

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: **English**

No.: **ICC-02/11-01/15**  
Date: **1 March 2022**

**THE PRESIDENCY**

**Before:** Judge Piotr Hofmański, President  
Judge Luz del Carmen Ibáñez Carranza, First Vice-President  
Judge Antoine Kesia-Mbe Mindua, Second Vice-President

**SITUATION IN CÔTE D'IVOIRE**

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

**Public**

**Decision constituting Trial Chamber VII and referring to it two requests in accordance with the Appeals Chamber's 'Decision on counsel for Mr Gbagbo's requests (ICC-02/11-01/15-1408-tENG and ICC-02/11-01/15-1410-tENG)' dated 15 October 2021 (ICC-02/11-01/15-1422)**

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

**The Office of the Prosecutor**  
Mr Karim Khan  
Mr James Stewart

**Counsel for Mr Gbagbo**  
Mr Emmanuel Altit

**Counsel for Mr Blé Goudé**  
Mr Geert-Jan Alexander Knoops

**Legal Representatives of the Victims**  
Ms Paolina Massidda

**Legal Representatives of Applicants**

**Unrepresented Victims**

**Unrepresented Applicants  
(Participation/Reparation)**

**The Office of Public Counsel for Victims**

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

**States' Representatives**

*Amicus Curiae*

**REGISTRY**


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**Registrar**  
Mr Peter Lewis

**Detention Section**

**Division of Court Services**

**Other**  
Trial Chamber VII

**THE PRESIDENCY** of the International Criminal Court (the ‘Court’);

**NOTING** that, on 15 January 2019, Trial Chamber I, by majority, acquitted Mr Gbagbo of all charges (the ‘Trial Chamber Decision’);<sup>1</sup>

**NOTING** the Presidency’s decision of 16 March 2021 assigning judges to divisions and recomposing Chambers, in which it, *inter alia*, dissolved Trial Chamber I to which the case of *The Prosecutor v. Laurent Gbagbo and Charles Blé Goudé* was assigned;<sup>2</sup>

**NOTING** that, on 31 March 2021, the Appeals Chamber rejected the Prosecutor’s appeal and confirmed, by majority, the Trial Chamber Decision;<sup>3</sup>

**NOTING** the ‘Request for the Record of the Case to be Made Public to the Greatest Extent Possible and for the Creation of a Public Database to that End’ dated 19 July 2021 and the ‘Request for the Decisions which the Judges Issued via Email to Be Placed in the Record of the Case’ dated 3 September 2021 filed by Mr Laurent Gbagbo before the Appeals Chamber (the ‘Requests’);<sup>4</sup>

**NOTING** the decision of the Appeals Chamber dated 15 October 2021, which held that the issues raised in the two Requests did not fall in the remit of residual matters concerning the appeal against the Trial Chamber Decision and that, in these circumstances, the Appeals Chamber was not the proper forum to address these matters, and consequently referred the

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<sup>1</sup> Trial Chamber I, *The Prosecutor v. Laurent Gbagbo and Charles Blé Goudé*, Transcript of hearing, ICC-02/11-01/15-T-232-ENG, 15 January 2019, p. 4, lines 14-18. The written reasons for this oral decision were issued on 16 July 2019. Trial Chamber I, *The Prosecutor v. Laurent Gbagbo and Charles Blé Goudé*, 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, 16 July 2019, ICC-02/11-01/15-1263, p. 8.

<sup>2</sup> Presidency, *The Prosecutor v. Laurent Gbagbo and Charles Blé Goudé*, Decision assigning judges to divisions and recomposing Chambers, 16 March 2021, ICC-02/11-01/15-1399, p. 7.

<sup>3</sup> Appeals Chamber, *The Prosecutor v. Laurent Gbagbo and Charles Blé Goudé*, Judgment in the appeal of the Prosecutor against Trial Chamber I’s decision on the no case to answer motions, 31 March 2021, ICC-02/11-01/15-1400, p. 3, para. 380.

<sup>4</sup> Defence for Mr Laurent Gbagbo, *The Prosecutor v. Laurent Gbagbo and Charles Blé Goudé*, Request for the Record of the Case to be Made Public to the Greatest Extent Possible and for the Creation of a Public Database to that End, 19 July 2021, ICC-02/11-01/15-1408-tENG; Defence for Mr Laurent Gbagbo, *The Prosecutor v. Laurent Gbagbo and Charles Blé Goudé*, Request for the Decisions which the Judges Issued via Email to Be Placed in the Record of the Case, 3 September 2021, ICC-02/11-01/15-1410-tENG.

Requests to the Presidency for the appointment of a chamber to consider the Requests (the ‘Appeals Chamber Decision’);<sup>5</sup>

**NOTING** the motion filed by Mr Gbagbo before the Presidency on 30 November 2021, seeking clarification on the procedure for the constitution of a Trial Chamber to consider the Requests;<sup>6</sup>

**CONSIDERING** the Appeals Chamber Decision, the Presidency’s powers under article 61(11) of the Rome Statute and that the Requests concern residual matters which *prima facie* fall within the remit of responsibilities of a Trial Chamber;

**HEREBY CONSTITUTES** Trial Chamber VII as follows:

Judge Kimberly Prost;

Judge Sergio Gerardo Ugalde Gordínez; and

Judge Miatta Maria Samba;

**DECIDES** to refer the Requests to Trial Chamber VII for consideration; and

**ORDERS** the Registrar to transmit the Requests to Trial Chamber VII and to notify the present decision to the relevant parties and participants.

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



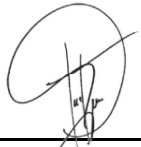
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**Judge Piotr Hofmański**  
**President**

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<sup>5</sup> Appeals Chamber, *The Prosecutor v. Laurent Gbagbo and Charles Blé Goudé*, Decision on counsel for Mr Gbagbo’s requests (ICC-02/11-01/15-1408-tENG and ICC-02/11-01/15-1410-tENG), 15 October 2021, ICC-02/11-01/15-1422, p. 3, para. 19.

<sup>6</sup> Defence for Mr Laurent Gbagbo, *The Prosecutor v. Laurent Gbagbo and Charles Blé Goudé*, Demande de clarification concernant la procédure de constitution d’une chambre de première instance chargée d’examiner les requêtes pendantes de la Défense, 30 November 2021, ICC-02/11-01/15-1426, paras 10-11.



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**Judge Luz del Carmen Ibáñez Carranza**  
**First Vice-President**



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**Judge Antoine Kesia-Mbe Mindua**  
**Second Vice-President**

Dated this 1 March 2022

At The Hague, The Netherlands