



Coalition for the International Criminal Court

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MEDIA ADVISORY  
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**Laurent Gbagbo Transferred to the International Criminal Court**  
*ICC Judges Issue Arrest Warrant Under Seal for Crimes Against Humanity*  
*Allegedly Committed in Côte d'Ivoire*

**WHAT:** On 30 November 2011, Laurent Gbagbo was transferred to the International Criminal Court (ICC) following the issuance of an ICC arrest warrant under seal. The suspect is expected to make his initial appearance shortly. The ICC is the world's first and only permanent international court to prosecute war crimes, crimes against humanity and genocide.

**WHO:** Laurent Koudou Gbagbo is the former president of Côte d'Ivoire. He is suspected of crimes against humanity allegedly committed in Côte d'Ivoire between 16 December 2010 and 12 April 2011 following the disputed presidential election of 28 November 2010. Alleged acts include murder, rape and other forms of sexual violence, persecution and other inhuman acts.

**WHY:** On 23 November 2011, judges of ICC Pre-Trial Chamber III issued an arrest warrant under seal, following a request made by the ICC prosecutor. On 3 October 2011, Pre-Trial Chamber III had granted authorization to the prosecutor to open an investigation into the 2010 post-election violence in Côte d'Ivoire as judges considered there was a reasonable basis to proceed with an investigation and that the matter appeared to fall within the Court's jurisdiction.

**NEXT STEPS:** The suspect is expected to shortly appear for the first time before the judges of ICC Pre-Trial Chamber III. During this hearing, the chamber will verify the identity of the suspect and ensure that he was clearly informed of the charges brought against him and of his rights under the Rome Statute—the Court’s founding treaty—including the right to apply for interim release pending trial.

In addition, the Court may also open further cases against other individuals allegedly involved in the 2010 post-election violence.

**COMMENTS:** "International justice can help states emerge from crisis and fight against impunity. Gbagbo’s transfer to the ICC is a welcome step to bring justice to victims of grave crimes in our country. But it is critical that the Court investigate all serious crimes committed by all parties since the outbreak of armed conflict in 2002," said Ali Ouattara, president of the Côte d’Ivoire Coalition for the ICC (CI-CPI). "Only through fair and impartial justice addressing all sides of the conflict can the ICC avoid criticisms of bias and thus truly help bring justice and reconciliation to Ivorians," he added. "The Court should be prepared to move quickly in issuing subsequent warrants lest the time lag create presumptions of partiality."

"While from the point of view of the International Criminal Court, this is just step one in its investigations in Cote d'Ivoire, the decision to go after the defeated President alone at this point is likely to be explosive on the ground," said Francis Dako, Africa Coordinator at the Coalition for the International Criminal Court. "The ICC must be prepared to explain its decision as well as to reiterate that it will continue to investigate both sides and issue arrest warrants accordingly. Otherwise, the sense that the Court is practicing victor's justice may be overwhelming on the ground," he added. "The ICC must also communicate with victims and affected communities on both sides of the Ivorian conflict on their rights as victims in the Rome Statute process."

**BACKGROUND:** The situation in Côte d’Ivoire is the International Criminal Court’s seventh investigation. The Rome Statute allows non-states parties to accept the jurisdiction of the Court on an *ad hoc* basis (article 12(3)). The Côte d’Ivoire investigation marks the first time that the Court has opened an investigation on this basis. The only other such declaration submitted was made by the Palestinian National Authority in January 2009. For the Court to open an investigation, a situation can be referred to the Court by a state party, the United Nations Security Council or it can be initiated by the ICC prosecutor himself, with authorization of the judges. The request made in June 2011 regarding Côte d’Ivoire by the prosecutor was the second time in the Court’s history that he had sought to open an investigation on his own initiative, i.e. '*proprio motu*', in accordance with Article 15 of the Rome Statute.

Judges granted the authorization to open an investigation in October 2011 but requested that the ICC prosecutor revert to the Chamber within one month with any additional information that is available to him on potentially relevant crimes committed between 2002 and 2010. On 4 November 2011, the ICC prosecutor provided judges with further information regarding potentially relevant crimes committed between 2002 and 2010 in Côte d’Ivoire. Based on this information, judges may decide to extend the timeframe of the prosecutor’s investigation to events predating the 2010 electoral violence. Should this be the case, the prosecutor would also be able to request authorization to open cases into crimes committed between 2002 and 2010 in Côte d’Ivoire.

The ICC prosecutor has been examining the situation in Côte d'Ivoire since 2003 in order to determine whether an investigation was warranted, following the submission of a declaration by the Ivorian government recognizing the jurisdiction of the Court. On 14 December 2010, newly-elected President of Côte d'Ivoire Alassane Ouattara sent a letter to the Office of the Prosecutor reaffirming the Ivorian government's acceptance of the Court's jurisdiction. On 4 May 2011, President Ouattara reiterated his wish that the Court open an investigation. After a preliminary examination, the prosecutor concluded that there was a reasonable basis to believe that crimes within the jurisdiction of the Court had been committed in Côte d'Ivoire since 28 November 2010.

The situation in the Republic of Côte d'Ivoire is assigned to ICC Pre-Trial Chamber III, which is composed of Presiding Judge Silvia Fernandez de Gurmendi, Judge Elizabeth Odio Benito and Judge Adrian Fulford.

*The ICC is the world's first permanent international court to prosecute war crimes, crimes against humanity, and genocide. There are currently 119 ICC states parties. Central to the Court's mandate is the principle of complementarity, which holds that the Court will only intervene if national legal systems are unwilling or unable to investigate and prosecute perpetrators of genocide, crimes against humanity and war crimes. There are currently seven investigations before the Court: the Central African Republic; Cote d'Ivoire; the Democratic Republic of the Congo; Darfur, the Sudan; Uganda; Kenya; and Libya. The ICC has publicly issued 18 arrest warrants and nine summonses to appear. Three trials are ongoing. The ICC prosecutor has also made public that it is examining eight situations on four continents: Afghanistan, Colombia, Georgia, Guinea, Honduras, Republic of Korea, Nigeria and Palestine.*

*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. For more information, visit: [www.coalitionfortheicc.org](http://www.coalitionfortheicc.org) Experts from human rights organizations members of the Coalition are available for background information and comment. List of experts available upon request to: [communications@coalitionfortheicc.org](mailto:communications@coalitionfortheicc.org)*

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