

**Cour
Pénale
Internationale**

**International
Criminal
Court**



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

Date: 11 June 2015

TRIAL CHAMBER I

Before: Judge Geoffrey Henderson, Presiding Judge
Judge Olga Herrera Carbuccion
Judge Bertram Schmitt

SITUATION IN CÔTE D'IVOIRE

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

Public Document

**Observations of the Common Legal Representative of Victims on the
periodic review of Mr. Gbagbo's detention**

Source: Office of Public Counsel for Victims

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

Counsel for Mr Laurent Gbagbo

Mr Emmanuel Altit

Ms Agathe Bahi Baroan

Counsel for Mr Blé Goudé

Mr Geert-Jan Alexander Knoops

Mr Claver N'dry

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

Ms Ludovica Vetrucchio

**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 background

1. On 11 March 2015, Trial Chamber I (the “Chamber”) issued the “Eighth decision on the review of Mr Laurent Gbagbo’s detention pursuant to Article 60(3) of the Statute”,¹ deciding that the Accused shall remain in detention.

2. On 11 May 2015, the Single Judge of the Chamber issued an “Order requesting the parties’ and participants’ observations under Article 60(3) of the Statute”,² requesting the Defence to submit any observations on Mr Gbagbo’s continued detention or release (with or without conditions) by 28 May 2015; the Prosecution and the Common Legal Representative to file any observation on the matter by 11 June 2015; and the Defence to file its response by 25 June 2015.

3. On 28 May 2015, the Defence filed the “Soumissions de la défense portant sur les conditions d’application des dispositions de l’article 58(1)(b) faites à l’invitation de la Chambre, dans le cadre du neuvième réexamen de la détention”.³

4. In accordance with the instructions of the Single Judge, the Principal Counsel of the Office of Public Counsel for Victims, acting as Common Legal Representative of the victims admitted to participate in the proceedings (the “Common Legal Representative”),⁴ respectfully submits the following observations.

¹ See the “Eighth decision on the review of Mr Laurent Gbagbo’s detention pursuant to Article 60(3) of the Statute” (Trial Chamber I), No. ICC-02/11-01/11-808, 11 March 2015 (the “Eighth Decision on Detention”).

² See the “Order requesting the parties’ and participants’ observations under Article 60(3) of the Statute” (Trial Chamber I, Single Judge), No. ICC-02/11-01/15-61, 11 May 2015.

³ See the “Soumissions de la défense portant sur les conditions d’application des dispositions de l’article 58(1)(b) faites à l’invitation de la Chambre, dans le cadre du neuvième réexamen de la détention”, No. ICC-02/11-01/15-83, 28 May 2015 (the “Defence’s Submissions”).

⁴ See the “Decision on victim participation” (Trial Chamber I), No. ICC-02/11-01/11-800, 6 March 2015.

II. Observations on the absence of changed circumstances which could warrant a different detention regime

5. The Common Legal Representative submits that Mr Gbagbo must continue to be detained because there have been no changed circumstances in the sense of article 60(3) of the Rome Statute since the last decision of the Chamber on the matter.

6. In particular, the Common Legal Representative considers that the conclusions of the Chamber in its previous decision – and especially on the fact that there has been no change in the circumstances since November 2014 which would justify the Accused’s release – are still valid today.⁵

7. In this regard, the Common Legal Representative recalls her previous submissions in relation to the need to maintain Mr Gbagbo’s detention in order to ensure his appearance at trial and that he does not obstruct or endanger the proceedings.⁶

8. Moreover, the Common Legal Representative submits that, contrary to the Defence’s assertions,⁷ the pro-Gbagbo network not only exists but is very active and

