



Original: English

No. ICC-02/11-01/15 OA14

Date: 31 January 2019

THE APPEALS CHAMBER

Before: Judge Chile Eboe-Osuji, Presiding Judge
Judge Howard Morrison
Judge Piotr Hofmański
Judge Luz del Carmen Ibáñez Carranza
Judge Solomy Balungi Bossa

SITUATION IN THE REPUBLIC OF CÔTE D'IVOIRE

**IN THE CASE OF THE PROSECUTOR v. LAURENT GBAGBO AND
CHARLES BLÉ GOUDÉ**

Public document

Order on the conduct of the hearing before the Appeals Chamber

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

The Office of the Prosecutor
Ms Fatou Bensouda, Prosecutor
Ms Helen Brady

Counsel for Laurent Gbagbo
Mr Emmanuel Altit
Ms Agathe Bahi Baroan

Legal Representatives of Victims
Ms Paolina Massidda

Counsel for Charles Blé Goudé
Mr Geert-Jan Alexander Knoops
Mr Claver N'dry

REGISTRY

Registrar
Mr Peter Lewis

The Appeals Chamber of the International Criminal Court,

In the appeal of the Prosecutor against the oral decision of Trial Chamber I pursuant to article 81(3)(c)(i) of the Statute of 16 January 2019 (ICC-02/11-01/15-T-234-Eng),

Issues the following

ORDER

1. The Registrar, or his representative, is requested to attend the hearing scheduled for Friday, 1 February 2019.¹
2. At the hearing, the Appeals Chamber invites the parties and participants to address the following issue:


On what legal basis, if any, is it possible to impose conditions on the release of a person following an acquittal? Is it necessary to first establish the existence of ‘exceptional circumstances’ for continued detention within the meaning of article 81(3)(c)(i) of the Statute prior to determining whether conditions may be imposed instead of continued detention? Alternatively, must the release of an acquitted person, with conditions, be considered and found inappropriate, before the existence of ‘exceptional circumstances’ justifying continued detention under article 81(3)(c)(i) can be considered?

3. The parties and participants will be invited to address the Appeals Chamber on the above issue as follows:
 - a. The Prosecutor (20 minutes)
 - b. Legal Representative of Victims (20 minutes)
 - c. Mr Laurent Gbagbo (20 minutes)
 - d. Mr Charles Blé Goudé (20 minutes)

¹ ‘Decision on the Prosecutor’s request for suspensive effect of her appeal under article 81(3)(c)(ii) of the Statute and directions on the conduct of the appeal proceedings’, ICC-02/11-01/15-1243 (OA14).

4. Following observations from the Registry, the parties and participants will also be invited to address the Appeals Chamber on the conditions proposed by the Prosecutor and will be afforded 15 minutes each.²
5. Additional questions may be put to the parties and participants from the bench in respect of the above issue or any other relevant issues.

Done in both English and French, the English version being authoritative.



Judge Chile Eboe-Osuji
Presiding Judge

Dated this 31st day of January 2019

At The Hague, The Netherlands

² Such conditions would be that Mr Laurent Gbagbo and Mr Charles Blé Goudé should be ordered to: (i) abide by all instructions and orders from the Chamber, including to be present in Court when ordered; (ii) provide the address where they reside and contact information to the Chamber and the State of residence and request authorisation from the Chamber for any change of address; (iii) not travel beyond the territorial limits of the municipality of residence without the explicit authorisation of the Chamber; (iv) surrender all identity documents, particularly their passports to the Registry; (v) report weekly to the law enforcement authorities of the State where they are released; (vi) not contact, either directly or indirectly, any Prosecution witness in this case, or any interviewed person in its ongoing investigation in Côte d'Ivoire as disclosed, except through counsel authorised to represent them before this Court and in accordance with the applicable protocols; (vii) not make any public statements, directly or indirectly, about the case or be in contact with the public or speak to the press concerning the case; (viii) abide by any additional conditions imposed by the Chamber and/or the State of release (Appeal Brief, para. 50, referring to 'Urgent Prosecution's request pursuant to article 81(3)(c)(i) of the Statute', ICC-02/11-01/15-1235, paras 21-26).