

Situation in Côte d'Ivoire

ICC-PIDS-CIS-CI-02-006/18_Eng

The Prosecutor v. Simone Gbagbo

Updated: April 2018

ICC-02/11-01/12

Simone Gbagbo

Suspected of four counts of crimes against humanity in the context of post-electoral violence in Côte d'Ivoire between 16 December 2010 and 12 April 2011. Not in ICC custody.



Date of birth: 20 June 1949

Place of birth: Moosou, Grand-Bassam prefecture, Côte d'Ivoire

Nationality: Ivorian

Current situation: Not in the custody of the Court

Warrant of arrest: Issued under seal on 29 February 2012 | Unsealed on 22 November 2012

Charges

Simone Gbagbo is allegedly responsible as indirect co-perpetrator, for four counts of crimes against humanity, allegedly committed in the context of post-electoral violence in the territory of Côte d'Ivoire between 16 December 2010 and 12 April 2011:

- murder;
- rape and other sexual violence;
- persecution; and
- other inhuman acts.

Alleged crimes (non-exhaustive list)

The Pre-Trial Chamber judges consider that there are reasonable grounds to believe that:

- In the aftermath of the presidential elections in Côte d'Ivoire, pro-Gbagbo forces attacked the civilian population in Abidjan and in the West of the country, from 28 November 2010 onwards, targeting civilians who they believed were supporters of the opponent candidate Alassane Ouattara.
- The attacks were widespread and systematic, were committed over an extended time period and over large geographic areas, and followed a similar general pattern.
- The attacks were often directed at specific ethnic or religious communities and left a high number of reported victims.

The judges also found that there are reasonable grounds to believe that:

- A plan existed between Mr Gbagbo and his inner circle, including Mrs Gbagbo, and that they were aware that implementing the plan would lead to the commission of the alleged crimes.
- Mrs Gbagbo and other members of Mr Gbagbo's inner circle exercised joint control over the crimes, and made a coordinated and essential contribution to the realisation of the plan.

Key judicial developments:

ACCEPTANCE OF THE ICC'S JURISDICTION AND OPENING OF INVESTIGATIONS

Côte d'Ivoire, which was not party to the Rome Statute at the time, **had accepted the jurisdiction** of the ICC on 18 April 2003, by a declaration made in accordance with article 12-3 of the Rome Statute; on both 14 December 2010 and 3 May 2011, the Presidency of Côte d'Ivoire **reconfirmed the country's acceptance** of this jurisdiction.

Following the declaration of Côte d'Ivoire, the ICC Prosecutor conducted a preliminary examination of the situation. He concluded that the criteria to open an investigation are met and submitted, on 23 June 2011, a request for authorisation to open investigations on his own initiative (called investigation *proprio motu*) into the situation in Côte d'Ivoire.

On 3 October 2011, the Pre-Trial Chamber judges granted the Prosecutor's request to **open an investigation** with respect to crimes within the jurisdiction of the Court allegedly committed by both sides in Côte d'Ivoire since 28 November 2010, as well as with regard to crimes that may be committed in the future in the context of the same situation in this country.

The judges also requested the Prosecutor to revert to the Chamber with any additional information that is available to him on potentially relevant crimes committed between 2002 and 2010. The Prosecutor complied with this request on 3 November 2011. On 22 February 2012, the Pre-Trial Chamber decided to expand its authorisation for the investigation in Côte d'Ivoire to include crimes within the jurisdiction of the Court allegedly committed between 19 September 2002 and 28 November 2010.

On 15 February 2013, Côte d'Ivoire ratified the Rome Statute.

WARRANT OF ARREST

On 7 February 2012, the Prosecution submitted to the Pre-Trial Chamber judges an application under article 58 of the Rome Statute for the issuance of a warrant for the arrest of Simone Gbagbo.

On 29 February 2012, the judges issued a warrant of arrest under seal. The warrant of arrest against Mrs Gbagbo was unsealed on 22 November 2012.

ADMISSIBILITY CHALLENGE

On 1 October 2013, Côte d'Ivoire challenged the admissibility of the case against Simone Gbagbo arguing that a case against the same person for the same crime is being prosecuted at national level.

On 11 December 2014, Pre-Trial Chamber I rejected the Republic of Côte d'Ivoire's challenge to the admissibility of the case against Simone Gbagbo before the Court, and reminded Côte d'Ivoire of its obligation to surrender Simone Gbagbo to the Court without delay.

After a thorough assessment of the documentation made available to the Chamber, the Chamber concluded that Côte d'Ivoire's domestic authorities were not taking tangible, concrete and progressive steps aimed at ascertaining whether Simone Gbagbo is criminally responsible for the same conduct that is alleged in the case before the Court. On 17 December 2014, Côte d'Ivoire appealed Pre-Trial Chamber I's decision.

On 27 May 2015, the Appeals Chamber rejected the Republic of Côte d'Ivoire's appeal and confirmed the ICC Pre-Trial Chamber I's decision of 11 December 2014, which declared the case against Simone Gbagbo admissible before the Court. The Appeals Chamber considered the two grounds of appeal that were raised by Côte d'Ivoire and concluded that they did not demonstrate any errors of fact or law in the Pre-Trial Chamber's decision.

Composition of Pre-Trial Chamber II

Judge Antoine Kesia-Mbe Mindua, Presiding Judge

Judge Tomoko Akane

Judge Rosario Salvatore Aitala

Representation of the Office of the Prosecutor

Fatou Bensouda, Prosecutor

James Stewart, Deputy Prosecutor

Defence Counsel for Simone Gbagbo

Sylvia Geraghty

Clédor Ciré Ly

Legal Representatives of the Victims

N/A