



Coalition for the International Criminal Court

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ICC Expands Scope of Côte d'Ivoire Investigation to 2002-2010

ICC Prosecutor Can Consider Wider Scale of Alleged War Crimes or Crimes Against Humanity in Côte d'Ivoire

WHAT: On 22 February 2012, Pre-Trial Chamber (PTC) III of the International Criminal Court (ICC) decided to expand its authorization for the ICC prosecutor's investigation in Côte d'Ivoire to include crimes within the jurisdiction of the Court allegedly committed between 19 September 2002 and 28 November 2010. The chamber concluded that there is a reasonable basis to believe that the violent events in Côte d'Ivoire during this period—including alleged acts of murder and rape—could amount to war crimes or crimes against humanity.

WHY: On 3 October 2011, PTC III had authorized the ICC prosecutor to open an investigation into war crimes and crimes against humanity allegedly committed in Côte d'Ivoire following the presidential election of 28 November 2010. However, the chamber had also requested that the prosecutor revert to the chamber with any additional information that is available to him on potentially relevant crimes committed between 2002 and 2010, which the prosecutor did on 3 November 2011.

NEXT STEPS: The expanded jurisdiction granted by the chamber makes it possible for the ICC prosecutor to investigate possible Rome Statute Crimes committed in Côte d'Ivoire from 19 September 2002 onwards. The prosecutor may also seek to amend or

add charges related to the ongoing Laurent Gbagbo case as result of the expansion of jurisdiction.

COMMENT: “The Ivorian Coalition for the ICC (CI-CPI) welcomes Pre-Trial Chamber III’s decision to authorize the expansion of the investigation into the situation in Côte d’Ivoire to include crimes within the jurisdiction of the Court allegedly committed between 19 September 2002 and 28 November 2010,” said Ali Ouattara, coordinator of the Côte d’Ivoire Coalition for the ICC (CI-CPI). “It is a great step forward in the fight against impunity in Côte d’Ivoire. This is an opportunity for all victims, regardless of when they were victimized or which side in the Ivorian conflict they support, to get justice,” Ouattara added. “This is a chance for true reconciliation and lasting peace especially.”

“CI-CPI has always striven for the ICC to expand the time frame of the investigation to include the period from 2002 to 2010. The ICC, by making this opening, has demonstrated objectivity and impartiality,” Ouattara said. “It is only by a fair and impartial justice addressing all periods and all sides in the Ivorian conflict that the Court may avoid criticism of partiality.”

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. The Office of the Prosecutor has not yet ruled whether the declaration meets the requirements of the Rome Statute. 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 the he had sought to open an investigation on his own initiative, i.e. ‘proprio motu’, in accordance with Article 15 of the Rome Statute.

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.

Laurent Koudou Gbagbo was transferred to the ICC on 30 November 2011 following the issuance of an arrest warrant for alleged crimes against humanity committed in Côte d’Ivoire between 16 December 2010 and 12 April 2011 following the disputed presidential election of 28 November 2010. The suspect made his initial appearance before the Court on 5 December 2011, during which PTC III set the date for the confirmation of charges hearing for 18 June 2012.

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. 120 states have joined the Rome Statute, the Court's founding treaty. 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 active investigations before the Court: the Central African Republic; the Democratic Republic of the Congo; Côte d'Ivoire; Darfur, the Sudan; Uganda, Kenya and Libya. The ICC has publicly issued 19 arrest warrants and nine summonses to appear. 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 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

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