

DECLARATION BY THE IVORIAN NATIONAL COALITION FOR THE ICC

AT THE

15th ASP SESSION IN THE HAGUE - NOVEMBER 2016

The Rome Statute, which established the ICC, was signed by Ivory Coast on November 30, 1998. The incompatibility of this treaty with Ivory Coast's Constitution of August 1, 2000, was raised by the Constitutional Council to justify the impossibility of the ratification by the state. Finally, Ivory Coast ratified the Rome Statute establishing the ICC on February 15, 2013.

The Ivorian Coalition for the ICC (CI-CPI), and human rights organisations in Ivory Coast, concerned with the protection and defence of human rights; recognising that the ICC can end impunity, punish the perpetrators of the most serious crimes, and above all bring lasting peace through independent and impartial justice, have worked since the 2002 political-military crisis to bring justice to the many victims of war crimes and crimes against humanity regardless of political affiliation. Ivorian civil society therefore welcomed the opening of investigations in Ivory Coast into all periods of the conflict.

However, the investigations and prosecutions by the Office of the Prosecutor are today subject to controversy. We believe that they should remain as objective and impartial as possible so as not to create the feeling of a two-speed justice to the Ivorian population and the victims of this crisis. The fact that currently only one political party has been under investigation by the ICC and that three warrants of arrest have been issued for only one of the belligerent parties, calls into question the credibility of the Court and hurts the national reconciliation. The conditions for a lasting peace in Ivory Coast rely on the accountability of perpetrators of crimes from all the parties involved before the ICC.

Today's impunity is tomorrow's crime

The country is just now emerging from a crisis that peaked in the post-election violence in November 2010, which caused great suffering to all political, regional, and religious groups. The October 2011 agreement by the judges to begin an enquiry has aroused hope for the thousands of victims who support the court.

Unfortunately, the situation of victims has not changed since the opening of this inquiry and the start of the trials of Laurent Gbagbo and Blé Goudé. And the frustrations increase. Many victims no longer believe in the ICC. They find the procedures long, and feel their participation has been abandoned by the Registry and the Trust Fund for Victims (Report of the Ivorian Coalition for the ICC 2015).

The Trust Fund for Victims must quickly take action in Ivory Coast to alleviate victim's suffering, especially those still in precarious situations and in distress. In order to do this, it is imperative that states give the Fund the necessary financial resources to be able to respond to the needs of victims as quickly as possible.

The political will of the Ivorian authorities in support of the ICC is corroborated by the concrete steps taken by Ivory Coast in recent years to ratify the Rome Statute establishing the ICC, and most recently in the statement by the President of Ivory Coast affirming that Ivory Coast will not withdraw from the ICC. These constitute strong signals of support for the ICC to continue as a fair and equitable arbitrator in current and future investigations.

Ivory Coast must continue to cooperate with the ICC, even if many efforts are currently being made by the State in the context of complementarity (trial of Mrs. Simone Gbagbo).

At the same time, in order to overcome these many challenges, the ICC must be proactive in engaging the population, by intensifying its communication and awareness-raising activities (the staff of the local office in Abidjan must be strengthened and the nomination of a new coordinator in charge of awareness-raising must be a priority to improve the efficiency of the Court's work and strengthen its presence on the ground) to combat disinformation by powerful people and the media, to develop opinions victim issues, and to improve the efficiency of its administration of justice.

Finally, the credibility of the ICC and that of the rule of law in Ivory Coast will depend on the Court's ability to respond to and manage victims' expectations of justice. Therefore, investing in justice today means savings tomorrow, both financially and in terms of human lives. Justice is thus the enduring peace and harmonious development of our States.

15th ASP, November 2016, The Hague, declaration of the Ivorian Coalition for the ICC

ALI OUATTARA

PRESIDENT