

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: **English**

No.: ICC-02/11-01/15  
Date: 26 January 2018

**TRIAL CHAMBER I**

**Before:** Judge Cuno Tarfusser, Presiding Judge  
Judge Olga Herrera Carbuccion  
Judge Geoffrey Henderson

**SITUATION IN THE REPUBLIC OF CÔTE D'IVOIRE  
IN THE CASE OF  
*THE PROSECUTOR v. LAURENT GBAGBO and CHARLES BLÉ GOUDÉ***

**Public**

**Decision on a request under Rule 103(1) of the Rules of Procedure and Evidence**

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

**The Office of the Prosecutor**

Fatou Bensouda  
James Stewart  
Eric MacDonald

**Counsel for Mr Laurent Gbagbo**

Emmanuel Altit  
Agathe Bahi Baroan

**Counsel for Mr Charles Blé Goudé**

Geert-Jan Alexander Knoops  
Claver N'dry

**Legal Representatives of Victims**

Paolina Massidda

**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**

**Other**

Avocats et démocrates africains sans  
frontières

**REGISTRY**

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**Registrar**

Herman von Hebel

**Counsel Support Section**

**Victims and Witnesses Unit**

**Detention Section**

**Victims Participation and Reparations  
Section**

**Others**

**Trial Chamber I** (“Chamber”) of the International Criminal Court, in the case of *The Prosecutor v. Laurent Gbagbo and Charles Blé Goudé*, having regard to Rule 103 of the Rules of Procedure of Evidence (“Rules”), issues the following decision on a request to submit observations made by the *Avocats et démocrates africains sans frontières* (ADASF).

1. On 5 January 2018, the Registry transmitted to the Chamber the “*Demande d’autorisation d’intervenir comme Amicus Curiae dans l’affaire Le Procureur c. Laurent Gbagbo et Charles Blé Goudé, en vertu de la règle 103 du Règlement de procédure et de preuve de la Cour*” (“Request”),<sup>1</sup> wherein the ADASF requests authorisation to submit a request for “annulation” of the proceedings against Laurent Gbagbo and Charles Blé Goudé.<sup>2</sup>
2. On 10 January 2018, the Prosecutor submitted the “Prosecution’s request for leave to respond to *Demande d’autorisation d’intervenir comme amicus curiae dans l’affaire le Procureur c. Laurent Gbagbo e Charles Blé Goudé*, 18 December 2017, (ICC-02/11-01/15-1093-Conf-Anx1), and request for dismissal *in limine* of substantive observations contained therein”.<sup>3</sup>
3. On 19 January 2018, the Registry transmitted to the Chamber an *addendum* to the Request.<sup>4</sup>
4. Also on 19 January 2018, the Chamber heard oral submissions by the Prosecutor,<sup>5</sup> the legal representative of the victims participating in the proceedings,<sup>6</sup> the Defence of

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<sup>1</sup> ICC-02/11-01/15-1093 (transmission filing) and annexes 1 (Request) and 2-12 (annexes to the Request). The Request was originally filed as “confidential” and reclassified as public by order of the Chamber on 17 January 2018, see ICC-02/11-01/15-T-219-ENG RT, page 1, line 25, to page 2, line 1.

<sup>2</sup> *Ibid.*, p. 3. See also p. 12, where it is stated that only a request in support of Laurent Gbagbo (“*une requête en faveur de Monsieur Laurent Koudou Gbagbo*”) is envisaged.

<sup>3</sup> ICC-02/11-01/15-1094. The submission was originally filed as “confidential” and reclassified as public by order of the Chamber on 17 January 2018, see ICC-02/11-01/15-T-219-ENG RT, page 1, line 25, to page 2, line 1.

<sup>4</sup> ICC-02/11-01/15-1100 (transmission filing) and annex 1 (addendum).

<sup>5</sup> ICC-02/11-01/15-T-220-ENG RT, page 78, line 1, to page 82, line 19.

Laurent Gbagbo<sup>7</sup> and the Defence of Charles Blé Goudé,<sup>8</sup> on the issue whether the Request should be granted.

5. Rule 103(1) of the Rules provides that “[a]t any stage of the proceedings, the Chamber may, if it considers it desirable for the proper determination of the case, invite or grant leave to a State, organization or person to submit, in writing or orally, any observation on any issue that the Chamber deems appropriate”.
6. The Chamber observes that the purpose of Rule 103 of the Rules is to allow it to obtain submissions from external entities when deemed desirable for the determination of a matter before it and not to allow external entities to intervene in the proceedings as if they were parties and present independent requests. Moreover, also considering that there was agreement among the parties that there was no issue before the Chamber warranting the use of Rule 103(1) of the Rules, and the interests of the accused are duly represented by counsel, there is no reason to permit a third entity to make interventions in their defence. Finally, the Chamber emphasises that it does not require *amicus curiae* submissions on the law applicable in proceedings before the Court.
7. Accordingly, the Chamber does not deem the proposed submissions to be necessary nor appropriate for the proper determination of any issue in the present trial.

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<sup>6</sup> *Ibid.*, page 82, line 22, to page 87, line 22.

<sup>7</sup> *Ibid.*, page 88, line 7, to page 90, line 19.

<sup>8</sup> *Ibid.*, page 90, line 22, to page 92, line 12.

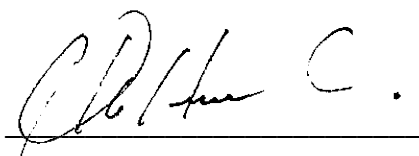
**FOR THE FOREGOING REASONS, THE CHAMBER HEREBY**

**REJECTS** the Request.

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



**Judge Cuno Tarfusser, Presiding Judge**



**Judge Olga Herrera Carbuca**



**Judge Geoffrey Henderson**

Dated 26 January 2018

At The Hague, The Netherlands