which no derogation is permitted and is prohibited under Article 8 of the ICCPR (which also prohibits forced labor), as well as the 1926 Slavery Convention.²⁶⁹

²⁶³ International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force March 23, 1976, Côte d'Ivoire acceded to the ICCPR on March 26, 1992. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture), adopted December 10, 1984, G.A. res. 39/46, annex, 39 U.N. GAOR Supp. (No. 51) at 197, U.N. Doc. A/39/51 (1984), entered into force June 26, 1987, ratified by Côte d'Ivoire on December 18, 1995. African [Banjul] Charter on Human and Peoples' Rights, adopted June 27, 1981, OAU Doc. CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982), entered into force October 21, 1986, ratified by Côte d'Ivoire on January 6, 1992.

²⁶⁴ Article 34 of the Convention on the Rights of the Child protects the child from sexual exploitation and sexual abuse. Article 37 provides for the freedom from torture or other cruel, inhuman or degrading treatment or punishment as well as liberty and security of person. Convention on the Rights of the Child (CRC), adopted November 20, 1989, G.A. Res. 44/25, annex, 44 U.N. GAOR Supp. (No. 49) at 167, U.N. Doc. A/44/49 (1989), entered into force September 2, 1990, ratified by Côte d'Ivoire February 4, 1991, arts. 34 and 37.

²⁶⁵ UN Commission on Human Rights, Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Nigel Rodley, E/CN.4/1995/34, January 12, 1995, para. 19.

²⁶⁶ *Prosecutor v. Anto Furundžija*, ICTY, Case No. IT-95-17/1-T, Judgment, December 10, 1998, para. 171.

²⁶⁷ *Prosecutor v. Jean-Paul Akayesu*, ICTR, Case No. ICTR-96-4-T, Judgment, September 2, 1998 (the Akayesu Trial Chamber Judgment), para. 687: "Like torture, rape is used for such purposes as intimidation, degradation, humiliation, discrimination, punishment, control or destruction of a person. Like torture, rape is a violation of personal dignity, and rape in fact constitutes torture when it is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity."

²⁶⁸ Article 9 of the ICCPR provides for the freedom from arbitrary arrest, detention or exile, whilst Article 23 prohibits forced marriage. ICCPR, arts. 9 and 23. Under Article 6 of CEDAW, states are required to take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women. Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), adopted December 18, 1979, G.A. res. 34/180, 34 U.N. GAOR Supp. (No. 46) at 193, U.N. Doc. A/34/46, entered into force September 3, 1981, ratified by Côte d'Ivoire on December 20, 1995, art. 6. Article 5 of the African Charter prohibits all forms of "exploitation and degradation of man particularly slavery, slave trade..." African [Banjul] Charter on Human and Peoples' Rights, art. 5.

²⁶⁹ United Nations Slavery Convention, entered into force March 9, 1927, <http://www.unhchr.ch/html/menu3/b/f2sc.htm> [accessed June 28, 2007]. See also United Nations Commission on Human Rights, Report of the Special Rapporteur on

Sexual Violence as Discrimination: A Violation of International Human Rights Law

Sexual violence generally violates women's rights to be free from discrimination based on sex as provided for under the ICCPR.²⁷⁰ Under Article 1 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW),²⁷¹ the definition of discrimination is considered to include "gender-based violence precisely because gender-based violence has the effect or purpose of impairing or nullifying the enjoyment by women of human rights" on a basis of equality with men.²⁷² The CEDAW Committee enumerated a wide range of obligations for states related to ending sexual violence, including ensuring appropriate treatment for victims in the justice system, counseling, support services, medical treatment, and psychological assistance.²⁷³ In a 1993 resolution, the UN General Assembly declared that prohibiting gender discrimination includes eliminating gender-based violence, and that states "should pursue by all appropriate means and without delay a policy of eliminating violence against women."²⁷⁴ The Convention on the Rights of the Child (CRC) also provides for freedom from discrimination on the basis of gender (Article 2). The African Charter on Human and Peoples' Rights, guarantees the "[e]limination of every discrimination against women...and protection of the rights of the woman and the child"²⁷⁵ as well as the right to integrity of one's person, and the right to be free of "...[a]ll forms of exploitation and degradation...particularly slavery, slave trade, torture, cruel, inhuman or degrading punishment and treatment."²⁷⁶ In February 2004, Côte d'Ivoire signed the African Union Protocol to the African Charter on Human and Peoples' Rights on the Right of Women in Africa, which came into force in November

Contemporary Forms of Slavery: Systematic Rape, Sexual Slavery and Slavery-like Practices during Armed Conflict, Ms. Gay J. McDougall, E/CN.4/Sub. 2/1998/13, June 22, 1998, <http://www.hri.ca/fortherecord1998/documentation/commission/e-cn4-sub2-1998-13.htm> (accessed June 28, 2007).

²⁷⁰ See ICCPR, arts. 2 (1) and 26.

²⁷¹ CEDAW, art. 1. Côte d'Ivoire also adopted Resolution 48/104 of the General Assembly of the United Nations against violence against women. United Nations General Assembly, "Declaration on the Elimination of Violence against Women," A/RES/48/104, December 20, 1993 (issued on February 23, 1994).

