

ICC Commencement of the Confirmation of Charges Hearing

The Prosecutor vs. Charles Blé Goudé

29 September 2014

Today, the confirmation of charges hearing in the case against Charles Blé Goudé (Blé Goudé) is commencing before Pre-Trial Chamber I of the International Criminal Court (ICC). Blé Goudé is a national of the Côte d'Ivoire who has been charged with four counts of crimes against humanity, including murder, rape, persecution and other inhumane acts, in his alleged capacity as a member of former Ivorian President Laurent Gbagbo's inner circle and leader of the pro-Gbagbo youth.

He has been charged as an indirect co-perpetrator under Article 25(3)(a) of the Statute and alternatively for ordering, soliciting or inducing the crimes, aiding or abetting the commission of the crimes, and for contributing in any other way to the commission or attempted commission of the crimes, under Articles 25(3)(b), (c) and (d), respectively. These crimes are alleged to have been committed in Abidjan, the capital of Côte d'Ivoire between 16 December 2010 and 12 April 2011, during a period of post-election violence.¹

'This case is important because it responds to post-election violence in which Mr Blé Goudé was allegedly involved, along with other individuals including former President Laurent Gbagbo', said Brigid Inder, Executive Director of the Women's Initiatives for Gender Justice.

'The violence was committed in an attempt to maintain Mr Gbagbo in office despite an election won by another candidate, current President Ouattara. By addressing acts of violence associated with attempts to pervert electoral outcomes, the ICC is upholding the rule of law and strengthening the expectation of peaceful transfers of political power,' said Inder. Blé Goudé is the second person to be transferred to the ICC in the Côte d'Ivoire Situation, following the transfer of former Côte d'Ivoire President Laurent Gbagbo in November 2011.

The Prosecution alleges that Laurent Gbagbo's initial election in 2000 had been 'controversial' and in the years following this election, Blé Goudé, Laurent Gbagbo and members of his inner circle built an infrastructure aimed at maintaining him in power, 'by all means'.

When Laurent Gbagbo's opponent, Alassane Ouattara, won the election, Gbagbos' supporters allegedly reacted with violence and orchestrated targeted attacks on those known or perceived to be supporters of Ouattara. The Prosecution asserts that the crimes of murder, rape and other inhumane acts constituted persecution on 'political, national, ethnic or religious grounds'.

¹ Document Containing the Charges in the case against Blé Goudé, ICC-02/11-02/111-124-Anx1, paras 1, 324, 327-330 and p 125-126.



The Prosecution argues that Blé Goudé played a key role in the violence as he used 'his skills to mobilise the pro-Gbagbo youth and prepare them to combat by legitimising the use of violence'. Blé Goudé is alleged to have used xenophobic rhetoric, inciting hatred against perceived Ouattara supporters.

The Prosecution also argues that women were raped by the pro-Gbagbo forces because of their real or perceived support to Laurent Gbagbo's political opponent.² According to the Prosecution, in some instances, victims were told by their attacker after they were raped to 'complain to Ouattara' about the incident.³

'This case includes important charges for gender-based crimes, namely rape and persecution by means of rape, which formed a part of the violence allegedly committed by pro-Gbagbo youth, led by Blé Goudé' Inder stated.

'Rape is an effective means of asserting ethnic and political supremacy because it is an act commonly understood and utilised as a method of displaying power', said Ms Inder.

'Acts of domination, whether motivated solely by the gender of an individual or in combination with other factors such as race, ethnicity or political affiliation, are regularly demonstrated through sexualised violence, most often committed against women. By including rape as an underlying act within the charge of persecution in this case, the ICC is recognising the use of sexual violence for this purpose', said Ms Inder.

An arrest warrant was issued against Blé Goudé in December 2011 and was unsealed on 30 September 2013. The accused was transferred to the ICC and made his first appearance in March 2014. The confirmation of charges hearing in his case was originally scheduled for August 2014, but it was postponed twice: first for approximately one month to give the Prosecution further time to complete its disclosure of evidence to the Defence and file its Document Containing the Charges and List of Evidence,⁴ and again for one week in September to provide the Defence with additional time to prepare for the hearing.⁵

Background

The case against Charles Blé Goudé 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 Laurent Gbagbo refused to accept the result of the election and also refused to transfer power to Alassane Ouattara, the internationally recognised President-elect. Laurent Gbagbo and members of his inner circle, including Blé Goudé, allegedly conceived a plan which led to

² ICC-02/11-02/111-124-Anx1, para 330.

³ ICC-02/11-02/111-124-Anx1, paras 144-145.

⁴ ICC-02/11-02/11-108-Red.

⁵ ICC-02/11-02/11-139.



the commission of the crimes charged. The Prosecution claims that these crimes were committed by pro-Gbagbo forces, who attacked the civilian population in Abidjan and in the west of the country, targeting civilians who they believed were supporters of Alassane Ouattara. The attacks were often directed at specific ethnic or religious communities.⁶ 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 officially took office 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,⁷ on 15 February 2013, Côte d'Ivoire officially became the 122nd State Party to the Rome Statute.

A third individual was also charged in the Côte d'Ivoire Situation in relation to the post-electoral violence. In November 2012, an arrest warrant was unsealed against Simone Gbagbo, the wife of Laurent Gbagbo.⁸ Simone Gbagbo is not in ICC custody. In the warrant for her arrest, like Laurent Gbagbo and Blé Goudé, she was 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. Côte d'Ivoire lodged a challenge to the admissibility of her case before the Court, which is currently pending before Pre-Trial Chamber I.

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 in selected conflict sites and legal monitoring initiatives in all situations under investigation by the ICC.

For more information about the Situation in Côte d'Ivoire, see *Gender Report Card 2013*, p 56-57, *Gender Report Card 2012*, p 101 and *Gender Report Card 2011*, p 192-199.

⁶ ICC-02/11-02/11-1, paras 5, 10-11.

⁷ 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.

⁸ ICC-02/11-01/12-1.

Women's Initiatives for Gender Justice



For more information about the confirmation of charges hearing in the Laurent Gbagbo case, see *Gender Report Card 2013*, p 73-87.

Read the full statement by the Women's Initiatives for Gender Justice and Partners on Laurent Gbagbo's Confirmation of charges hearing: <http://www.iccwomen.org/documents/Press-statement--FINAL.pdf>

Women's Initiatives for Gender Justice

