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International Criminal Court

The Situation in Côte d'Ivoire: The Prosecutor v. Laurent Gbagbo and Charles Blé Goudé



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Forum:	International Criminal Court
Issue:	The Situation in Côte d'Ivoire: The Prosecutor v. Laurent Gbagbo and Charles Blé Goudé
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Introduction

The Rome Statute of the International Criminal Court is a treaty that was established on the 17th of July in 1998 but took force in July of 2002. It establishes the courts functions, structures and jurisdictions. Cote D'Ivoire accepted the Rome Statute jurisdiction on the 18th of April 2003, even though they were not a party to the Rome Statute at the time. They ratified the Rome Statute on 15 February 2013. Therefore, the International Criminal Court can prosecute supposed crimes from 19 September 2002 onwards in Cote D'Ivoire or by Ivorian nationals.

In 2000, soon to be president Laurent Gbagbo ran against military General Robert Gueï, and although Gbagbo was initially defeated, critics believed that this win was fraud which led to the depart of Gueï from the Côte D'Ivoire, and Gbagbo becoming president. However, with Gbagbo now as president, rebel forces revolted which led to the start of the civil war in September of 2002. The French issued a peace agreement, and by July of 2003 the fighting was over, however the political battle was not.

The second presidential election was held on October 31, 2010 with Laurent Gbagbo against Alassane Ouattara. Gbagbo was accused of intimidating voters who favoured Ouattara as well as being extremely determined to win the election. Even though it was evident to the international community that Ouattara was the rightful winner, Gbagbo was sworn into another term of presidency, along with Ouattara forming a parallel government. By late February of 2011 fighting grew stronger between the military forces that supported Gbagbo and his team (including Blé Goudé) and the rebel forces. Gbagbo's troops would attack Ouattara headquarters as well as civilian neighbourhoods in favour of Ouattara. In response to this, forces forced the arrest of Laurent Gbagbo in April of 2011.

On the 25th of October 2011, the Prosecution issued a Warrant of Arrest of Laurent Gbagbo under article 58 of the Rome Statute. Mr. Gbagbo was brought forth to the



International Criminal Court on the 30th of November in 2011 and before the Pre-Trial Chamber on the 5th December of the same year. The Pre-Trial chamber charged Mr. Gbagbo of four counts of Crimes Against Humanity: murder, rape other inhumane acts or – in the alternative – attempted murder, and persecution.

On the 22nd of March 2014, the Prosecution issued a Warrant of Arrest of Ivorian political leader, Charles Blé Goudé. On the 11th of the December 2014, The Pre-Trial Chamber I charged Mr. Blé Goudé of four counts of crimes against humanity: murder, rape, other inhumane acts or – in the alternative – attempted murder, and persecution.

These crimes were claimed to have occurred from the 16th of December 2010 to the 12th of April 2011.

Definition of Key Terms

Warrant of Arrest

A document from the International Criminal Court (in this case) allowing the arrest of an individual. Parties who have signed the Rome Statute have been granted permission to arrest and transport supposed war criminals.

Crimes Against Humanity

Under Article (7) of the Rome Statute, the Crimes Against Humanity are listed. Any of the attacks listed must be committed as part of a systematic of widespread attack against a large number of a civilian population.

African Union

An intergovernmental organization, established in 2002 that helps promote unity and solidarity among African states and international cooperation. They helped mediate the crisis between Ouattara and Gbagbo during the post election time.

ECOWAS (Economic Community of West African States)

An African organization established through the Treaty of Lagos in May of 1975 that helped promote self-reliance and economic cooperation. Excluded Cote D'ivoire from the organization in protest that Gbagbo would not hand over power to Ouattara.



Rebel Forces in Cote D'Ivoire

Rebel Forces protested Gbagbo's presidency and were supported by the UN and French military action. By March 2011, rebels controlled two thirds of the country.

General Overview

Historical context

In order to fully understand the basis of the case it is important to take notice of what happened before the Ivorian crisis that started in 2010.

