

Situation in Côte d'Ivoire

ICC-PIDS-CIS-CI-02-006/18_Eng

The Prosecutor v. Simone Gbagbo

Updated: July 2021

ICC-02/11-01/12

Simone Gbagbo

On 15 June 2021, the Office of the Prosecutor informed ICC Pre-Trial Chamber II of its withdrawal of the Application for an Arrest Warrant against Ms Simone Gbagbo and requested the Chamber to vacate the arrest warrant issued against her. On 19 July 2021, the Chamber granted the request and ordered that the Warrant of Arrest for Simone Gbagbo ceases to have effect.



Date of birth: 20 June 1949

Place of birth: Moosou, Grand-Bassam prefecture, Côte d'Ivoire

Nationality: Ivorian

Current situation: Not in ICC custody

Warrant of arrest: Issued under seal on 29 February 2012 | Unsealed on 22 November 2012 | Vacated on 19 July 2021

Charges

The prosecutor brought against Simone charges of crimes against humanity (murder, rape and other sexual violence, persecution and other inhumane acts), allegedly committed in the context of post-electoral violence in the territory of Côte d'Ivoire between 16 December 2010 and 12 April 2011.

On 19 July 2021, Pre-Trial Chamber II found that the developments at the trial and appeal stage of the case against Laurent Gbagbo made it apparent that the evidence upon which the arrest warrant against Simone Gbagbo was grounded could no longer be considered as satisfying the evidentiary threshold required in Article 58(1)(a) of the Rome Statute. Accordingly, the Chamber ordered that the Warrant of Arrest for Simone Gbagbo ceases to have effect.

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 crimes within the jurisdiction of the Court allegedly committed by both sides 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 7 February 2012, 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 Simone Gbagbo.

On 29 February 2012, the judges issued a warrant of arrest under seal. The warrant of arrest against Mrs Gbagbo was unsealed on 22 November 2012.

On 15 June 2021, the Prosecution withdrew its application for an arrest warrant against Simone Gbagbo and submitted to the Pre-Trial Chamber judges a request to vacate the warrant of arrest issued against her.

On 19 July 2021, the Pre-Trial Chamber granted the Prosecutor's request and ordered that the warrant of arrest against Mrs Gbagbo ceases to have effect.

Composition of Pre-Trial Chamber II

Judge Antoine Kesia-Mbe Mindua, Presiding Judge

Judge Tomoko Akane

Judge Rosario Salvatore Aitala

Representation of the Office of the Prosecutor

N/A

Defence Counsel for Simone Gbagbo

N/A

Legal Representatives of the Victims

N/A