



The Dark Side of Côte d'Ivoire's Recovery ^[1]

January 31, 2012



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When I returned to Abidjan in mid-January, bright lights were strung across the bridge into downtown, proclaiming 2012 a year of reconciliation. I asked the taxi driver how things were progressing, and he said, "The Ouattara government does more work in 10 weeks than the Gbagbo government did in 10 years." Formerly potholed roads are being repaired throughout the country, trash once stacked on the street is being collected, and treatment at state-run hospitals is largely free, even if patients must often pay for the medicine and tools doctors need.

The notable initiatives go beyond public works. President Ouattara has ordered government ministries to establish work plans ^[4] with concrete goals and time lines. The president expects results ^[5] and recognizes them when they are achieved. Ministerial corruption is not tolerated.

Understandably, these actions are attractive to the United States, France, and other international partners. The international community played a crucial role ^[6] during the crisis in ensuring Ouattara's electoral victory was upheld, marginalizing the Gbagbo camp through ^[7] sanctions ^[8] and diplomatic pressure, and ultimately removing ^[9] the former president amid his heavy armaments ^[10]. These partners rightfully have a lot invested in Côte d'Ivoire, and focus great attention on the Ouattara government's achievements. But they should be deeply concerned that some of the conflict's root causes remain unaddressed: a politicized judiciary and impunity for those in power.

Ivorian civil society, including pro-Ouattara organizations, told me in meetings that they are deeply concerned that the new government continues to interfere politically with the judiciary, a problem that extends back at least through the Gbagbo era. President Ouattara has called ^[11] for the end of judicial corruption, and notably promised increases ^[12] in the Ivorian budget for the rule of law. But civil society leaders point to a number of recent decisions – including who is given provisional release, and when it is granted – that appear marked by politics. The Ivorian judiciary is replete with strong lawyers and judges, but politicians need to understand that a functional judiciary has to be independent.

A second concern is victor's justice. It is true that the conflict's origin lay in Gbagbo's refusal to relinquish power and his government's manipulation of ethnicity. Gbagbo's elite security units and loyal militia groups were responsible ^[13] for the vast majority of abuses ^[14] between December 2010 and February 2011. However, after the pro-Ouattara Republican Forces began their military offensive in early March, they too committed murder and rape on political and ethnic grounds.

Human Rights Watch ^[15], the International Federation for Human Rights ^[16], Amnesty International ^[17], the UN Operations ^[19] in Côte d'Ivoire ^[20], and an international commission of inquiry ^[22] established by the UN Human

Rights Council have all implicated both sides in war crimes and likely crimes against humanity. Yet all of the at least 120 people who [23] military and civilian prosecutors have charged [24] with post-election crimes are from the Gbagbo camp.

High-level government officials whom I interviewed said the reason for this stark difference is that the civilian prosecutor is focusing on economic crimes against the state – meaning the Ouattara government – during the crisis. This includes the Gbagbo regime's pillaging of banks [25] as it tried to retain power [26]. But this begs an obvious question: Why has the civilian prosecutor chosen to focus on the one domain in which the pro-Ouattara forces are, by definition, not implicated?

There is no doubt the Republican Forces committed looting, extortion, and racketeering on a grand scale before, during, and after the conflict. The UN Group of Experts report [27] in April 2011 identified several commanders as having made millions of Euros from their “taxation” system before the crisis. Abidjan businesses were looted [28] massively by both sides as the final battle there waged and after [29] Gbagbo was arrested. The International Crisis Group released a report [30] in December showing that protection rackets and extortion continue under certain Republican Forces commanders. Yet government officials told me the civilian prosecutor was not ready to look at economic crimes committed against individuals or businesses.

But of even greater concern, given the nature of the conflict's atrocities, is that government officials have said the civilian prosecutor is not ready to undertake prosecutions for violent crimes. The explanation is a bit of a red herring, however. Côte d'Ivoire's military prosecutor [31] has initiated charges of murder and other violent crimes against high-level military officials [32] from the Gbagbo government. The majority of crimes committed by pro-Ouattara forces, both in the West and in Abidjan, took place after last March 17 [33] – when President Ouattara signed a decree [34] making the Republican Forces the official army. If the military prosecutor has the capacity to investigate and charge military officials from the Gbagbo camp, he should also pursue those from the Republican Forces implicated in violent crimes.

While stability has returned, people from both sides tell me that the “hatred in their hearts” remains. Most Ivorians that I have interviewed who voted for Gbagbo say they could accept his transfer to the Hague [24] and the prosecution of many of their former military and civilian leaders. These people destroyed their lives as well. What they say they cannot accept is that those who killed their family members and burned their villages are still free. Many Republican Forces soldiers implicated in crimes have indeed received military promotions [35], and are still visibly present in areas wracked by serious crimes.

It is high time Côte d'Ivoire's international partners to show that in addition to standing with the Ouattara government, they stand with all the Ivorian crisis' victims. Economic growth and good governance, while essential, will not remove the “hatred in people's hearts.” These steps will not bridge the deep communal divides that remain. They will not end the impunity and politicized judicial system that have destroyed the rule of law and led people to choose vigilantism over courts.

The bright lights pronouncing reconciliation in 2012 will only shine true when impartial justice becomes a reality, rather than a promise. Nine months after Gbagbo's arrest, international partners should make clear that the time for promises and delays is over. Action is long overdue.

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