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First former head of state trial opens at ICC

Ex-Côte d'Ivoire president Laurent Gbagbo and ally Charles Blé Goudé charged with crimes against humanity during 2010-11 post-election violence

WHAT: On 28 January 2016, the first trial arising from the International Criminal Court (ICC) investigation in Côte d'Ivoire will open against former president Laurent Gbagbo and youth leader Charles Blé Goudé. Both are suspected of orchestrating post-election violence that killed some 3,000 and injured thousands. This is the first time a former head of state will be tried before the world's only permanent international criminal court.

WHY: The ICC prosecutor alleges that Gbagbo and Blé Goudé created and executed a common plan to hold on to power after losing Côte d'Ivoire's 2010 presidential election by encouraging attacks on the supporters of incumbent president Alassane Ouattara. They are charged with four counts of crimes against humanity, including murder, rape and other inhumane acts or—in the alternative—attempted murder and persecution.

WHERE: The crimes in question are alleged to have been committed in Côte d'Ivoire's capital Abidjan during a pro-Ouattara march, at a women's demonstration and in a densely populated area in the city from December 2010 to April 2011.

HOW: Gbagbo is accused of committing these crimes jointly with members of his inner circle and through members of pro-Gbagbo forces or—in the alternative—for ordering soliciting and inducing the commission of these crimes or—in the alternative—for contributing in any other way to their commission. Blé Goudé is accused of ordering soliciting and inducing the commission of these crimes or—in the alternative—for aiding and abetting their commission.

The views and concerns of 726 victims who applied to participate in the proceedings are to be presented throughout the trial. Under the Rome Statute, victims participating in proceedings can receive reparations for harm suffered by a convicted person.

COMMENT: "This trial can help our country to finally put an end to its crisis by fighting against impunity. It is crucial for this trial to be fair, just and impartial to make sure truth is established and known by all Ivoirians," **said Ali Ouattara, president of the Côte d'Ivoire Coalition for the ICC.** "It is equally important Gbagbo and Blé Goudé are not the only ones to be held accountable for grave human rights violations in Côte d'Ivoire. The ICC should investigate and prosecute crimes committed by all sides of the Ivoirian conflict to avoid allegations of bias and genuinely support justice and reconciliation in the country. More must also be done to hold perpetrators of grave crimes to account in national courts and provide redress to victims."

"As this trial is a highly politicized in Côte d'Ivoire, it is critical that ICC staff are present in the country to communicate key messages and counter misinformation throughout the proceedings. However, it appears that this will not be the case for the trial opening. We urge

CONTACTS**In Benin**

Clément Capo-Chichi
Africa Regional Coordinator
+229 21 002 674
+229 95 990 707

capo-chichi@coalitionfortheicc.org

In The Hague:

Niall Matthews
Head of Communications
Coalition for the ICC
Tel: +31 70 311 1085

matthews@coalitionfortheicc.org

In New York:

Stephen Lamony
Senior Adviser - UN and Africa
Coalition for the ICC
+1-646-465-8514

lamony@coalitionfortheicc.org



the ICC, and the states that fund the Court, to ensure that this dangerous situation does not continue,” **Ouattara added.**

“Sexual and gender based violence have a terrible impact on women who are usually poor,” **said Fanta Doumbia, president of the Organization of Active Women in Côte d’Ivoire.** “With the stigmatization attached to such violence, women are rejected by society and husbands. They find themselves left alone. It is therefore of utmost importance to fight against impunity for these crimes which amount to crimes against humanity according to the ICC Rome Statute. Impunity of today leads to the crimes of tomorrow.”

“This trial is a very significant moment in the advancement of international justice for the worst crimes. The issue of bringing to trial former and especially serving heads of government and ministers remains extremely controversial—but this is one of the pillars of the ICC treaty ratified by 123 governments. While other ad hoc tribunals have dealt with former heads of state such as Charles Taylor and Slobodan Milošević, this is the first time the ICC, which is a permanent new world court, will try a former head of state for alleged crimes against his own people,” **said William R. Pace, convenor of the Coalition for the ICC.** “Because of the fierce attempts to misrepresent and undermine this crucial humanitarian law achievement, this trial is a timely reminder that in the Rome Statute no one—no matter their station in life or place in society—is immune from ICC prosecution. It is also significant that this case arose from a referral to the ICC by the government of Côte d’Ivoire. The Coalition seeks universal ratification of the Rome Statute to ensure all who order and commit these crimes can be held accountable.”

BACKGROUND: Côte d’Ivoire accepted the ICC jurisdiction on 18 April 2003 (in *an article 12(3) declaration*), only formally ratifying the Rome Statute in 2013. President Ouattara re-confirmed the Court’s jurisdiction in a letter dated 14 December 2010, 16 days following the election that led to the events alleged in Gbagbo and Blé Goudé. Côte d’Ivoire and Kenya are the only countries in which judges have authorized requests from the ICC prosecutor to open an investigation (*proprio motu*).

In October 2011, the pre-trial judges authorized the prosecutor to open an investigation—the Court’s seventh—into war crimes and crimes against humanity allegedly committed in Côte d’Ivoire following the presidential election of 28 November 2010. The Chamber subsequently expanded the scope of the prosecutor’s investigation to include any potential crimes committed between 2002 and 2010.

The ICC unsealed an arrest warrant for Laurent Gbagbo on 30 November 2011 and he was transferred to the Court’s custody the same day. Blé Goudé was surrendered to the Court in 2014. Charges were confirmed against Gbagbo and Blé Goudé respectively on 12 June 2014 and 11 December 2014. On 11 March 2015, ICC judges decided to join the cases, arguing many of the same underlying facts apply in both cases. The trial was initially scheduled to open in November 2015, but based on a Court-ordered assessment of Gbagbo’s fitness to stand trial, it was postponed to January 2016.

Simone Gbagbo, Côte d’Ivoire’s former first lady, is also implicated in the alleged criminal scheme along with Laurent Gbagbo and Blé Goudé. She remains wanted by the ICC. In 2015, she was convicted of undermining state security by an Ivorian court and sentenced to serve 20 years in prison. ICC judges have confirmed Côte d’Ivoire is obliged to surrender her. Ivorian authorities continue to dispute the Court’s ongoing jurisdiction in her case.



The ICC is the world's first permanent international court to have jurisdiction over war crimes, crimes against humanity, and genocide. Central to the Court's mandate is the principle of complementarity, which holds that the Court will only intervene if national legal systems are unable or unwilling to investigate and prosecute perpetrators of genocide, crimes against humanity and war crimes.

There are currently nine active investigations before the ICC: the Central African Republic I & II; DRC; Darfur, Sudan; Kenya; Libya; Uganda; Côte d'Ivoire and Mali. The ICC has publicly issued 33 arrest warrants and nine summonses to appear. Four trials are ongoing. There have been two convictions and one acquittal. Eight preliminary examinations are currently ongoing, including into situations in Afghanistan, Colombia, Georgia, Guinea, Palestine, Iraq, Nigeria and Ukraine. The Office of the Prosecutor has concluded preliminary examinations relating to Venezuela, Palestine, the Republic of Korea, Honduras and the Comoros referral, declining in each case to open an investigation.

The Coalition for the International Criminal Court *is a global network of civil society organizations in over 150 countries working in partnership to strengthen international cooperation with the ICC; ensure that the Court is fair, effective and independent; make justice both visible and universal; and advance stronger national laws that deliver justice to victims of war crimes, crimes against humanity and genocide.* www.coalitionfortheicc.org.

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