



Coalition for the International Criminal Court

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MEDIA ADVISORY

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ICC Postpones Decision on Laurent Gbagbo Trial

Judges say prosecutor must provide more evidence before they can decide whether to confirm crimes against humanity charges against former Côte d'Ivoire president

WHAT: Pre-Trial Chamber I of the International Criminal Court (ICC) today postponed issuing a decision on whether the case against former Côte d'Ivoire president Laurent Gbagbo would move to trial due to insufficient evidence.

In a majority decision, the Chamber considered that the prosecutor's evidence did not meet the threshold required for it to make a decision on whether to confirm the charges against Gbagbo. ICC judges must find substantial grounds to send a case to trial.

Judges have requested the prosecutor to consider providing further evidence or conducting further investigation by 15 November 2013, emphasizing however that the prosecutor's evidence did not appear to be so lacking that it left them with no choice but to decline to confirm the charges.

Coalition members have urged the prosecutor to urgently secure additional evidence to ensure accountability for the country's 2010-11 post-election violence.

WHY: Gbagbo is charged with individual criminal responsibility, as an indirect co-perpetrator (committing crimes through other forces as part of a common plan), for four counts of crimes against humanity—including murder, rape and other sexual violence, persecution, and other inhuman acts—between 16 December 2010 and 12 April 2011 as part of the violence that followed Côte d'Ivoire's disputed 2010 presidential elections, during which an estimated 3,000 people died.

A pre-trial hearing was held from 19-28 February 2013 to determine whether the charges against Gbagbo should be confirmed. The prosecutor submitted evidence in support of the case, while the defense had opportunity to object to the charges and challenge the evidence. Participating victims also expressed their views through a legal representative.

NEXT STEPS: The prosecutor can submit a new document containing the charges by no later than 15 November 2013. The defense has the right to submit its observations on the prosecutor's evidence and to present additional evidence by no later than 16 December 2013. Subsequently, the participants have the opportunity to file final written submissions.

COMMENT: *"It's worrisome that the charges against Gbagbo could not be fully substantiated today, as there are many victims of the Ivorian crisis that have suffered and deserve justice,"* said **Ali Ouattara, president of the Ivorian Coalition for the ICC.** *"The prosecutor must take this opportunity without delay to find sufficient evidence to cover the charges not confirmed today."*

"We should also remember that the ICC must answer the plea of all victims by prosecuting suspects from both camps regardless of their political, social or ethnic background—its credibility, and reconciliation and sustainable peace in the country, depends on it," said **Francis Dako, Africa coordinator for the Coalition for the ICC.**

BACKGROUND: In October 2011, ICC 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 its 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. Late last year, the Appeals Chamber confirmed the Court's jurisdiction over the events that followed the disputed 2010 elections.

In November 2012, an ICC arrest warrant was unsealed against Simone Gbagbo for four charges of crimes against humanity. Currently detained in Côte d'Ivoire, she faces trial before a national court for a number of charges, including genocide. The ICC has requested her immediate transfer. Please visit our [Côte d'Ivoire webpage](#) for more information.

The ICC is the world's first permanent international court to prosecute 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 unwilling or unable to investigate and prosecute perpetrators of genocide, crimes against humanity and war crimes. There are currently eight investigations before the Court in the following states: the Central African Republic; Côte d'Ivoire; the Democratic Republic of the Congo; Darfur, the Sudan; Uganda; Kenya; Libya; and Mali. The ICC has publicly issued 22 arrest warrants and nine summonses to appear. The Court issued a judgment in its first trial on 14 March 2012. Two trials are currently ongoing. The ICC Office of the Prosecutor has also made public that it is conducting eight preliminary examinations: Afghanistan, Colombia, the Comoros referral, Georgia, Guinea, Honduras, Republic of Korea and Nigeria.

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. www.coalitionfortheicc.org

Experts from human rights organizations members of the Coalition are available for background information and comment. Contact: communications@coalitionfortheicc.org

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