

ICC to hold first confirmation hearing in case against former head of state involving charges for gender-based crimes

19 February 2013

Today, the confirmation of charges hearing in the case against Laurent Koudou Gbagbo (Gbagbo) will be held before the ICC. Gbagbo, former President of Côte d'Ivoire, has been charged as an indirect co-perpetrator under Article 25(3)(a) with murder, rape and other forms of sexual violence, persecution, and other inhumane acts as crimes against humanity, alleged to have been committed in the context of post-electoral violence in the territory of Côte d'Ivoire between 16 December 2010 and 12 April 2011.ⁱ

"The hearing today is significant because Laurent Gbagbo is the first former head of state to appear before the ICC," said Brigid Inder, Executive Director of the Women's Initiatives for Gender Justice. "The case against Mr Gbagbo is an important one because it responds to post-election violence which Mr Gbagbo was allegedly involved in planning and which was ultimately carried out by his supporters. The accused was attempting to stay in office despite an election won by another candidate, current President Ouattara. By diminishing impunity for election-related crimes, perhaps legitimate and peaceful transfers of power may be strengthened," said Inder.

"This case also includes charges for gender-based crimes including rape and other forms of sexual violence which formed a part of the violence allegedly committed by Mr Gbagbo's supporters," Inder said.

"In addition, this case was initiated by the Côte d'Ivoire at a time when they were not yet a State Party to the ICC, and yet had voluntarily accepted the jurisdiction of the Court in relation to the post-election events in the country," said Brigid Inder. "This is a sign of the growing recognition of international legal standards and of the ICC as an arbiter of justice," said Inder.

On 15 February 2013, the Côte d'Ivoire officially became the 122nd State Party to the Rome Statute.

The confirmation of charges hearing in the case against Gbagbo was originally scheduled for June 2012, but it was postponed twice: once to allow the Defence further time to prepare its case,ⁱⁱ and again in August 2012 for medical reasons relating to the accused.ⁱⁱⁱ In November 2012, Pre-Trial Chamber I decided that Gbagbo was fit to take part in the proceedings before the Court.^{iv}

"At the confirmation of charges hearing this week, the Judges will determine whether there is sufficient evidence to establish substantial grounds to believe that Mr Gbagbo committed each of the crimes charged by the Prosecution, and whether to send the case through to trial," said Inder. "A confirmation decision is not a decision on the guilt or innocence of the accused person; it is a decision on the strength or weakness of the Prosecution's evidence at this point in the proceedings," she said.



Background

The case against Laurent Gbagbo arose out of the Côte d'Ivoire Situation. The situation in Côte d'Ivoire deteriorated quickly following disputed presidential elections in November 2010. Violence intensified when former President Gbagbo refused to accept the result of the election and also refused to transfer power to Alassane Ouattara, the internationally recognised President-elect. In the aftermath of these elections, pro-Gbagbo forces reportedly attacked the civilian population in Abidjan and in the west of the country, targeting civilians who they believed were supporters of Alassane Ouattara.^v The attacks were often directed at specific ethnic or religious communities. Violence between pro-Gbagbo forces and Ouattara supporters escalated in 2011, and on 11 April 2011, Gbagbo was arrested by Ouattara supporters. Incumbent President Ouattara was officially sworn-in in May 2011.

While the Situation marked the first investigation opened following an Article 12(3) declaration by a non-State Party to the Rome Statute to accept the Court's jurisdiction,^{vi} on 15 February 2013 Côte d'Ivoire officially became the 122nd State Party to the Rome Statute.

Having issued an arrest warrant for Laurent Gbagbo in November 2011, on 22 November 2012, the ICC unsealed a second arrest warrant, issued in February 2012, for Simone Gbagbo, the wife of Laurent Gbagbo.^{vii} Simone Gbagbo is not in ICC custody. Simon Gbagbo has been charged pursuant to Article 25(3)(a) with the same charges as are faced by Laurent Gbagbo: murder, rape and other sexual violence, persecution and other inhuman acts as crimes against humanity.

"Simone Gbagbo is the first female indictee at the ICC, and one of few women to have been charged with gender-based crimes in international law," said Inder. "As a new State Party to the Rome Statute, Côte d'Ivoire should make immediate arrangements to transfer Simone Gbagbo to the ICC," Inder added.

For further comments, please contact the Women's Initiatives for Gender Justice: +31(0)70 302 9911

The Women's Initiatives for Gender Justice is an international women's human rights organisation that advocates for gender justice through the International Criminal Court (ICC) and through domestic mechanisms, including peace negotiations and justice processes, and works with women most affected by the conflict situations under investigation by the ICC. The Women's Initiatives has extensive country-based programmes and legal monitoring initiatives in all countries under investigation by the ICC.

For more information about the Situation in Côte d'Ivoire and the case against Laurent Gbagbo, see [Gender Report Card 2011](#) and [Gender Report Card 2012](#).

ⁱ ICC-02/11-01/11-1. The arrest warrant was issued under seal on 23 November 2011 and unsealed on 30 November 2011 following Gbagbo's transfer from detention in Côte d'Ivoire, where he had been held since 11 April 2011, to the Court's custody.



ⁱⁱ Following a request submitted by Gbagbo's Defence, on 12 June 2012, Pre-Trial Chamber I decided to postpone the opening of the confirmation of charges hearing to 13 August 2012 to allow the Defence team time to prepare an effective and efficient defence. ICC-02/11-01/11-152-Red.

ⁱⁱⁱ On 2 August 2012, Pre-Trial Chamber I postponed the confirmation of charges hearing until the issue of Gbagbo's fitness to take part in the hearing was resolved. ICC-02/11-01/11-201.

^{iv} ICC-02/11-01/11-286-Red.

^v ICC-02/11-01/11-1, para 6.

^{vi} Pursuant to Article 12(3) of the Rome Statute, a non-State Party can lodge a declaration accepting the jurisdiction of the Court. Following such a declaration, it is up to the Prosecutor to decide *proprio motu* whether to request authorisation from the Pre-Trial Chamber to initiate investigations. The Government of Côte d'Ivoire, which initially accepted the Court's jurisdiction by way of an Article 12(3) declaration in 2003, following the intensification of violence in 2010, reaffirmed its acceptance of the Court's jurisdiction in December 2010 and again in May 2011. On 23 June 2011, the ICC Prosecutor requested authorisation to initiate investigations into the Situation in Côte d'Ivoire, which was granted by the Pre-Trial Chamber on 3 October 2011 (ICC-01/11-14). On 15 February 2013, Côte d'Ivoire ratified the Rome Statute, thereby becoming the 122nd State Party to the Rome Statute, and the 33rd African State.

^{vii} ICC-02/11-01/12-1.

