



Coalition for the International Criminal Court

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ICC OPENS INVESTIGATION IN COTE D'IVOIRE

*Judges of International Criminal Court Authorize Prosecutor to Investigate
2010 Post-Election Violence; Côte d'Ivoire Becomes Court's Seventh
Investigation*

WHAT: On 3 October 2011, Pre-Trial Chamber III of the International Criminal Court (ICC) authorized the opening of an investigation into war crimes and crimes against humanity allegedly committed in Côte d'Ivoire following the presidential election of 28 November 2010.

WHY: On 23 June 2011, ICC Prosecutor Luis Moreno-Ocampo requested authorization from judges to open an investigation in Côte d'Ivoire. The Chamber considered there was a reasonable basis to proceed with an investigation and that the matter appears to fall within the Court's jurisdiction.

NEXT STEPS: Depending on the outcome of his investigation, the prosecutor will present one or more cases to ICC judges, who will decide whether or not to issue arrest warrants based on the evidence. The judges of Pre-Trial Chamber III also 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.

COMMENTS: "Ivorian civil society organizations welcome the long-awaited opening of an ICC investigation and the prospects of accountability for wrongs that have gone unpunished in the country," said Ali Ouattara, president of the Côte d'Ivoire Coalition for the ICC (CI-CPI). "However, we regret that ICC investigations will only cover crimes committed after 28 November 2010. Cote d'Ivoire was a theatre of violence long before the 2010 elections and victims of crimes committed during the civil war—which we understand has also been the subject of the prosecutor's preliminary examination—have received few answers to date," Ouattara added. "The ICC should

also investigate crimes committed since 19 September 2002 as requested in the former government's April 2003 declaration accepting the jurisdiction of the Court."

"The Coalition urges ICC states parties as well as international and regional organizations to cooperate fully with the Court and the prosecutor in this investigation," said William R. Pace, convenor of the Coalition. "This includes facilitating the gathering of evidence as well as ensuring the arrest of suspects since the Court does not have its own police force," Pace added.

"In parallel, the Coalition urges the ICC to start thorough communications activities as soon as possible, reaching out to victims and affected communities as well as to civil society in the region, governments, media and the public at large," Pace continued. "The necessity for states parties to ensure that the ICC has sufficient financial resources for this new situation, including for outreach activities and the participation of victims in any possible proceedings, cannot be underestimated."

BACKGROUND: The Rome Statute—the ICC's founding treaty—allows non-states parties to accept the jurisdiction of the Court on an ad hoc basis (article 12(3)). The CDI investigation marks the first time that the Court has opened an investigation on this basis. 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 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.

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 118 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

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

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