



# Questions and answers

## *Questions and Answers on the case*

### *The Prosecutor*

*v.*

### *Charles Blé Goudé*



#### Who is Charles Blé Goudé ?

Charles Blé Goudé, national of Côte d'Ivoire, 42 years of age, was born on 1 January 1972 in Niagbrahio, Gagnoa or in Guibéroua, Gagnoa in Côte d'Ivoire.

#### What crimes is Charles Blé Goudé alleged to have committed?

Charles Blé Goudé allegedly bears individual criminal responsibility, as indirect co-perpetrator, for four counts of crimes against humanity, namely murder, rape and other forms of sexual violence, persecution, and other inhuman acts, allegedly committed in the territory of Côte d'Ivoire between 16 December 2010 and 12 April 2011.

By issuing a warrant of arrest for Mr Blé Goudé, the Chamber considers 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, targeting civilians who they believed were supporters of the opponent candidate Alassane Ouattara.
- The attacks were widespread and systematic, were committed over an extended time period and over large geographic areas, and followed a similar general pattern.
- The attacks were often directed at specific ethnic or religious communities and left a high number of reported victims.

The Chamber also found that there are reasonable grounds to believe that:

- A plan existed between Mr Gbagbo and his inner circle, and that they were aware that implementing it would lead to the commission of the alleged crimes.
- Mr Blé Goudé was part of Mr Gbagbo's inner circle, and made a coordinated and essential contribution to the realisation of the plan.
- As a member of Mr Gbagbo's inner circle, he 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 chain of command of the Ivorian Defence and Security Forces, which were reinforced by youth militias and mercenaries loyal to Mr Gbagbo.

#### What is an initial appearance hearing?

During the initial appearance hearing, the single Judge verifies the identity of the suspect and the language in which he is able to follow the proceedings. The suspect is also informed of the charges against him and of his rights.



## What will happen after the initial appearance hearing?

At the initial appearance hearing, the confirmation of charges hearing was scheduled to open on 18 August 2014.

The Chamber will soon set a calendar for proceedings leading to the confirmation of charges hearing, including for upcoming status conferences and for the disclosure of evidence. The confirmation of charges hearing is scheduled to open on 18 August 2014.

A confirmation of charges hearing is not a trial or a mini-trial. It is a public, pre-trial hearing during which the ICC's Pre-Trial Chamber will decide whether or not to confirm all or any of the charges brought against the suspect by the Prosecutor and, if confirmed, to commit the case to trial before a Trial Chamber.

The Prosecution is required to support each of the charges with sufficient evidence to establish substantial grounds to believe that the suspect committed the crimes with which he is charged.

In addition to the Prosecution and the Defence, the legal representatives of the victims may attend the hearing and may make an oral presentation.

## What are the rights of the suspect before the ICC?

All suspects are presumed innocent until proven guilty beyond reasonable doubt. Like all suspects before the ICC, Mr Blé Goudé has the right to a public, fair and impartial hearing of his case. To this end, a series of guarantees are set out in the Court's legal documents, including the following rights, to mention but a few:

- to be defended by the counsel (lawyer) of his choice, to present evidence and witnesses of his own and to use a language which he fully understands and speaks;
- to be informed in detail of the charges against him in a language which he fully understands and speaks;
- to have adequate time and facilities for the preparation of his defence and to communicate freely and in confidence with counsel;
- to be tried without undue delay;
- not to be compelled to testify or to confess guilt, and to remain silent, without such silence being a consideration in the determination of guilt or innocence;
- to have the Prosecutor disclose to the Defence evidence in his possession or control which he believes shows or tends to show the innocence of the defendant, or to mitigate the guilt of the defendant, or which may affect the credibility of the Prosecution's evidence.

## What are the conditions of the detention of Mr Blé Goudé at the ICC detention centre?

The ICC detention centre operates in conformity with the highest international human rights standards for the treatment of detainees, such as the United Nations Standard Minimum Rules. At the ICC detention centre, the daily schedule affords the detainees the opportunity to take walks in the courtyard, exercise, receive medical care, take part in manual activities and have access to the facilities at their disposal for the preparation of their defence. ICC detainees also have access to computers, a TV, books and magazines. Each 10m<sup>2</sup> cell is designed to hold one person only. A standard cell contains a bed, desk, shelving, cupboard, toilet, hand basin, TV and an intercom system to contact the guards when the cell is locked.

Persons convicted of crimes under the jurisdiction of the ICC do not serve their sentence at the ICC detention centre in The Hague, as the facility is not designed for long-term imprisonment. Convicted persons are therefore transferred to a prison outside the Netherlands, in a State designated by the Court from a list of States which have indicated their willingness to allow convicted persons to serve their sentence there.

## Who are the Judges sitting in this case?

Pre-Trial Chamber I is composed of Judges Silvia Fernández de Gurmendi (presiding), Hans-Peter Kaul and Christine Van den Wyngaert.

The ICC Judges are persons of high moral character, impartiality and integrity who possess the qualifications required in their respective States for appointment to the highest judicial offices. All have extensive experience relevant to the Court's judicial activity. The Judges are elected by the Assembly of States Parties on the basis of their established competence in criminal law and procedure and in relevant areas of international law such as international humanitarian law and the law of human rights.



