

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

No.: ICC-02/11-01/15
Date: **23 September 2021**

ARTICLE 85 CHAMBER

Before: Judge Reine Alapini-Gansou, Presiding Judge
Judge Joanna Korner
Judge Sergio Gerardo Ugalde Gordínez

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

Public

Order setting a deadline for a response

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

The Office of the Prosecutor

Mr Karim A.A. Khan

Mr James Stewart

Counsel for Laurent Gbagbo

Counsel for Mr Charles Blé Goudé

Mr Geert-Jan Alexander Knoops

Mr Claver N'dry

Legal Representatives of Victims

Ms 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

Amicus Curiae

REGISTRY

Registrar

Mr Peter Lewis

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Others

The **ARTICLE 85 CHAMBER** ('Chamber') of the International Criminal Court ('Court'), in Article 85 proceedings related to the case of *The Prosecutor v. Laurent Gbagbo and Charles Blé Goudé*, issues this 'Order setting a deadline for a response'.

1. On 9 September 2021, Mr Blé Goudé filed a request for compensation pursuant to Article 85 of the Rome Statute ('Request') before the Presidency.¹ On 17 September 2021, the Office of the Prosecutor ('Prosecution') requested, *inter alia*, that it be permitted to respond to the merits of the Request by 15 December 2021, and that any hearing on the matter not be held before February 2022.² On 20 September 2021, the Office of Public Counsel for Victims ('OPCV'), whose principal counsel, Ms Massidda, represented the victims in the previous proceedings in the case against Mr Blé Goudé, seeks the same 15 December 2021 deadline to convey the views and concerns of the victims on the Request. The OPCV also supports the Prosecution's request as to the timing of any hearing.³ On 22 September 2021, the defence team of Mr Blé Goudé ('Defence') responded.⁴
2. Pursuant to Rule 174(1) of the Rules of Procedure and Evidence ('Rules'), the Prosecution shall be given an opportunity to respond in writing. Having regard to the scope and content of Request, the Chamber considers it appropriate to extend the response deadline beyond the regular ten days,⁵ but does not consider the time frame as requested by the Prosecution to be reasonable. The

¹ Mr Blé Goudé's Request for Compensation pursuant to Article 85(3) of the Rome Statute, ICC-02/11-01/15-1411-Conf-Exp. A public redacted version was filed the same day (ICC-02/11-01/15-1411-Red).

² Prosecution response in relation to Mr Blé Goudé's request for a hearing in relation to article 85(3) of the Statute and further request to set a timetable for litigation, ICC-02/11-01/15-1414.

³ Victims' Response to Mr Blé Goudé's request for a hearing pursuant to rule 174(2) of the Rules of Procedure and Evidence, ICC-02/11-01/15-1415.

⁴ Blé Goudé Defence consolidated response to the "Prosecution response in relation to Mr Blé Goudé's request for a hearing in relation to article 85(3) of the Statute and further request to set a timetable for litigation" (ICC-02/11-01/15-1414) and motion to strike the "Victims' Response to Mr Blé Goudé's request for a hearing pursuant to rule 174(2) of the Rules of Procedure and Evidence" (ICC-02/11-01/15-1415), ICC-02/11-01/15-1417-Conf-Exp. A public redacted version was filed the same day: ICC-02/11-01/15-1417-Red.

⁵ See Regulations 24 and 34(b) of the Regulations of the Court.

deadline for the Prosecution's response on the merits is set for 15 November 2021.

3. The Chamber has taken note of the request by the OPCV to convey the views and concerns of the victims. The Defence submits that the request ought to be dismissed *in limine*, as the victims have no standing in Article 85 proceedings before the Court.⁶ The Chamber notes that the applicable rules indeed do not refer to the legal representatives of victims, and that such representatives were not part of previous Article 85 proceedings before the Court. The OPCV submits that presenting the views and concerns of the victims is opportune given 'the importance of the matter for the [v]ictims who participated in the proceedings and of its impact on their interests'.⁷ However, as also noted by the Defence, the OPCV has not indicated how the interests of the victims who participated in the aforementioned criminal trial, which have ended with the acquittals of the accused persons, as confirmed by the Appeals Chamber, are affected by compensation proceedings. The OPCV is therefore instructed to explain on what legal basis it ought to be permitted to be part of the present Article 85 proceedings and convey the views and concerns of victims. The explanation is to be filed within seven days from the notification of this order.
4. As to Mr Blé Goudé's request for a hearing and the Prosecution's response on the timing thereof, the Chamber considers that it is not opportune to hold a hearing prior to receiving the written submissions. Mr Blé Goudé's request will be revisited once the written submissions have been filed.

⁶ ICC-02/11-01/15-1417-Red, paras 16-22.


⁷ ICC-02/11-01/15-1415, para. 6.

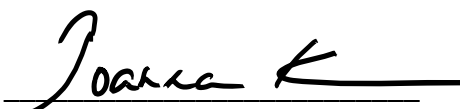
FOR THESE REASONS, THE CHAMBER HEREBY

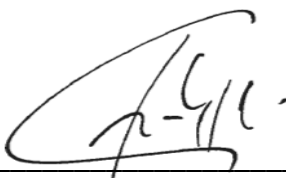
SETS the deadline for the Prosecution's response to the Request for 15 November 2021;

INSTRUCTS the OPCV to provide the abovementioned explanation within seven days from the notification of the present order.

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



Judge Reine Alapini-Gansou
Presiding Judge

Judge Joanna Korner

Judge Sergio Gerardo Ugalde Gordínez

23 September 2021

At The Hague, The Netherlands