

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

No.: **ICC-02/11-01/12**

Date: **15 June 2021**

PRE-TRIAL CHAMBER II

Before: Judge Rosario Salvatore Aitala, Presiding Judge
Judge Antoine Kesia-Mbe Mindua
Judge Tomoko Akane

**SITUATION IN THE REPUBLIC OF CÔTE D'IVOIRE
IN THE CASE OF
*THE PROSECUTOR v. SIMONE GBAGBO***

URGENT

Confidential, *EX PARTE*, Prosecution and Registry only

Request to Vacate Arrest Warrant

Source: Office of the Prosecutor

Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

The Office of the Prosecutor

Ms Fatou Bensouda

Mr James Stewart

Mr Eric MacDonald

Counsel for the Defence

Legal Representatives of the Victims

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

**The Office of Public Counsel for
Victims**

**The Office of Public Counsel for the
Defence**

States Representatives

Amicus Curiae

REGISTRY

Registrar

Mr Peter Lewis

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

1. The Prosecution requests the Pre-Trial Chamber to vacate, pursuant to article 60(10) of the Rome Statute, the Arrest Warrant issued against Ms Simone Gbagbo. ("Request").¹

Confidentiality

2. This Request is filed as Confidential, *Ex parte* Prosecution and Registry only for the following reasons : on 17 June 2021, Mr Laurent Gbagbo is expected to return to Abidjan, Côte d'Ivoire.² The Prosecution considers it necessary to liaise with the relevant authorities of Côte d'Ivoire and with other partners, as required, in order to ascertain whether implementation of any security and/or preventive measures is required before the Request, and any ensuing order, are made public. The Prosecution will revert back to the Chamber as soon as it has completed this process.

Submission

3. On 7 February 2012, the Prosecution filed an application for a warrant of arrest against Ms Simone Gbagbo.³
4. On 29 February 2012, Pre-Trial Chamber III issued a Warrant of Arrest against Ms Simone Gbagbo.⁴ To this date, the Warrant of Arrest has not been executed.

¹ICC-02/11-01/12-1, 29 February 2012.

² https://www.lemonde.fr/afrique/article/2021/06/14/cote-d-ivoire-le-village-de-laurent-gbagbo-pret-pour-le-retour-du-pere_6084074_3212.html.

³ ICC-02/11-35-US-Exp

⁴ ICC-02/11-01/12-1.

5. On 16 July 2019, through a “No Case to Answer” decision, and by majority, Trial Chamber I acquitted Mr Laurent Gbagbo and Mr Charles Blé Goudé of charges related to the same events.⁵ On 31 March 2021, the Appeals Chamber, by majority, upheld the acquittals (“Judgment”).⁶
6. The Prosecution has reviewed the evidence supporting the case against Ms Simone Gbagbo in light of both the majority and minority decisions in the Trial Chamber’s No Case to Answer decision, as well as the Appeals Chamber’s Judgment. It has done so pursuant to its duty under regulation 60 of the Regulations of the Office of the Prosecutor. Upon completion of that review, the Prosecution has concluded there is no reasonable prospect that it could prove the case against Ms Simone Gbagbo to the necessary evidentiary threshold should the warrant of arrest be executed.
7. Accordingly, the Prosecution considers its duty to withdraw the application for the warrant of arrest against Ms Simone Gbagbo pursuant to article 61(10) of the Rome Statute, and to request that the Pre-Trial Chamber vacate the corresponding Warrant of Arrest.

Conclusion

8. For the reasons set out above, the Prosecution informs the Pre-Trial Chamber of its withdrawal of the Application for an Arrest Warrant against Ms Simone Gbagbo and requests Pre-Trial Chamber II to vacate the Arrest Warrant issued against her.

⁵ Reasons for oral decision of 15 January 2019 on the *Requête de la Défense de Laurent Gbagbo afin qu'un jugement d'acquiescement portant sur toutes les charges soit prononcé en faveur de Laurent Gbagbo et que sa mise en liberté immédiate soit ordonnée*, and on the Blé Goudé Defence no case to answer motion, ICC-02/11-01/15-1263.

⁶ Judgment in the appeal of the Prosecutor against Trial Chamber I’s decision on the no case to answer motions, ICC-02/11-01/15-1400.



Fatou Bensouda, Prosecutor

Dated this 15th day of June 2021

At The Hague, The Netherlands