

JANUARY 28, 2016

ICC: Former Ivorian President Gbagbo on Trial

Concrete Action Needed Against Pro-Ouattara Forces

(The Hague) – The International Criminal Court trial of former **Ivorian** President Laurent Gbagbo and his former youth minister, Charles Blé Goudé, which begins on January 28, 2016, shows that justice can reach those who once appeared untouchable, Human Rights Watch said today.



Victims of the 2010 post-election crisis protest outside the Justice Palace, demanding that the International Criminal Court prosecute former Cote d'Ivoire president Laurent Gbagbo, in Abidjan, Cote d'Ivoire on June 17, 2013.

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In December 2010, Gbagbo's refusal to accept Alassane Ouattara's victory in a presidential election led to violence and eventually an armed conflict. At least **3,000 civilians were killed and more than 150 women were raped** during the conflict, with serious human rights violations by both sides.

"Gbagbo's trial is a cautionary tale for those willing to use whatever means necessary to cling to power," said **Param-Preet Singh**, senior international justice counsel at Human Rights Watch. "Today, victims who suffered unspeakable crimes at the hands of pro-Gbagbo forces are one step closer to seeing justice."

Elite security forces closely linked to Gbagbo dragged neighborhood political leaders from Ouattara's coalition away from restaurants or out of their homes into waiting vehicles. Family members later found the victims' bodies in morgues, riddled with bullets. Women who were active in mobilizing voters – or who merely wore pro-Ouattara t-shirts – were targeted and often gang raped by armed forces and militia groups under Gbagbo's control.

Pro-Gbagbo
militiamen stopped
hundreds of real
and perceived
supporters of
Ouattara at
checkpoints,

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attacked them by gunshot at point-blank range, or burned them alive. In the western part of the country, Gbagbo militiamen and allied Liberian mercenaries killed hundreds of people, choosing many of their victims solely on the basis of their ethnicity.

Ivorian authorities surrendered Gbagbo and Blé Goudé to the ICC in late 2011 and March 2014, respectively. The ICC has also sought to arrest Gbagbo's wife, Simone, on four counts of crimes against humanity, alleging that she acted as her husband's "alter ego" during the 2010-2011 crisis, but Côte d'Ivoire has yet to surrender her.

In March 2015 an Ivorian court convicted Simone Gbagbo of crimes against the state committed during the 2010-2011 crisis, but she has yet to be tried in Ivorian courts for her role in human rights abuses. The conviction was also tarred by fair trial concerns.

In May, the ICC confirmed Côte d'Ivoire's legal obligation to hand Simone Gbagbo over to the ICC in compliance with the Rome Statute, the ICC's founding treaty. Côte d'Ivoire became an ICC member in 2013. Ivorian authorities have said they are investigating Simone Gbagbo's role in human rights violations.

"Simone Gbagbo should be in The Hague to answer allegations that she was part of the 'inner circle' responsible for the horrendous abuses by pro-Gbagbo forces," Singh said. "As a member of the court, Côte d'Ivoire should hand her over to the ICC."

Brutal crimes were also committed by forces loyal to Ouattara, particularly after they began a military offensive in March 2011 aimed at taking control of the country. In village after village in the far west, members of the Republican Forces loyal to Ouattara killed civilians from ethnic groups associated with Gbagbo, including elderly people who were unable to flee; raped women; and burned villages to the ground. Later, during the military campaign to take over and consolidate control of Abidjan, the Republican Forces again executed scores of men from ethnic groups aligned with Gbagbo – at times in detention sites – and tortured others.

The ICC has not yet brought any charges against pro-Ouattara forces, although the ICC prosecutor, Fatou Bensouda, has repeatedly stressed that her office's investigations are impartial and that investigations into pro-Ouattara forces are ongoing. The ICC investigation into pro-Ouattara forces was further complicated, however, by President Ouattara's statements in April that he would not transfer any future suspects to the ICC, and that all future trials will occur in national courts.

Although Ivorian judges have recently made progress in investigations into pro-Ouattara forces, concerns remain about the country's capacity to hold those responsible to account in impartial, independent, and fair proceedings. In June, credible **reports** emerged of executive pressure on investigating judges to prematurely close key human rights investigations. While those investigations ultimately moved ahead, other concerns that need to be addressed include weak judicial independence, the lack of protection for witnesses, judges and prosecutors, and the absence of a meaningful right of appeal for those convicted of a crime.

“Promising developments toward holding those responsible for the post-election violence to account in national trials should not distract from the many challenges facing the Ivorian justice system to deliver fair and credible justice,” Singh said. “The ICC's ongoing investigation into crimes by the Ouattara side remains a critical avenue for victims to see justice.”

Region / Country Africa, Cote d'Ivoire

Topic International Justice, International Criminal Court

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This 88-page report draws on interviews with activists, journalists, and ICC staff in Abidjan and The Hague to assess whether the ICC has done what it can to ensure that its proceedings are relevant, meaningful, and accessible to Ivorians. Human Rights Watch found that the prosecution's decision to limit its initial investigations to one side of the country's 2010-2011 post-election crisis was a misstep, compounded when other court staff adopted the same narrow focus in their efforts to engage Ivorians in the court's work. This lessened the court's potential impact in the country.



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This 74-page report analyzes Côte d'Ivoire's uneven efforts to hold to account those responsible for serious international crimes committed following the November 2010 presidential election. Since his May 2011 inauguration, President Alassane Ouattara has repeatedly declared his commitment to bring all of those responsible to account, regardless of political affiliation or military rank.

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