

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-02/11-02/11
Date: 21 December 2011

PRE-TRIAL CHAMBER III

Before: Judge Silvia Fernández de Gurmendi, Presiding Judge
Judge Elizabeth Odio Benito
Judge Adrian Fulford

SITUATION IN THE REPUBLIC OF CÔTE D'IVOIRE

IN THE CASE OF

THE PROSECUTOR v. CHARLES BLÉ GOUDÉ

UNDER SEAL

***Ex parte* Prosecution and Registry only**

Warrant Of Arrest For Charles Blé Goudé

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

Counsel for the Defence

The Office of the Prosecutor

Mr Luis Moreno-Ocampo

Ms Fatou Bensouda

Legal Representatives of Victims

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

**The Office of Public Counsel for
Victims**

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

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Ms Silvana Arbia

Detention Section

Victims and Witnesses Unit

Others

**Victims Participation and
Reparations Section**

1. On 3 October 2011, Pre-Trial Chamber III ("Chamber") issued a *Decision Pursuant to Article 15 of the Rome Statute on the Authorisation of an Investigation into the Situation in the Republic of Côte d'Ivoire*, in which it authorised an investigation.
2. On 12 December 2011, the Prosecutor filed an application for a warrant of arrest against Charles Blé Goudé ("Mr Blé Goudé") for his individual criminal responsibility as regards the crimes against humanity of murder, rape and other forms of sexual violence, persecution and other inhumane acts committed during the post-election crisis from 28 November 2010 onwards by the Ivorian Defence and Security Forces ("FDS"), which were reinforced by youth militias and mercenaries loyal to President Gbagbo ("pro-Gbagbo forces"), in Abidjan, including around the Golf Hotel and elsewhere in the country.
3. The Chamber has particularly had regard to Articles 19(1) and 58(1) of the Statute and the analysis of the evidence and other information submitted by the Prosecutor will be set out in a decision to be issued hereafter.
4. The Chamber considers, on the basis of the evidence and information submitted by the Prosecutor, and without prejudice to its determination of any future challenge to the admissibility of the case under Articles 19(2)(a) and (b) of the Statute, that the case against Mr Blé Goudé falls within the jurisdiction of the Court and is admissible.

5. On the evidence, the Chamber concludes that there are reasonable grounds to believe that in the aftermath of the presidential elections in Côte d'Ivoire pro-Gbagbo forces attacked the civilian population in Abidjan and in the west of the country, from 28 November 2010 onwards. They targeted civilians who they considered were supporters of Mr Ouattara, and the attacks were often directed at specific ethnic or religious communities.

6. The Chamber finds that there are reasonable grounds to believe that these attacks by pro-Gbagbo forces during the post electoral violence were committed pursuant to an organisational policy. Furthermore, they were widespread and systematic, as demonstrated, *inter alia*, by the extended time period during which crimes were committed (between 28 November 2010 and May 2011), their geographic spread (many of the neighbourhoods of Abidjan and the west of Côte d'Ivoire), the high number of reported victims and the general pattern of the way in which the offences were committed.

7. On the evidence, the Chamber finds that there are reasonable grounds to believe that the crimes against humanity of murder under Article 7(1)(a), rape and other forms of sexual violence under Article 7(1)(g), other inhumane acts under Article 7(1)(k) and persecution under Article 7(1)(h) of the Statute, were committed in Côte d'Ivoire during the period between 16 December 2010 and 12 April 2011.

8. Furthermore, the Chamber finds that there are reasonable grounds to believe that these acts occurred in the context of a widespread or systematic attack directed against the Côte d'Ivoire civilian population within the meaning of Article 7(1) of the Statute.

9. The Chamber finds that there are reasonable grounds to believe that Mr Blé Goudé bears individual criminal responsibility for the crimes charged in this Application, as “an indirect co-perpetrator” pursuant to Article 25(3)(a) of the Statute.

10. The Chamber finds that there are reasonable grounds to believe that a plan existed and that Mr Gbagbo’s inner circle met frequently to discuss the implementation and coordination of the plan. The Chamber finds, on the basis of the evidence provided by the Prosecutor, that there are reasonable grounds to believe that Mr Blé Goudé was part of Mr Gbagbo’s inner circle. During those meetings Mr Blé Goudé received instructions from Mr Gbagbo, who also sought his advice on important political matters. Mr Blé Goudé expressed his public support for the implementation of the common plan.

11. Furthermore the Chamber finds that there are reasonable grounds to believe that Mr Blé Goudé and other members of Gbagbo’s inner circle were aware that implementing the common plan would, in the ordinary course of events, lead to the commission of the offences set out above.

12. The Chamber finds that there are reasonable grounds to believe that, by implementing the common plan, Mr Blé Goudé as a member of Mr Gbagbo’s inner circle exercised joint control over the crimes by having the power to control and give instructions directly to the youth who were systematically recruited, armed, trained and integrated into the FDS chain of command with a view to supporting the implementation of the common plan.

