

Cote d'Ivoire: ICC Prosecutor Seeks Investigation

Human Rights Watch June 23, 2011

(...) The prosecutor of the International Criminal Court (ICC) has taken a significant step toward ensuring that those responsible for grave crimes committed in Côte d'Ivoire are held to account, Human Rights Watch said today.

The ICC prosecutor submitted a request on June 23, 2011, to open an investigation into crimes committed in Côte d'Ivoire following the November 2010 presidential election run-off between then-president Laurent Gbagbo and Alassane Ouattara, who was recognized internationally as the winner. Ouattara has asked the ICC for help to investigate crimes committed in Côte d'Ivoire. (...)

(...) A decision by the ICC prosecutor to act on his own initiative to open an investigation - known as using his

proprio motu

power - requires approval by the ICC judges. The prosecutor must demonstrate that there is a "reasonable basis to proceed," taking into account the court's requirements concerning the gravity of the crimes and the inability or unwillingness of national courts to prosecute. Following the first request by the ICC prosecutor to open an investigation on his own initiative, for the situation in Kenya, the pretrial chamber authorized an investigation into crimes committed over a wider period of time than the prosecutor initially requested.

Serious crimes in violation of international law - including war crimes and likely crimes against humanity - were committed by forces loyal to Gbagbo and Ouattara between December 2010 and April 2011. Crimes under the ICC's Rome Statute documented by Human Rights Watch in [January](#)

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of this year include murder, rape and other sexual violence, enforced disappearances, and intentional attacks against the civilian population. (...)

(...)

Even if the ICC opens an investigation, the ICC prosecutor has to date pursued only a small number of cases in situations under investigation. Holding fair domestic trials in Côte d'Ivoire will therefore continue to be very important, Human Rights Watch said. (...)

(...) Côte d'Ivoire is not a state party to the ICC, but the Ivorian government in 2003 submitted a declaration giving the court jurisdiction for events after September 19, 2002. Ouattara reaffirmed the declaration at the end of 2010. While such declarations provide jurisdiction, they do not trigger an ICC investigation, which requires a referral by an ICC state party, referral by the UN Security Council, or a decision by the prosecutor to act on his initiative. (...)

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