

**Statement by the Ivorian Coalition for the International Criminal Court
at the 10th Assembly of States Parties to the ICC
(New York, UN Headquarters, 12-21 December 2011)**

The Rome Statute - the founding treaty of the ICC – which was adopted on 17 July 1998 was signed by the state of Côte d'Ivoire on 30 November 1998. Issues related to the incompatibility of this treaty with the Ivorian constitution of 1 August 2000, which were raised by the Constitutional Council in its opinion number 002/CC/SG of 17 December 2003, were often cited to justify the incapacity of the state to ratify the treaty.

The Ivorian Coalition for the ICC (CI-CPI) and human rights organizations in Côte d'Ivoire – concerned with the protection and defense of human rights and aware that the ICC can put an end to impunity, punish the perpetrators of the most serious crimes, and especially bring lasting peace through an independent and impartial justice – have always been working since the military and political crisis of 2002 to ensure that justice is rendered for the thousands of victims of war crimes and crimes against humanity.

This is why civil society organizations welcomed the Cote d'Ivoire's recognition of the ICC's jurisdiction in 2003. They have always encouraged the Ivorian government to facilitate the opening of an investigation into those events. Also, the reaffirmation of the ICC's jurisdiction to try international crimes committed in Cote d'Ivoire following President Ouattara's request to the ICC to open an investigation has also been welcomed by CI-CPI, the people, victims, and civil society as a whole.

In this regard, we appreciate the positive response of the Preliminary Chamber to open an investigation in Côte d'Ivoire.

However, we regret that the investigation does not go back to 2002 so that all crimes within the jurisdiction of the Court that were committed on Ivorian territory to date are covered.

The investigation and prosecution strategy of the Prosecutor will have to remain as objective and impartial as possible in order to avoid giving the Ivorian people and victims of this decade-long crisis the impression that a double standard justice – a justice of the victors – was administered. In the eyes of many victims of the 2002 crisis, the population as a whole, and NGOs, not taking into account the events since 2002 would call into question the credibility of the Court and undermine national reconciliation. Lasting peace is at stake. We must avoid repeating the violations of human rights. The impunity of today leads to the crime of tomorrow.

International justice can help states emerge from a crisis and fight against impunity. The transfer of Mr. Gbagbo to the ICC is a positive step to bring justice to victims of serious crimes in our country. But it is essential that the Court investigate all serious crimes committed by all parties since the outbreak of the armed conflict in 2002. It is only through a fair and impartial justice addressing all sides of the conflict that the ICC can avoid criticism of bias and therefore truly help bring justice and reconciliation to Ivorians. The Court should be prepared to quickly issue other arrest warrants on both sides, because the time lag may create a presumption of bias.

In addition, we strongly urge the ICC to establish a permanent field presence in Abidjan, sooner rather than later, which in no doubt will make more effective the work of the Court in the country. We as Ivorian civil society are deeply concerned, about this year's discussions that will continue at the ASP on the ICC budget, which could potentially lead to arbitrary reductions for 2012. This, in our view, could lead to the Court's inability to carry out its work effectively in Cote d'Ivoire as well as to ensure continued and critically important engagement with civil society and governments in Africa as well as the AU bloc, not to mention its ability to undertake investigations in other parts of the world where justice by the ICC is truly needed. That would be a crying shame so early in the Court's existence. On behalf of civil society in Cote d'Ivoire, I ask states parties to ensure an adequate budget for the Court to do the job it was created to do.

Thank you.

Ali Ouattara
President
Ivorian Coalition for the International Criminal Court