⁵ See the Eighth Decision on Detention, *supra* note 1, paras. 24-30, 35 and 39. See also the “Seventh decision on the review of Mr Laurent Gbagbo’s detention pursuant to article 60(3) of the Statute” (Trial Chamber I), No. ICC-02/11-01/11-718-Red, 11 November 2014, paras. 43, 60 and 65; the “Sixth decision on the review of Laurent Gbagbo’s detention pursuant to article 60(3) of the Rome Statute” (Pre-Trial Chamber I, Single Judge), No. ICC-02/11-01/11-668, 11 July 2014, para. 42; the “Fifth Decision on Review of Detention” (Pre-Trial Chamber I), No. ICC-02/11-01/11-633, para. 34; the “Fourth Decision on Review of Detention” (Pre-Trial Chamber I), No. ICC-02/11-01/11-558, paras. 43, 46 and 52; the “Third decision on the review of Laurent Gbagbo’s detention pursuant to article 60(3) of the Rome Statute” (Pre-Trial Chamber I), No. ICC-02/11-01/11-454, 11 July 2013, paras. 37, 44 and 50; the “Public redacted version of the Second decision on the review of Laurent Gbagbo’s detention pursuant to article 60(3) of the Rome Statute” (Pre-Trial Chamber I, Single Judge), No. ICC-02/11-01/11-417-Red, 12 March 2013, paras. 30, 39 and 40-41; and the “Decision on the review of Laurent Gbagbo’s detention pursuant to article 60(3) of the Rome Statute” (Pre-Trial Chamber I, Single Judge), No. ICC-02/11-01/11-291, 12 November 2012, para. 61.

⁶ See the “Observations of the Common Legal Representative of victims on the periodic review of Mr Gbagbo’s detention”, No. ICC-02/11-01/11-764, 11 February 2015 (the “Seventh Review Observations”), para. 12. See also the “Observations of the Common Legal Representative of victims on the periodic review of Mr. Gbagbo’s detention”, No. ICC-02/11-01/11-695, 20 October 2014, paras. 12-13.

⁷ See the Defence’s Submissions, *supra* note 3, paras. 33, 45-56.

the observations she put forward on the occasion of the Seventh Review of Detention are still valid.⁸

9. Therefore, the Common Legal Representative submits that Mr Gbagbo must continue to be detained since the conditions set forth in article 58(1) of the Rome Statute continue to be met, and there have been no changed circumstances in the sense of article 60(3) of the Rome Statute since the last decision of the Chamber on this matter.

FOR THE FOREGOING REASONS, the Common Legal Representative respectfully requests the Trial Chamber to rule that Mr. Gbagbo must remain in detention.



Paolina Massidda
Principal Counsel

Dated this 11th day of June of 2015

At The Hague, The Netherlands

⁸ See the “Seventh Review Observations, *supra* note 6, paras. 14-16. See also “Libération de Gbagbo, voyage d’Affi à La Haye – Des cadres du FPI donnent leur avis”, Notre voie, 23 March 2015. The article refers to a radicalisation within the FPI with the creation of a new faction, the so called “*Gbagbo ou rien*”; available at <http://www.notrevoie.com/develop.asp?id=62098>. See also “Présidentielle 2015 - Affi N’Guessan désigné candidat pour défendre les couleurs du FPI”, All Africa, 23 May 2015 (“[L]e président Affi s’est fixé pour objectif de libérer Laurent Gbagbo. ‘Au moment où Laurent Gbagbo se trouve là où il est, mon premier devoir, c’est de continuer sa lutte pour qu’il retrouve la liberté [...]’”), available at <http://www.fratmat.info/politique/item/24955-pr%C3%A9sidentielle-2015-affi-n%E2%80%99guessan-d%C3%A9sign%C3%A9-candidat-pour-d%C3%A9fendre-les-couleurs-du-fpi>; “Gbagbo ou rien”, All Africa, 7 May 2015 (“*Sans surprise, les extrémistes du Front populaire ivoirien (Fpi) ont « élu » à la tête de leur parti Laurent Gbagbo qui est en attente de jugement à la Cour pénale internationale (Cpi) et « exclu » de leurs rangs ceux d’entre eux qui pensent qu’il existe une vie après Gbagbo*”), available at <http://www.fratmat.info/edito/item/24629-gbagbo-ou-rien>; and “Gossio démonte les frondeurs à Bangolo”, All Africa, 27 April 2015 (“*L’orateur était le vice-président du Fpi, Marcel Gossio. Il est, par ailleurs, chargé de la coordination des actions de libération du président Gbagbo*”), available at <http://fr.allafrica.com/stories/201505030671.html>.