²⁷² Women, Law and Development International, *Gender Violence: The Hidden War Crimes* (Washington D.C.: Women, Law and Development International, 1998), p. 37.

²⁷³ Committee on the Elimination of All Forms of Discrimination against Women, "Violence against Women," General Recommendation no. 19 (eleventh session, 1992), CEDAW/C/1992/L.1/Add.15.

²⁷⁴ UN General Assembly, Declaration on the Elimination of Violence against Women, art. 4.

²⁷⁵ African [Banjul] Charter on Human and Peoples' Rights, art. 3.

²⁷⁶ African [Banjul] Charter on Human and Peoples' Rights, arts. 4 and 5.

2005; of these, Article 11 on armed conflict and Article 14 regarding illegal abortion are particularly relevant to this report.²⁷⁷

Criminal responsibility for sexual violence

Individual acts of rape or other sexual assault can be prosecuted as criminal acts. However an individual case of serious sexual violence can also be prosecuted as a crime against humanity if the crime was committed as part of a widespread or systematic attack against the civilian population.²⁷⁸ Each enumerated type of act, such as murder, torture, or rape, does not need to be committed on a widespread or systematic basis—it is the attack that must be widespread or systematic.

Individual criminal responsibility for a crime against humanity, or for a serious violation of human rights or international humanitarian law can be established when an accused is proved to have either planned, instigated, ordered, committed or otherwise aided or abetted in the commission or the crime.

Superior officers may also be liable for crimes committed by their subordinates on the basis of command responsibility.²⁷⁹ Although the concept of command responsibility originated in military law, it now embraces the responsibility of civil authorities for the abuses committed by those persons under their effective authority. Both state and non-state actors (such as commanders of armed rebel groups) can be held accountable on the basis of command responsibility for crimes against humanity.²⁸⁰ Under the doctrine of command responsibility, commanders, or other superiors may be culpable for failing to prevent or punish crimes committed by their subordinates. A superior is responsible for the crimes of his or her subordinates when

²⁷⁷ Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, adopted by the 2nd Ordinary Session of the Assembly of the Union, Maputo, September 13, 2000, CAB/LEG/66.6, entered into force November 25, 2005.

²⁷⁸ "It is sufficient to show that the act took place in the context of an accumulation of acts of violence which, individually, may vary greatly in nature and gravity." *Prosecutor v. Dragoljub Kunarac et al.*, ICTY, Case No. IT-96-23-T & IT-96-23/1/T, Judgment (Trial Chamber), 22 February 2001, para. 419.

²⁷⁹ Command responsibility is an established principle of customary international law. See *Prosecutor v. Delalic et al.* (Celebici Case), ICTY, Case No. IT-96-21-A, Judgment (Appeals Chamber), February 20, 2001, para. 195. Command responsibility has been incorporated into the statutes of international criminal courts, including the ad hoc tribunals for the former Yugoslavia and Rwanda, the Special Court for Sierra Leone, and the Rome Statute of the ICC. See Rome Statute of the International Criminal Court, art. 28 (Responsibility of Commanders and Other Superiors).

²⁸⁰ *Prosecutor v. Hadzihasanovic* ("Central Bosnia"), ICTY, Case No. IT-01-47-AR72, July 16, 2003, para. 29–31.

the superior knew or had reason to know that the criminal acts were about to be or had been committed, and the superior failed to take necessary and reasonable measures to prevent the commission of the offense and/or punish the perpetrators.²⁸¹ The superior must either have actual knowledge of the criminal acts, or have information available to him or her that would put him or her on notice of the facts.²⁸² However, it should be noted that the superior is under no duty to acquire such knowledge, and neglect to do so is not a basis for liability,²⁸³ although he or she cannot willfully ignore information available to him or her.²⁸⁴ The duty to prevent and or punish arises as soon as the superior acquires the knowledge that his or her subordinates are about to commit crimes, or have committed crimes.

A commander will therefore be found guilty of rape if he or she stood by while the subordinate committed rape. In Côte d'Ivoire, if individual commanders and civilian officials had reason to know that subordinates committed rape, and failed to use all necessary and reasonable measures under their command to prevent and punish this abuse, they may also be found guilty of rape.²⁸⁵

²⁸¹ *Prosecutor v. Kordic and Cerkez*, ICTY, Case No. IT-95-14/2, Judgment (Appeals Chamber), December 17, 2004, para. 839.

²⁸² *Prosecutor v. Blaskic*, ICTY, Case No. IT-95-14-A, Judgment (Appeals Chamber), July 29, 2004, paras. 56-57, 62.

²⁸³ *Prosecutor v. Delalic et al.* (Celebici Case), ICTY, Case No. IT-96-21-A, Judgment (Appeals Chamber), February 20, 2001, para. 226.

²⁸⁴ *Prosecutor v. Blaskic*, ICTY, Case No. IT-95-14-A, Judgment (Appeals Chamber), July 29, 2004, para. 406.

