

**DECLARATION OF THE IVORIAN COALITION FOR THE ICC TO THE 11TH
SESSION OF THE ASP IN THE HAGUE, THE NETHERLANDS
FROM 12TH TO 19TH NOVEMBER 2012**

The Rome Statute creating the ICC was signed by the State of Côte d'Ivoire on the 30th November 1998. The incompatibility of this treaty with the Ivorian constitution adopted on the 1st August 2000, raised by the Constitutional Council, was often used as an excuse to justify the absence of ratification.

The Ivorian Coalition for the International Criminal Court (IC ICC) and human rights organizations in Côte d'Ivoire, preoccupied by the protection and defense of human rights, and also aware of the major role that the ICC could play in bringing back a sustainable peace in Côte d'Ivoire thanks to its dissuasive and repressive functions, and through an independent and impartial justice, have always worked to ensure justice for victims of the international crimes committed by both political sides of the 2002 military political crisis.

However, the Prosecutor's strategy for investigations and prosecutions is currently controversial. We believe that it should remain the most objective and impartial possible, so that the Ivorian people and victims of the crisis would not perceive a two tier justice system, a justice for the winners. The fact that, so far only one side has been targeted by ICC prosecutions, and that only one arrest warrant was issued, undermines the credibility of the Court and national reconciliation. A lasting peace in Côte d'Ivoire depends on the Court considering criminals from all the involved parties. The repetition of crimes must be avoided. Impunity today means crimes tomorrow.

The country has just emerged from a deeply violent crisis, which reached paroxysm during the November 2010 post electoral violence, creating a great suffering amongst all political, regional and religious groups. The judges' decision to open an investigation had brought a great hope to thousands of victims, who mainly support the Court.

Unfortunately, the situation of victims has not changed much since the opening of this investigation. Frustration is growing. The vast majority of victims do not receive any support or the necessary information about their right to participate to the Court's proceedings. The fact that only 139 victims were

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allowed to participate to the Gbagbo case highlights that the ICC's work towards the victims was so far insufficient. Furthermore, the Court recently adopted a collective approach for victims' participation (introduced as efficient), which remains largely misunderstood by the victims, but also amongst legal representatives, which could lead on the long term to difficulties in the participation and care of victims.

The adoption in September 2012 by the Ivorian government of bills to revise the Constitution, in order to ratify the Rome Statute of the International Criminal Court, embodies a strong signal sent to the ICC, in order for it to play its role of fair arbitrator in the current investigation and the ones to come.

In the same time, and to overcome these many challenges, the ICC must be proactive in engaging the people, by increasing its communication and outreach activities (including with the opening of the Abidjan field office) and its field presence to fight the propaganda while bringing updated and accurate information to all the stakeholders to the investigation and prosecution process in Côte d'Ivoire.

Obviously such activities require funding. That is why the financing States of the ICC must understand what is at stakes and avoid budgetary cuts which may compromise in the short term, the objectives that the States themselves have assigned to the Court

Eventually the credibility of the Court as well as the State of Côte d'Ivoire will depend on the capacity of the Court to face and manage victims' expectations regarding justice. Investing in justice today means working for a fair, appeased society, free from the worst crimes bereaving Humanity as a whole.