

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-02/11-01/15

Date: 8 May 2015

TRIAL CHAMBER I

Before: Judge Geoffrey Henderson, Single Judge

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

Public

**Order requesting the parties' and participants' observations under Article 60(3) of
the Statute**

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

The Office of the Prosecutor

Ms Fatou Bensouda

Mr James Stewart

Mr Eric MacDonald

Counsel for Laurent Gbagbo

Mr Emmanuel Altit

Ms Agathe Bahi Baroan

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**

Ms Paolina Massidda

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

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Mr Herman von Hebel

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Others

Judge Geoffrey Henderson, acting as Single Judge on behalf of Trial Chamber I (respectively, ‘Single Judge’ and ‘Chamber’)¹ of the International Criminal Court (‘Court’), in the case of *The Prosecutor v. Laurent Gbagbo and Charles Blé Goudé*, having regard to Articles 58(1), 60(3), 61(11) and 64(6)(a) of the Rome Statute (‘Statute’) and Rules 118(2) and 119 of the Rules of Procedure and Evidence (‘Rules’), issues the following ‘Order requesting the parties’ and participants’ observations under Article 60(3) of the Statute’.

1. On 13 July 2012,² 12 November 2012,³ 12 March 2013,⁴ 11 July 2013,⁵ 11 November 2013,⁶ 12 March 2014⁷ and 11 July 2014,⁸ Laurent Gbagbo (‘Mr Gbagbo’) had his detention reviewed by Pre-Trial Chamber I. On each occasion, Pre-Trial Chamber I’s Single Judge decided that Mr Gbagbo shall continue to be detained.

¹ Where ‘Chamber’ is used in this decision it refers to both Trial Chamber I as composed by the Presidency’s ‘Decision replacing a judge in Trial Chamber I’, 18 March 2015, ICC-02/11-01/15-8-AnxI, and to the chamber in its previous composition.

² Decision on the “Requête de la Défense demandant la mise en liberté provisoire du président Gbagbo”, 13 July 2012, ICC-02/11-01/11-180-Conf (public redacted version at ICC-02/11-01/11-180-Red), upheld by the Appeals Chamber, Judgment on the appeal of Mr Laurent Koudou Gbagbo against the decision of Pre-Trial Chamber I of 13 July 2012 entitled “Decision on the ‘Requête de la Défense demandant la mise en liberté provisoire du président Gbagbo’”, 26 October 2012, ICC-02/11-01/11-278-Conf (public redacted version at ICC-02/11-01/11-278-Red).

³ Decision on the review of Laurent Gbagbo’s detention pursuant to article 60(3) of the Rome Statute, 12 November 2012, ICC-02/11-01/11-291.

⁴ Second decision on the review of Laurent Gbagbo’s detention pursuant to article 60(3) of the Rome Statute, 12 March 2013, ICC-02/11-01/11-417-Conf.

⁵ Third decision on the review of Laurent Gbagbo’s detention pursuant to article 60(3) of the Rome Statute, 11 July 2013, ICC-02/11-01/11-454, upheld by the Appeals Chamber, Judgment on the appeal of Mr Laurent Gbagbo against the decision of Pre-Trial Chamber I of 11 July 2013, entitled “Third decision on the review of Laurent Gbagbo’s detention pursuant to article 60(3) of the Rome Statute”, 29 October 2013, ICC-02/11-01/11-548-Conf and annexes (public redacted version at ICC-02/11-01/11-548-Red).

⁶ Fourth decision on the review of Laurent Gbagbo’s detention pursuant to article 60(3) of the Rome Statute, 11 November 2013, ICC-02/11-01/11-558.

⁷ Fifth decision on the review of Laurent Gbagbo’s detention pursuant to article 60(3) of the Rome Statute, 12 March 2014, ICC-02/11-01/11-633.

⁸ Sixth decision on the review of Laurent Gbagbo’s detention pursuant to article 60(3) of the Rome Statute, 11 July 2014, ICC-02/11-01/11-668.

2. On 11 November 2014⁹ and 11 March 2015,¹⁰ the Chamber reviewed Mr Gbagbo's detention and decided that he shall continue to be detained. On both occasions, the Chamber also decided to defer its decision on the conditional release of Mr Gbagbo on the basis that it was 'not yet in a position to assess the possibility of conditional release'.
3. On 7 April 2015, the defence team for Mr Gbagbo ('Defence') and Registry filed the ninth joint report concerning issues related to Mr Gbagbo's health ('Ninth Joint Report').¹¹
4. The Single Judge recalls that, pursuant to Article 60(3) of the Statute and Rule 118(2) of the Rules, Mr Gbagbo's pre-trial detention shall be reviewed at least every 120 days. The parties and participants will accordingly be given an opportunity to make any observations on Mr Gbagbo's continued detention or release (with or without conditions), including the existence of any changed circumstances. The Ninth Joint Report will be considered in this context.

⁹ Seventh decision on the review of Mr Laurent Gbagbo's detention pursuant to Article 60(3) of the Statute, 11 November 2014, ICC-02/11-01/11-718-Conf (public redacted version at ICC-02/11-01/11-718-Red) ('Seventh Article 60(3) Decision').

¹⁰ Eighth decision on the review of Mr Laurent Gbagbo's detention pursuant to Article 60(3) of the Statute, 11 March 2015, ICC-02/11-01/11-808.

¹¹ *Neuvième rapport commun du Greffe et de la Défense sur les avancées concernant la mise en œuvre de mesures propres à assurer l'amélioration de l'état de santé de Monsieur Laurent Gbagbo*, 7 April 2015, notified on 8 April 2015, ICC-02/11-01/15-23-Conf-Exp and confidential, *ex parte*, Defence and Registry only, annexes.

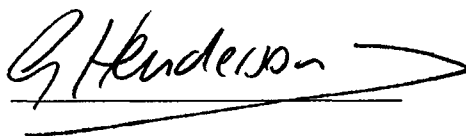
FOR THE FOREGOING REASONS, THE SINGLE JUDGE HEREBY

ORDERS the Defence to submit any observations on Mr Gbagbo's continued detention or release (with or without conditions), including the existence of any changed circumstances pursuant to Article 60(3) of the Statute, on 28 May 2015;

ORDERS the Office of the Prosecutor and the Legal Representative of Victims to file any observations on Mr Gbagbo's continued detention or release (with or without conditions), including the existence of any changed circumstances pursuant to Article 60(3) of the Statute, on 11 June 2015; and

ORDERS the Defence to file its response, if any, on 25 June 2015.

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

A handwritten signature in black ink, reading "G. Henderson", with a long horizontal line extending to the right from the end of the signature.

Judge Geoffrey Henderson, Single Judge

Dated 8 May 2015

At The Hague, The Netherlands