²⁸⁵ *Prosecutor v. Halilovic*, ICTY, Case No. IT-01-48-T, (Trials Chamber), November 16, 2005, para. 73.

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Annex: Definition of Terms

Discrimination Against Women: Article 1 of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) defines discrimination against women as “any distinction, exclusion, or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.”

Domestic Violence: Also called “intimate partner abuse,” “battering,” or “wife-beating,” domestic violence refers to physical, sexual, psychological, and economic abuse that takes place in the context of an intimate relationship, including marriage. Domestic violence is one of the most common forms of gender-based violence and is often characterized by long-term patterns of abusive behavior and control.

Gender-Based Violence (GBV): Gender-based violence is defined as violence directed against a person on the basis of gender or sex. It includes acts that inflict physical, mental, or sexual harm or suffering, threats of such acts, coercion, and other deprivations of liberty. Examples of gender-based violence are sexual violence, domestic violence, emotional and psychological abuse, trafficking, forced prostitution, sexual exploitation, sexual harassment, and harmful traditional practices (e.g. female genital mutilation, forced marriage, or widow cleansing).

Rape: Rape is defined according to the appeals chamber judgment of the International Criminal Tribunal for the former Yugoslavia (ICTY) in the 2002 Foca case, namely “[t]he sexual penetration, however slight: (a) of the vagina or anus of the victim by the penis of the perpetrator or any other object used by the perpetrator; or (b) [of] the mouth of the victim by the penis of the perpetrator; where such sexual penetration occurs without the consent of the victim. Consent for this purpose must be consent given voluntarily, as a result of the victim’s free will, assessed in the context of the surrounding circumstances. The *mens rea* is the intention to effect this sexual penetration, and the knowledge that it occurs without the consent of the

victim.”²⁸⁶ The appeals chamber rejected the “resistance” requirement argued by the appellants as it is justified neither in law or fact, and stated that the use of force in itself is not a necessary element of rape. Coercive circumstances make the victims’ consent to the sexual acts impossible. This definition also underscores that rape is an attack on the physical integrity of a woman and not an attack against her honor or that of her family or community. The ICTY has found that sexual violence not only constitutes crimes against humanity, war crimes and grave breaches, but can also constitute torture, enslavement, serious bodily injury and other relevant acts as long as the elements constituting these crimes are present in the act of sexual violence.

Sexual Exploitation: Sexual exploitation is any abuse of a position of vulnerability, differential power, or trust for sexual purposes; this includes profiting monetarily, socially, or politically from the sexual exploitation of another.²⁸⁷ For example, sexual exploitation can occur when adults have sexual relations with children in exchange for money, food, or any other commodity. Prostitution between adults is not prohibited under international law but sexual exploitation of minors—i.e. anyone under the age of eighteen—is prohibited under international law.

Sexual Slavery: Sexual slavery, defined by the 1926 Slavery Convention and the 1953 Protocol amending the same convention, refers to “[t]he status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised, including sexual access through rape or other forms of sexual violence.”²⁸⁸ The Statute of the ICC includes the trafficking of women and children in its definition of enslavement.²⁸⁹

Sexual Violence: In this report, sexual violence is used as an overarching term to describe “[a]ny violence, physical or psychological, carried out through sexual

²⁸⁶ *Prosecutor v. Dragoljub Kunarac, Radomir Kovac and Zoran Vukovic* (Foca case), ICTY, Case No. IT-96-23 and IT-96-23/1, Judgment (Appeals Chamber), June 12, 2002, paras. 127-133. *Prosecutor v. Jean-Paul Akayesu*, (Judgment), ICTR-96-4-T, September 2, 1998, para. 688.

²⁸⁷ United Nations Secretariat, Secretary-General’s Bulletin: Special measures for protection from sexual exploitation and sexual abuse, ST/SGB/2003/13, October 9, 2003, <http://www.unhcr.org/cgi-bin/texis/vtx/protect/opendoc.pdf?tbl=PROTECTION&id=405ac6614> (accessed June 28, 2007).

²⁸⁸ Report of the Special Rapporteur on Contemporary Forms of Slavery, p. 9.

²⁸⁹ Article 7 (1) (g) lists enslavement as a crime against humanity with the definition given in Article 7 (2) (c). Rome Statute, art. 7. The ICC has the authority to prosecute the most serious international crimes beginning from July 1, 2002.

means or by targeting sexuality.”²⁹⁰ Sexual violence includes (1) sexual slavery, (2) rape by someone of the opposite sex, (3) rape by someone of the same sex, (4) forcible introduction of objects into the rectum/vagina, (5) gang rape, (6) attempted rape, (7) forced performance of sexual acts other than rape such as forcing a person to strip naked in public, (8) forcing two victims to perform sexual acts on one another or harm one another in a sexual manner, (9) assaulting or mutilating a person’s genitals or a woman’s breasts, (10) body searching by members of the opposite sex, and (11) beating a pregnant woman on her stomach.

²⁹⁰ Report of the Special Rapporteur on Contemporary Forms of Slavery, pp. 7-8.