



**Original: English**

**No. ICC-02/11-01/15 OA14  
Date: 29 January 2020**

**THE APPEALS CHAMBER**

**Before:**  
Judge Chile Eboe-Osuji, Presiding  
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**

**Decision on the conduct of the hearing before the Appeals Chamber**

**Decision 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 Mr Laurent Gbagbo**  
Mr Emmanuel Altit  
Ms Agathe Bahi Baroan

**The Office of Public Counsel for Victims**  
Ms Paolina Massidda

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

**States Representatives**  
Republic of Côte d'Ivoire

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**REGISTRY**

**Registrar**  
Mr Peter Lewis

The Appeals Chamber of the International Criminal Court,

Having before it the ‘Requête de la Défense afin d’obtenir que la Chambre d’appel restitue à Laurent Gbagbo, acquitté de toutes les charges portées contre lui, l’intégralité de ses droits humains fondamentaux’ of 7 October 2019, ICC-02/11-01/15-1272-Conf,

Noting the ‘Order scheduling a hearing before the Appeals Chamber and permitting participation in judicial proceedings pursuant to rule 103 of the Rules of Procedure and Evidence’ of 20 December 2019, ICC-02/11-01/15-1296-Corr,

*Issues* the following

## DECISION

1. At the hearing scheduled in this matter on 6 (potentially extending to 7) February 2020,<sup>1</sup> the Appeals Chamber invites Mr Laurent Gbagbo, Mr Charles Blé Goudé, the Prosecutor and the Office of Public Counsel for Victims to make submissions guided by the following questions:
  - a. In what circumstances may the Appeals Chamber reconsider its judgments taken pursuant to rule 158 of the Rules of Procedure and Evidence (‘Rules’)?
  - b. If the Appeals Chamber may reconsider its judgments taken pursuant to rule 158 of the Rules, what is the applicable standard?
  - c. Beyond the question of reconsideration, are there any other reasons for the Appeals Chamber to review and revoke the conditions of release set out in its Judgment of 1 February 2020?<sup>2</sup>

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<sup>1</sup> Order scheduling a hearing before the Appeals Chamber and permitting participation in judicial proceedings pursuant to rule 103 of the Rules of Procedure and Evidence, 20 December 2019, ICC-02/11-01/15-1296-Corr.

<sup>2</sup> Judgment on the Prosecutor’s appeal against the oral decision of Trial Chamber I pursuant to article 81(3)(c)(i) of the Statute, ICC-02/11-01/15-1251-Red-Conf (‘Judgment’). A first public redacted version was filed the same day (ICC-02/11-01/15-1251-Red) and a second public redacted version was filed on 21 February 2019 ([ICC-02/11-01/15-1251-Red2](#)).

- d. Does the relief sought by the Prosecutor in her Appeal Brief in the appeal against the acquittal of Mr Gbagbo and Mr Blé Goudé<sup>3</sup> – namely the declaration of a mistrial<sup>4</sup> – have any bearing on the necessity of the continued imposition of the conditions of release set out in the Judgment?
2. The parties and participants will be invited to address the Appeals Chamber on the above issues as follows:
    - a. Mr Gbagbo (30 minutes)
    - b. Mr Blé Goudé (30 minutes)
    - c. The Prosecutor (30 minutes)
    - d. The Legal Representative of Victims (20 minutes)
    - e. Response from Mr Gbagbo (10 minutes)
    - f. Response from Mr Blé Goudé (10 minutes)
  3. Additional questions may be put to the parties and participants from the bench in respect of the above or any other relevant issues.
  4. The Republic of Côte d'Ivoire will be invited to address the Appeals Chamber on any issues arising in the application of Mr Gbagbo of 7

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<sup>3</sup> Oral decision of Trial Chamber I of 15 January 2019 ([ICC-02/11-01/15-T-232-Eng](#)), with written reasons issued on 16 July 2019 ([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](#)), which included: the Opinion of Judge Cuno Tarfusser, the Reasons of Judge Geoffrey Henderson and Judge Herrera Carbuccia's Dissenting Opinion, ICC-02/11-01/15-1263 and its annexes).


<sup>4</sup> See the Prosecutor's Appeal Brief, para. 266, stating 'instead of requesting the Appeals Chamber to order the continuation of the trial before the Trial Chamber— which is no longer constituted and in relation to which one of the Judges is no longer a judge at the Court—, or asking the Appeals Chamber to order a new trial (which would be a possible remedy), the Prosecution requests the Appeals Chamber to declare a mistrial. This will leave the case in the hands of the Prosecutor to decide on its future course and how justice may best be served in this case' (Prosecution Document in Support of Appeal, 15 October 2019, ICC-02/11-01/15-1277-Conf. A public redacted version was filed on 17 October 2019, [ICC-02/11-01/15-1277-Red](#)).

October 2019<sup>5</sup> (praying the Appeals Chamber to reconsider its Judgment, which imposed conditions on the release of Mr Gbagbo and Mr Blé Goudé following their acquittal). The parties may thereafter respond to the observations of the Republic of Côte d'Ivoire. The order is thus:

- a. Republic of Côte d'Ivoire (20 minutes)
- b. The Prosecutor (15 minutes)
- c. Mr Blé Goudé (15 minutes)
- d. Mr Gbagbo (15 minutes)

5. The Registrar, or his representative, is directed to attend the hearing and may be invited to make observations on relevant matters.

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

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**Judge Chile Eboe-Osuji**  
**Presiding**

Dated this 29<sup>th</sup> day of January 2020

At The Hague, The Netherlands

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<sup>5</sup> Requête de la Défense afin d'obtenir que la Chambre d'appel restitue à Laurent Gbagbo, acquitté de toutes les charges portées contre lui, l'intégralité de ses droits humains fondamentaux, ICC-02/11-01/15-1272-Conf. A public redacted version was notified the next day: [ICC-02/11-01/15-1272-Red](#).