Cote d'Ivoire became a republic within the French Community in 1958 and it wasn't before 2000 that Laurent Gbagbo showed interest for politics and was proclaimed president. However, his main opponent Alassane Ouattara was excluded from running the poll and therefore called for a fresh election. In the meantime, fighting erupted between southern Christians whom supported their president Gbagbo and supporters of Ouattara who were mostly Muslims from the north. Reconciliation became an option between the two forces in March 2001 when President Gbagbo and opposition leader Ouattara agreed to meet and work together towards unity. However during the same period, the Ivorian population called for fresh presidential and legislative elections after Alassane Outtara's party gained majority at local polls.

The Rebellion

The 19th September 2002 a full-scale rebellion also known as the First Ivorian Civil War, took place in Abidjan as the Ivory Coast Patriotic Movement rebels seized control of the north. Clashes also occurred in October when rebel groups battled for key-cocoa industry town of Daloa. Hopefully, in January 2003, President Gbagbo accepted a deal proposing power-sharing government and nine members from rebel ranks were included in the new government. Finally, in August 2003, during a ceremony in the presidential palace, both military chiefs and rebels declared the end of the war. However, even though most of the fighting ended by late 2004, the country still remained split in two, with a government-held Christian south and a rebel-held Muslim north.

The UN's deployment

The first contingent of UN peacekeeping was deployed in March 2004 as many deadly clashes during opposition rally against President Gbagbo in Abidjan occurred. During these clashes more than 120 people were killed, victim of executions and torture. In



November, the Ivorian force attacked the rebels and the French forces got involved after nine of their soldiers were killed in an air strike. In October 2005, the UN extended President Gbagbo's mandate for a further year and therefore allows him to stay in power. However, UN's interference was highly criticized as seen in January 2006, where violent street demonstrations were held by supporters of President Gbagbo over what they see as UN interference in internal affairs.

Power-sharing deal

A deal concerning power-sharing between the Government and new rebel forces, was signed in March 2007 in Burkina Faso, naming Guillaume Soro leader of the Patriotic Movement of Cote d'Ivoire, as prime minister. In April, the President Laurent Gbagbo declared that the war between his government and the northern rebels was at its end, but within days an increase in violence was reported.

Post-election standoff

In December 2010, the first round of presidential election took place and Mr Gbagbo came right with 38% and Alassane Ouattara with 32%. Although, the president had a higher rate, it wasn't enough for him to win outright and therefore a run-off vote was held in November. Mr. Ouattara turned out to be the rightful winner of the run-off and Mr. Gbagbo refused automatically to accept the result and a dispute between the two camps soon escalated into violence. In April, Mr. Gbagbo was captured by Alassane Ouattara's forces and a month after Mr. Ouattara was named president. The post-election violence left about 3000 people dead and 500 000 displaced.

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Many crimes occurred in Côte d'Ivoire during the 2010/2011 post-electoral period. The violence was focused throughout Côte d'Ivoire including the capital of Abidjan and western Côte d'Ivoire, and erupted after the Presidential election results, which main opponents were Mr. Laurent Gbagbo and Mr. Alassane Ouattara. Granting the Prosecutor's request to open an investigation, both forces pro-Gbagbo and pro-Ouattara were overlooked. The prosecutor submitted that most of the attacks directly aimed to the civilians were systematic and widespread (military roadblocks, checkpoints, excessive force) which resulted into 1 million people being displaced. Involved charges in this investigation include the following crimes: murder, rape, attempted murder and persecution as well as any other inhuman acts. All crimes are considered under the article (7) of the Rome Statute, to be part of crimes against humanity.



Mr. Gbagbo's involvement

The defendant, Laurent Gbagbo former Côte d'Ivoire president was surrendered to the International Criminal Court on the 30th November 2011 in The Hague, becoming the first head of state to stand trial. The Pre-Trial Chamber confirmed four charges of crimes against Humanity on the 12th June 2014 (murder, rape, attempted murder and persecution), and noted that both Mr. Gbagbo and Mr. Blé Goudé charges aroused from the same allegations meaning that the crimes were committed allegedly by the same perpetrators who had for target the exact same victims those being supporters of Alassane Ouattara. However, Mr. Gbagbo pleaded not guilty to the charges relating to clashes that occurred following the 2010 election in his country as well as his individual criminal responsibility.

