

Situation in Côte d'Ivoire

ICC-PIDS-CIS-CI-04-03/16_Eng

The Prosecutor v. Laurent Gbagbo and Charles Blé Goudé

Updated: January 2016

ICC-02/11-01/15

Accused 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. Charges confirmed on 12 June 2014 and 11 December 2014, respectively. Cases joined on 11 March 2015. Trial opened on 28 January 2016. In ICC custody.

Laurent Gbagbo



Date of birth: 31 May 1945

Place of birth: Mama village in the Ouragahio sous-préfecture, Gagnoa department in Côte d'Ivoire

Nationality: Ivorian

Current situation: Detained at the ICC Detention Centre in The Hague (Netherlands)

Warrant of arrest: Issued under seal on 23 November 2011 | Unsealed on 30 November 2011

Transfer to The Hague: 30 November 2011

Initial appearance hearing: 5 December 2011

Confirmation of charges hearing: 19 - 28 February 2013

Decision on the confirmation of charges: 12 June 2014

Charles Blé Goudé



Date of birth: 1 January 1972

Place of birth: Niagbrahio, Gagnoa or Guibéroua, Gagnoa in Côte d'Ivoire.

Nationality: Ivorian

Current situation: Detained at the Detention Centre in The Hague (Netherlands)

Warrant of arrest: Issued under seal on 21 December 2011 | Unsealed on 30 September 2013

Surrender to ICC custody: 22 March 2014

First appearance: 27 March 2014

Confirmation of charges hearing: 29 September – 2 October 2014

Decision on the confirmation of charges: 11 December 2014

Decision to join the Gbagbo and Blé Goudé cases: 11 March 2015

Opening of the trial: 28 January 2016.

Charges

Laurent Gbagbo is accused of having engaged his individual criminal responsibility for four counts of crimes against humanity, in Abidjan, Côte d'Ivoire, jointly with members of his inner circle and through members of the pro-Gbagbo forces (article 25(3)(a) of the Rome Statute) or, in the alternative, for ordering soliciting and inducing the commission of these crimes (article 25(3)(b) of the Rome Statute) or, in the alternative, for contributing in any other way to the commission of these crimes (article 25(3)(d) of the Rome Statute):

- murder,
- rape,
- other inhumane acts or – in the alternative – attempted murder,
- and persecution.

These crimes were allegedly committed between 16 and 19 December 2010 during and after a pro-Ouattara march on the RTI headquarters, on 3 March 2011 at a women's demonstration in Abobo, on 17 March 2011 by shelling a densely populated area in Abobo, and on or around 12 April 2011 in Yopougon.

Charles Blé Goudé is accused of having engaged his individual criminal responsibility for committing four counts of crimes against humanity in Abidjan, Côte d'Ivoire, between 16 December 2010 and on or around 12 April 2011, alternatively, as indirect co-perpetrator (under article 25(3)(a)), ordering, soliciting or inducing (25(3)(b)), aiding, abetting or otherwise assisting (25(3)(c)) or contributing in any other way to the commission of these crimes (25(3)(d) of the Rome Statute):

- murder,
- rape,
- other inhumane acts or – in the alternative – attempted murder,
- and persecution.

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 alleged crimes within the jurisdiction of the Court committed 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 25 October 2011, 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 Laurent Gbagbo. On 23 November 2011, the judges issued a warrant of arrest under seal. The arrest warrant against Mr Gbagbo was unsealed on 30 November 2011.

On 12 December 2011, the Prosecution submitted to Pre-Trial Chamber III an application under article 58 of the Rome Statute for the issuance of a warrant for the arrest of Charles Blé Gbagbo. On 21 December 2011, Pre-Trial Chamber issued a warrant of arrest under seal. The arrest warrant against Mr Blé Goudé was unsealed on 30 September 2013.

SURRENDER TO THE COURT

On 30 November 2011, Mr Gbagbo was transferred to the ICC detention centre in The Hague, by the Ivorian authorities. On 5 December 2011, the judges held an initial appearance hearing to verify the identity of the suspect and to ensure that he was clearly informed of the charges brought against him and of his rights under the Rome Statute.

On 22 March 2014, Charles Blé Goudé was surrendered to the ICC by the national authorities of Côte d'Ivoire and he made his first appearance before the ICC on 27 March 2014.

Mr Gbagbo and Mr Blé Goudé are in the Court's custody.

CONFIRMATION OF CHARGES

The confirmation of charges hearing regarding Mr Gbagbo took place on 19- 28 February 2013. Following the confirmation of charges hearing, the Chamber decided to adjourn the hearing and requested the Prosecutor to consider providing it with further evidence or conduct additional investigations. In accordance with an established calendar, the Chamber received additional submissions of evidence and observations by the Prosecution, the Defence and the victims' representative. The Chamber thoroughly examined all the evidence submitted to it by the parties, which included the statements of 108 witnesses, more than 22.000 pages of other documentary evidence, as well as a large amount of audio and video material. On 12 June 2014, Pre-Trial Chamber I confirmed by majority four charges of crimes against humanity (murder, rape, other inhumane acts or – in the alternative – attempted murder, and persecution)

against Laurent Gbagbo and committed him for trial before a Trial Chamber. On 17 September 2014, the ICC re-constituted Trial Chamber I to be in charge of the Gbagbo case.

The confirmation of charges hearing regarding Mr Blé Goudé was held from 29 September to 2 October 2014. On 11 December 2014, Pre-Trial Chamber I confirmed four charges of crimes against humanity against Charles Blé Goudé and committed him to trial before a Trial Chamber. On 20 December 2014, the ICC Presidency referred the Blé Goudé case to Trial Chamber I.

JOINDER OF CASES

On 11 March 2015, Trial Chamber I joined the two cases against Laurent Gbagbo and Charles Blé Goudé in order to ensure the efficacy and expeditiousness of the proceedings. The Chamber explained that both Mr Gbagbo and Mr Blé Goudé have had charges confirmed against them which arise from the same allegations, namely crimes allegedly committed during the same four incidents, and that both are alleged to have been part of an 'inner circle' which jointly designed and implemented a common plan. Although their alleged participation in and/or contribution to the conception and implementation of the common plan is not the same, the conduct of Mr Gbagbo and Mr Blé Goudé, as alleged in the Confirmation Decisions, is nevertheless closely linked, thereby rendering joinder appropriate.

The trial opened on 28 January 2016.

LEGAL ASSISTANCE

On 28 December 2011, the Registrar provisionally found Mr Gbagbo indigent pending verification by the Court of the information contained in his application. The cost of his Defence is therefore borne by the Court under the legal assistance scheme.

Mr Blé Goudé was considered indigent and granted legal aid following a decision of the Registry dated 24 April 2014.

PARTICIPATION OF VICTIMS

Pre-Trial Chamber I granted 727 persons the status of victims authorised to participate in the proceedings against Mr Gbagbo and Mr Blé Goudé.

Composition of Trial Chamber I

Judge Cuno Tarfusser, Presiding Judge
Judge Olga Herrera-Carbuccia
Judge Geoffrey A. Henderson

Representation of the Office of the Prosecutor

Fatou Bensouda, Prosecutor
James Stewart, Deputy Prosecutor
Eric Macdonald, Senior Trial Lawyer

Defence Counsel for Laurent Gbagbo

Emmanuel Altit
Agathe Bahi Baroan
Natasha Fauveau Ivanovic

Defence Counsel for Charles Blé Goudé

Geert-Jan Alexander Knoops
Claver N'dry

Legal Representatives of the Victims

Paolina Massidda, Principal Counsel