## How and why can victims participate in the proceedings?

The Rome Statute, founding treaty of the Court, is innovative in several respects. One of the most significant points is that it grants victims rights never previously granted to victims before an international criminal court. Victims can become involved in proceedings before the ICC by sending information to the Prosecutor to ask him to open an investigation, by willingly testifying before the Court, or by participating in the proceedings through their legal representatives (i.e., their lawyers).

This voluntary participation enables victims to express an opinion independently of the parties and offers them the opportunity to voice their own concerns and interests. If the Court considers it appropriate, victims may present their point of view directly to the judges at various stages in the proceedings. Such participation is generally through a legal representative who presents their views and concerns to the Court, since criminal proceedings are quite complex.

Should victims wish to participate in proceedings, they are required to fill out an application for participation form. Applications are free of charge. Victims may obtain a copy of the application forms from the Victims Participation and Reparations Section in The Hague or Abidjan, using the contact details provided below.

Because the modalities of participation in the proceedings in this case have not yet been defined by the Judges, victims should contact the Victims Participation and Reparations Section in The Hague or in Abidjan before completing any application form.

The Hague, Netherlands:

International Criminal Court  
Victims Participation and Reparations Section  
P.O. Box 19519  
2500 CM, The Hague  
The Netherlands  
Fax: +31 (0) 70 515 9100  
Email: [vprsapplications@icc-cpi.int](mailto:vprsapplications@icc-cpi.int)

Abidjan, Côte d'Ivoire :  
Téléphone : +225 59 67 26 34

## Questions regarding the Situation in Côte d'Ivoire

### Why is the ICC intervening in the situation in Côte d'Ivoire and what are the crimes under investigation by the ICC Prosecutor?

The ICC is a court of last resort. It can intervene only under the principle of complementarity. It can investigate and, where warranted, prosecute and try individuals only if the State concerned does not, cannot or is unwilling genuinely to do so. This might occur where proceedings are unduly delayed or are intended to shield individuals from their criminal responsibility.

Côte d'Ivoire had accepted the Court's jurisdiction on 18 April 2003 and this was reconfirmed by the Ivoirian Presidency on 14 December 2010 and 3 May 2011. On 15 February 2013, Côte d'Ivoire ratified the Rome Statute.

Following the declaration of Côte d'Ivoire accepting the jurisdiction of the Court, the ICC Prosecutor conducted a preliminary examination of the situation. He concluded that the criteria to open an investigation are met and submitted, on 23 June 2011, a request for authorisation to open investigations on his own initiative (called investigation proprio motu) into the situation in Côte d'Ivoire.

On 3 October 2011, Pre-Trial Chamber III granted the Prosecutor's request to open investigations in Côte d'Ivoire with respect to alleged crimes within the Court's jurisdiction, committed since 28 November 2010, as well as with regard to crimes that may be committed in the future in the context of this situation. On 22 February 2012, Pre-Trial Chamber III expanded its authorisation to include crimes within the Court's jurisdiction allegedly committed between 19 September 2002 and 28 November 2010. The ICC Office of the Prosecutor's investigation in Côte d'Ivoire is ongoing.



## Will the ICC prosecute other suspects in Côte d'Ivoire?

The ICC Office of the Prosecutor of the ICC continues its impartial investigations on all crimes, especially those committed during the post-election violence between November 2010 and April / May 2011, regardless of their potential authors and their affiliations. As stated by ICC Prosecutor Fatou Bensouda on the day of the transfer of Mr Blé Goudé: "Let me be clear. This is not the end of our work in Côte d'Ivoire: our investigations will continue; we will collect more evidence, and as warranted, bring further cases before the ICC judges without fear or favour, and irrespective of sides or political affiliation of the perpetrators."

## Will Simone Gbagbo also be transferred to the ICC?

A warrant of arrest against Simone Gbagbo was issued by the ICC on 29 February 2012 and unsealed on 22 November 2012.

In this case, the authorities of Côte d'Ivoire have challenged the admissibility of the case before ICC judges, arguing that proceedings for the same person and the same crimes are on-going at national level. A decision by the ICC Pre-Trial Chamber is expected to be made on this issue in due course.

The Chamber decided that Côte d'Ivoire may postpone the execution of Mrs Gbagbo's surrender request pending a final determination by the Chamber on the admissibility challenge. The Chamber has emphasised that such postponement is only temporary and that the warrant of arrest remains valid.

The postponement of the surrender request in no way affects Côte d'Ivoire's continuing obligation to cooperate with the Court.

## What is the status of the Laurent Gbagbo case?

The cases against Laurent Gbagbo and Charles Blé Goudé are two separate cases and follow distinct proceedings.

On 3 June 2013, Pre-Trial Chamber I adjourned the hearing on the confirmation of charges in the Laurent Gbagbo case and requested the Prosecutor to consider providing further evidence or conducting further investigation with respect to the charges presented against Laurent Gbagbo.

A timetable for such process was set by the Chamber and is currently on-going, after which the Chamber will examine whether or not there is sufficient evidence to confirm the charges in the case and send it to trial.