Mr. Blé Goudé's involvement

Charles Blé Goudé, former militia leader was surrendered to the ICC on 22 March 2014 and was also confirmed just as Mr. Gbagbo, four charges of crimes against humanity. Furthermore, Mr. Goudé is accused of having engaged his individual criminal responsibility for committing these crimes, individually or as indirect co-perpetrator (under article 25(3)(a)), ordering, soliciting or inducing (25(3)(d)), or contributing in any other way to the commission of these crimes (25(3)(d)).

Major Parties Involved

Côte d'Ivoire

Côte d'Ivoire is a nation that has known a major crisis in 2010/2011. This so-called crisis broke out in March 2011 and is known as the Second Ivorian Civil War between forces loyal to Laurent Gbagbo and supporters of president-elect Alassane Ouattara. After months of unsuccessful negotiations, violence erupted quickly between both parties and the crisis tragically entered a critical stage when Ouattara's forces took control of the country with the help of the UNO. Many massacres took place like the one in Bolequin and Guiglo where 40 and 60 bodies were found, but the biggest massacre was the one in Duékoué where approximately 3,000 civilians perished.

The United Nations

The UN published their stance of support by adopting unanimously the United Nations Security Council Resolution 1975 the 30th March 2011 and therefore requiring that Laurent Gbagbo step down as President and allows President Alassane Ouattara to take



the power. Furthermore, the resolution took drastic measures by imposing sanctions on Gbagbo and his associates.

Timeline of events

Date	Description of events
1958	Cote d'Ivoire is made a republic within the French Community.
October, 2000	Laurent Gbagbo is believed to be the real winner of the presidential elections rather than Robert Guei, and is therefore proclaimed president of Cote d'Ivoire. At the same period, fighting between southern Christian supporters of L. Gbagbo and followers of Ouattara who are mostly Muslims from the north, took place.
December, 2000	The FPI (President Gbagbo's Ivorian Popular Front) emerges as the biggest party in elections.
March, 2001	President Gbagbo and Mr. Ouattara meet for the first time and work together towards reconciliation, in response to the violence that occurred between their supporters in October 2000.
September, 2002 – March 2007	The first Ivorian Civil War takes place. Conflict is between the population of the rebel-held Muslim north and the supporters of government-held Christian south. Approximately 1900 people were killed during this violent war and 1 600 other were harmed. The UN as well as the French military failed to calm the civil war. Peace deal is made in Paris. Laurent



<p>January, 2003</p>	<p>Gbagbo accepts power-sharing government.</p>
<p>March, 2007</p>	<p>Guillaume Soro, ex-leader of the Patriotic Movement of Cote d'Ivoire and Secretary-General of the New Forces, is named as prime minister under the power-sharing peace deal.</p>
<p>December, 2010</p>	<p>Election commission declares Mr. Ouattara the winner of the run-off vote. Violence aroused between the two camps, those being pro-Gbagbo and pro-Ouattara.</p>
<p>November 2010 – April 2011</p>	<p>Second Ivorian Civil War broke out in 2010. The conflict was between the forces loyal to Laurent Gbagbo and supporters of Alassane Ouattara. It entered a critical stage when Ouattara's forces seized control of most of the country. Numerous crimes were made in particular in the city of Duékoué where more than 3000 people were killed. The French forces as well as the UN took military action to protect the civilians.</p> <p>Laurent Gbagbo is captured by Alassane Ouattara's forces.</p>
<p>April, 2011</p>	<p>Mr. Gbagbo is brought forth to the International Criminal Court in the Hague to face charges of crimes against humanity.</p>
<p>30th November 2011</p>	<p>Mr. Charles Blé Goudé, former militia leader is surrendered to the ICC and is accused of crimes against humanity.</p>
<p>22 March 2014</p>	



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