

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: *English*

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

Date: **15 April 2015**

TRIAL CHAMBER I

Before:

**Judge Geoffrey Henderson, Presiding Judge
Judge Olga Herrera-Carbuccia
Judge Bertram Schmitt**

SITUATION IN COTE D'IVOIRE

IN THE CASE OF

THE PROSECUTOR v. LAURENT GBAGBO AND CHARLES BLE GOUDE

Public

Withdrawal of the Defence request for leave to appeal the “Decision on Defence requests for clarification of that portion of the Joinder Decision relating to review of the Gbagbo and Blé Goudé case records, and extension of time to conduct its review (ICC-02/11-01/15-14)”

Source: Defence of Mr Charles Blé Goudé

Document 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 the Defence of Mr Blé Goudé

Mr Geert-Jan Alexander Knoops
Mr Claver N'dry

Counsel for the Defence of Mr Gbagbo

Mr Emmanuel Altit
Ms Agathe Bahi Baroan

Legal Representatives of the Victims

Ms. Paolina Massidda

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

The Office of Public Counsel for Victims

Ms. Paolina Massidda
Mr. Enrique Carnero Rojo

**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**

Other

I. Procedural history

1. On 11 December 2014, Pre-Trial Chamber I confirmed the charges against Mr. Blé Goudé¹ while on 20 December 2014, the Presidency referred the case to the Chamber.²
2. On 22 December 2014, the Prosecutor requested the Chamber to join the *Gbagbo* and the *Blé Goudé* cases.³
3. On 11 March 2015, Trial Chamber I ("the Chamber") issued two decisions: (i) the "Decision on Defence's requests seeking leave to appeal the 'Decision on the Legal Representative of Victims' access to certain confidential filings and to the case record' and seeking suspensive effect of it" ("the Decision on the *Gbagbo* case record"),⁴ and (ii) the "Decision on Prosecution requests to join the cases of *The Prosecutor v. Laurent Gbagbo* and *The Prosecutor v. Charles Blé Goudé* and related matters" ("the Joinder Decision").⁵

¹ Pre-Trial Chamber I, Decision on the confirmation of charges against Charles Blé Goudé, 11 December 2014, ICC-02/11-02/11-186. See also Partly Dissenting Opinion of Judge Christine Van den Wyngaert, ICC-02/11-02/11-186-Anx.

² Corrigendum to the "Decision referring the case of *The Prosecutor v. Charles Blé Goudé* to Trial Chamber I", ICC-02/11-02/11-193, 20 December 2014 (registered on 22 December 2014), 20 December 2014, ICC-02/1102/11-193-Corr.

³ ICC-02/11-02/11-194.

⁴ Trial Chamber I, Decision on Defence's requests seeking leave to appeal the 'Decision on the Legal Representative of Victims' access to certain confidential filings and to the case record' and seeking suspensive effect to it, 11 March 2015, ICC-02/11-01/11-809.

⁵ Trial Chamber I, Decision on Prosecution requests to join the cases of *The Prosecutor v. Laurent Gbagbo* and *The Prosecutor v. Charles Blé Goudé* and related matters, 11 March 2015, ICC-02/11-02/11-222, ICC-02/11-01/11-810 and ICC-02/11-01/15-1.

4. On 16 March 2015, the Defence team of Charles Blé Goudé (“the Defence”) filed a request for leave to appeal the Joinder Decision⁶ which is still pending before the Chamber.
5. On 27 March 2015, the Defence of Mr. Gbagbo filed a Request for clarification related to the Joinder Decision and, depending upon the clarification given, sought an extension of the 7 April above mentioned deadline by three weeks (“the Request for clarification”).⁷
6. On 2 April 2015, the Defence joined the Request for clarification submitted by the Defence of Mr. Gbagbo.⁸
7. On the same day, by email sent to the parties and participants, the Chamber issued the “Decision on Defence requests for clarification of that portion of the Joinder Decision relating to review of the *Gbagbo* and *Blé Goudé* case records, and extension of time to conduct its review (ICC-02/11-01/15-14)” (“the Decision on clarification”),⁹ by which it granted the requested three-week extension of time but denied all other requests stating that “[the] Chamber will provide reasons for this decision in due course.”
8. On 8 April 2015, the Defence submitted a request for clarification on the deadline applying for seeking leave to appeal the above mentioned decision

⁶ Defence Request for Leave to Appeal the “Decision on Prosecution requests to join the cases of *The Prosecutor v. Laurent Gbagbo* and *The Prosecutor v. Charles Blé Goudé* and related matters”, 16 March 2015, ICC-02/11-01/15-5.

⁷ Demande aux fins de clarification de la “Decision on Prosecution requests to join the cases of *The Prosecutor v. Laurent Gbagbo* and *The Prosecutor v. Charles Blé Goudé* and related matters” rendue par la Chambre de premiere instance I le 11 mars 2015 (ICC-02/11-01/11-810), 27 March 2015, ICC-02/11-01/15-14, para. 25-26.

⁸ Defence response to the “Demande aux fins de clarification de la “Decision on Prosecution requests to join the cases of *The Prosecutor v. Laurent Gbagbo* and *The Prosecutor v. Charles Blé Goudé* and related matters” rendue par la Chambre de premiere instance I le 11 mars 2015 (ICC-02/11-01/11-810)” and Request for clarification of the same decision, 2 April 2015, ICC-02/11-01/15-20.

⁹ Trial Chamber I, Decision on Defence requests for clarification of that portion of the Joinder Decision relating to review of the *Gbagbo* and *Blé Goudé* case records, and extension of time to conduct its review (ICC-02/11-01/15-14), email sent by Trial Chamber I to the parties and participants on 2 April 2015, 4:10 pm.

and the Defence also requested to be granted leave to appeal the decision if the deadline had begun to run from 2 April 2015.¹⁰

9. On 13 April 2015, the Chamber issued the reasoned “Decision on requests for clarification concerning review of the case record and extension of time” (“the reasoned Decision”).¹¹

II. Submission

10. Considering the reasons presented by the Chamber which are the basis of the reasoned Decision, the Defence no longer intends to seek leave to appeal the Decision on clarification.

11. Therefore, the Defence hereby withdraws its request to seek leave to appeal the Decision on clarification.

¹⁰ Defence request for leave to appeal the “Decision on Defence requests for clarification of that portion of the Joinder Decision relating to review of the Gbagbo and Blé Goudé case records, and extension of time to conduct its review (ICC-02/11-01/15-14)”, 8 April 2015, ICC-02/11-01/15-24.

¹¹ Trial Chamber I, Decision on requests for clarification concerning review of the case record and extension of time, 13 April 2015, ICC-02/11-01/15-30.



A handwritten signature in dark ink, appearing to read 'Mr. Knoop', is written over a horizontal line. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Mr. Knoop, Lead Counsel and Mr. N'Dry, Co-Counsel

Dated this 15 April 2015.

At The Hague, the Netherlands