13. Furthermore, the Chamber finds that there are reasonable grounds to believe – given the position of Mr Blé Goudé as a member of Gbagbo's inner circle, and his role as regards to the common plan – that he made a coordinated and essential contribution to its realisation. Mr Blé Goudé attended meetings of Mr Gbagbo's inner circle, advised Mr Gbagbo and participated in making decisions on the implementation of the common plan. Moreover, Mr Blé Goudé played a key role in recruiting, enlisting, arming, training and integrating thousands of volunteers within the FDS chain of command.
14. The Chamber further finds that there are reasonable grounds to believe the pro-Gbagbo forces that put the common plan into effect did so by almost automatic compliance with the orders they received from Mr Blé Goudé and other members of Mr Gbagbo's inner circle.
15. Finally, the Chamber finds that there are reasonable grounds to believe Mr Blé Goudé acted with the necessary degree of intent and knowledge, as demonstrated by i) his adoption of the common plan ii) his awareness that the common plan was being implemented and that other members of the inner circle had the means at their disposal to implement it iii) his meetings with members of Mr Gbagbo's inner circle to discuss and coordinate the implementation of the common plan iv) his playing a key role in recruiting, training and instructing the young patriots, and integrating them into the FDS chain of command and v) his awareness of the contribution of other members of Mr Gbagbo's inner circle to the implementation of the common plan. Furthermore, the Chamber is of the view that Mr Blé Goudé was aware of the factual circumstances that enabled him and other members of Mr Gbagbo's inner circle to exercise joint control over the crimes.

16. Although the Chamber is satisfied that this substantial test (as proposed by the Prosecution), is made out, it is likely that this issue (*i.e.* Mr Blé Goudé's suggested liability as an "indirect co-perpetrator" under Article 25(3)(a) of the Statute) may well need to be revisited in due course with the parties and participants.

17. Finally, The Chamber is satisfied that his arrest is necessary to: i) ensure his appearance before the Court; ii) ensure that he does not use his resources to obstruct or endanger the investigation; and iii) prevent the commission of further crimes.

FOR THESE REASONS, THE CHAMBER

HEREBY ISSUES a warrant of arrest against Charles Blé Goudé, who was born on 1 January 1972 in Niagbrahio, Gagnoa or Guibéroua, Gagnoa in Côte d'Ivoire, an Ivorian national and a member of the Bété tribe, for his alleged criminal responsibility within the meaning of Article 25(3)(a) of the Statute for the crimes against humanity of (1) murder under Article 7(1)(a), (2) rape and other forms of sexual violence under Article 7(1)(g), (3) other inhumane acts under Article 7(1)(k) and (4) persecution under Article 7(1)(h) of the Statute committed in the territory of Côte d'Ivoire during the period between 16 December 2010 and 12 April 2011;

DECIDES that the warrant of arrest is to remain under seal, *ex parte* the Prosecution and the Registry only, but in order to effect Mr Blé Goudé's transfer to the seat of the Court, it may be communicated as necessary to third parties (such as the authorities in Côte d'Ivoire and any other State or international organisation) in order to implement it. The Chamber will consider in due course the reclassification of the warrant of arrest, upon the surrender of Mr Blé Goudé to the ICC;

DECIDES that, as soon as practicable, the Registry: (i) shall prepare a request for cooperation seeking the arrest and surrender of Charles Blé Goudé and containing the information and documents required by Articles 89(1) and 91 of the Statute, and by Rule 187 of the Rules of Procedure and Evidence ("Rules"); and (ii) shall transmit, in consultation and coordination with the Prosecutor, the request to the competent authorities in the States where the suspect might be located in accordance with Rule 176(2) of the Rules;

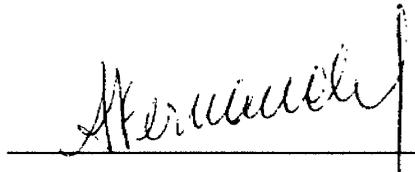
FURTHER DECIDES that the Registry shall, if necessary, send a request for provisional arrest in accordance with Article 92 of the Statute, in case the suspect is located in a country to which the request for arrest and surrender was not transmitted;

DIRECTS the Registrar, pursuant to Article 89(3) of the Statute, to prepare and transmit to any relevant State and international organisation any request for transit which may be necessary for the surrender of Charles Blé Goudé to the Court;

ORDERS the Prosecutor to transmit to the Registry, as far as his confidentiality obligations allow, and to the Chamber all information available to him that may assist in averting any risks to victims or witnesses associated with the transmission of the abovementioned cooperation request;

INVITES the Prosecutor to transmit to the Registry, as far as his confidentiality obligations allow, and to the Chamber all information available to him that, in his view, would facilitate the transmission and execution of the above-mentioned cooperation request.

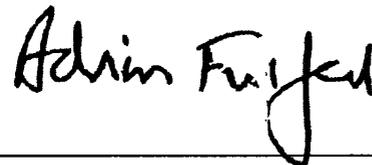
Done in both English and French, the English version being authoritative.



Judge Silvia Fernández de Gurmendi



Judge Elizabeth Odio Benito



Judge Adrian Fulford

Dated this 21 December 2011

At The Hague, The Netherlands