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Côte d'Ivoire: Domestic acquittal signals time to surrender former first lady to ICC

Following Simone Gbagbo's acquittal by the Ivorian justice system, civil society has renewed the call for her surrender to The Hague for genuine crimes against humanity proceedings.

Abidjan—Côte d'Ivoire's former first lady, Simone Gbagbo, wanted by the ICC on four counts of alleged crimes against humanity committed during Côte d'Ivoire's 2010-11 post-elections violence (PEV), was acquitted on similar charges by a domestic court amid claims of fair trial failures, prompting Ivorian civil society to urgently call on the ICC member state to comply with ICC judges' instructions to transfer her to the Court in The Hague.

Domestic acquittal highlights ICC role

The ICC issued an arrest warrant for Simone Gbagbo in 2012 with charges for murder, rape, persecution, and other inhumane acts as crimes against humanity. She was tried by Abidjan's Assize Court on similar charges but was acquitted on 28 March 2017 over a lack of evidence.

ICC judges had already rejected Côte d'Ivoire's challenge to the admissibility of the ICC case, in which the state argued that Gbagbo would be subject to genuine accountability in Ivorian courts. The state had lost a similar argument, based on the Rome Statute principle of complementarity, when Gbagbo was earlier convicted and sentenced by a domestic court for political crimes, which fail to address the gravity of core international crimes covered by ICC jurisdiction.

Although the country formally joined the Rome Statute in 2013, and itself granted the Court jurisdiction over events dating back to 2010, Côte d'Ivoire has consistently refused to surrender Gbagbo to the ICC.

"The ICC must demand the surrender of Ms. Simone Gbagbo, in accordance with the decisions already taken by this Court concerning its competence to try her. It is important that justice is achieved for the many victims on all sides of the post-election crisis and to combat impunity. All perpetrators of serious crimes committed in Côte d'Ivoire must be sought, prosecuted and judged," said **Ali Ouattara, President of the Ivorian national Coalition for the ICC.**

For her part, Gbagbo was alleged to have been involved in a shell attack on a civilian march in Abidjan's Abobo neighborhood, known to favor victorious presidential candidate Alassane Ouattara, and to have participated in the organization of attacks by pro-Gbagbo groups.

Former President Laurent Gbagbo, as well as former youth leader Charles Blé Goudé, are currently being tried at the ICC for their respective parts in the PEV.

Domestic trial failures

During the 10-month crimes against humanity trial in Abidjan, witness testimony and other evidence presented by the prosecution and Côte d'Ivoire – a civil party to the domestic criminal case – proved insufficient to convince the jury of the former first lady's guilt.

Simone Gbagbo's self-appointed defense lawyers withdrew from the case, as did those subsequently appointed by the Assize Court, all pointing to aspects of the proceedings that in their eyes rendered a

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fair and just trial impossible. Fair trial issues raised included the Assize Court's failure to call high-profile witnesses considered central to the prosecution case, as well as the late appointment of a judge in the trial.

"This is a missed opportunity for the Ivorian justice system to demonstrate its capacity to uphold international standards while judging perpetrators of the most serious crimes. By surrendering Gbagbo to the ICC, Côte d'Ivoire can show not only its commitment to obtaining closure for victims, but also its interest in bringing its national criminal processes in line with international standards outlined by the Rome Statute," **Ouattara** added.

About the ICC

The ICC is the world's first permanent international court to have jurisdiction over war crimes, crimes against humanity, and genocide. Central to the Court's mandate is the principle of complementarity, which holds that the Court will only intervene if national legal systems are unable or unwilling to investigate and prosecute perpetrators of genocide, crimes against humanity and war crimes. As one of the most historic advances in the protection of global human rights, the innovative system established by the Rome Statute is designed to punish perpetrators, bring justice to victims and contribute to stable, peaceful societies. The Court has already made significant progress in holding those most responsible for atrocities to account. Victims are already receiving help to rebuild their lives. But global access to justice remains uneven, and many governments continue to deny the ICC jurisdiction where it is most needed.

There are currently ten active investigations before the ICC: the Central African Republic I & II; Democratic Republic of Congo; Darfur, Sudan; Kenya; Libya; Uganda; Côte d'Ivoire; Mali and Georgia. The ICC has publicly issued 33 arrest warrants and nine summonses to appear. Four trials are ongoing. There have been two convictions and one acquittal. Ten preliminary examinations are currently ongoing, including into situations in Afghanistan, Burundi, Colombia, Guinea, Palestine, Iraq/UK, Nigeria, Ukraine, Gabon and the Registered Vessels of Comoros, Greece and Cambodia. The OTP has concluded preliminary examinations relating to Honduras, Venezuela, Palestine and the Republic of Korea, declining in each case to open an investigation.

About us

The Coalition for the ICC is a network of 2,500 civil society organizations, small and big, in 150 countries fighting for global justice for war crimes, crimes against humanity and genocide for over 20 years. We made international justice happen; now we're making it work. www.coalitionfortheicc.org

Experts from human rights organizations members of the Coalition are available for background information and comment. Contact: communications@coalitionfortheicc.org

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