

Day Three of the ICC Confirmation of Charges Hearing in the Case against Laurent Gbagbo

21 FEBRUARY 2013

Olivier Kambala wa Kambala, an international law expert who is following events at The Hague in this case, reports on the presentation of charges by the Office of the Prosecutor.

Presentation of Charges by the Prosecutor: Laurent Gbagbo Bears Ultimate Responsibility for the Violence

The prosecution continued today to assert that those in Laurent Gbagbo's inner circle supported his decision to remain in power and the use of violence against civilians. The prosecution alleged that members of Gbagbo's government adhered to his plan, which included: (1) government reports classifying anti-Gbagbo protesters as enemies and terrorists, (2) Ivorian Defense and Security Forces (FDS) being called to suppress protesters, (3) a unanimous agreement on the need to respond with acts of terror, and (4) the government minimizing the effects of violence against civilians, alluding to the women's march in Abobo as a "montage." The Patriotic Galaxy also played a part in Gbagbo's plan. Blé Goudé instructed Young Patriots to "check out" their neighbors to flush out enemies. As he incited youths, they acted with violence. He gave orders to set up road blocks, conduct identification checks and hunt for "men wearing grigris." He took responsibility for his actions, saying: "In a revolution, there are always collateral effects."

Members of Gbagbo's inner circle also willingly participated in the plan, including Simone Gbagbo, who incited violence through the National Congress for the Resistance of Democracy (CNRD). Among other things, she called for eradication with the slogan: "Clean our forests and our fields, take back our fields." According to an agenda recovered from Gbagbo's residence and said to be authored by her, Simone was to call for the burning of RHDP members' houses. FDS forces also adhered to the plan and reported their willingness to take action, particularly under the command of the Chief of Staff, General Mangou. In addition, the FDS coordinated the activities of Blé Goudé's Young Patriots and mercenaries.

The prosecution also demonstrated that Gbagbo was ultimately responsible for the violence in the sense that (1) he was informed of everything that took place, as he received information from the Council of Ministers, reports from the FDS Chief of Staff and convoked a number of meetings; (2) Gbagbo made all decisions for the government, the army, and the Security Operations Command Center (CeCOS); (3) Gbagbo was in contact with a number of field operations commandants in the case of the armored brigade and the artillery; (4) Gbagbo controlled the Patriotic Galaxy through Blé Goudé, who received his orders from and reported to Gbagbo; and (5) Gbagbo controlled his inner circle to such an extent that even Simone Gbagbo could not hold meetings without informing him. In conclusion, the Office of the Prosecutor (OTP) held that Gbagbo was at the center of everything and was known to say, "If I fall, you all will fall too."

The OTP proceeded to describe four events in detail, with presentations from (a) Eric MacDonald, on the violent repression of the protests at *Radiodiffusion Télévision Ivoirienne* (RTI) headquarters from December 16-19, 2010 in Abidjan; (b) Maria Berdenikova, on the violent repression of the women's march in Abobo on March 3, 2011; (c) Krisztina Varga, on the incidents at the Siaka Koné market; and (d) Fleury Hook, on the incidents in Yopougon. The OTP concluded from these four events that there was substantial reason to believe that the crimes against humanity of murder, rape, and attacks against physical integrity were committed and that the crimes were premeditated and were not sporadic.

It should be noted that after the first recess, Gbagbo did not return to the courtroom.

The OTP again requested a private session.

The OTP had not concluded its presentation at the end of the session and requested permission to continue the following day.

Coverage of the confirmation of charges hearing of former Côte d'Ivoire President Laurent Gbagbo is part of the Open Society Justice Initiative's [war crimes trial monitoring project](#) . In partnership with the [International Senior Lawyers Project](#) (ISLP), the Open Society Justice Initiative is monitoring the proceedings of the first former head of state to be brought to the International Criminal Court (ICC). Our monitor, Olivier Kambala wa Kambla, is an international lawyer with 15 years' experience and is an expert in international criminal law, transitional justice, human rights, peace processes, and capacity building of civil society. He will be monitoring the hearing from the ICC in The Hague, the Netherlands.

To speak to our legal officer in The Hague, Alpha Sesay, or to one of our other legal experts at the Open Society Justice Initiative, contact:

jbirchall@opensocietyfoundations.org

wcohen@opensocietyfoundations.org

Tel: +1 212 547 6958

www.justiceinitiative.org



The Open Society Justice Initiative uses law to protect and empower people around the world. Through litigation, advocacy, research, and technical assistance, the Justice Initiative promotes human rights and builds legal capacity for open societies. Our staff is based in Abuja, Amsterdam, Bishkek, Brussels, Budapest, Freetown, The Hague, London, Mexico City, New York, Paris, Phnom Penh, Santo Domingo, and Washington, D.C.