

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 20 November 2019

THE APPEALS CHAMBER

Before:

Judge Chile Eboe-Osuji, Presiding
Judge Howard Morrison
Judge Piotr Hofmański
Judge Luz del Carmen Ibáñez Carranza
Judge Solomy Balungi Bossa

SITUATION IN COTE D'IVOIRE

IN THE CASE OF

THE PROSECUTOR v. LAURENT GBAGBO AND CHARLES BLÉ GOUDÉ

Confidential

Blé Goudé Defence Observations on the Registry's "Transmission of Applications for Victim Participation in Appeal Proceedings and Related Report" (ICC-02/11-01/15-1284)

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

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Mr Claver N'Dry

Counsel for the Defence of Mr Gbagbo

Mr Emmanuel Altit
Ms Agathe Bahi Baroan
Ms Jennifer Naouri

Legal Representatives of the Victims

Ms Paolina Massidda

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented
(Participation/Reparation)**

Applicants

The Office of Public Counsel for Victims

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

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Mr Peter Lewis

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations Other
Section**

Mr Philipp Ambach

I. INTRODUCTION

1. On 8 November 2019, the Victims Participation and Reparations Section ("VPRS") of the Registry submitted for the Appeals Chamber's ("Chamber") consideration fifty (50) new victims' applications for participation in the proceedings ("Victims' Applications").¹
2. On 18 November 2019, the Defense for Mr. Gbagbo ('Gbagbo Defence') filed its "Remarques de la Défense à la suite de la « Transmission of Applications for Victim Participation in Appeal Proceedings and Related Reports » (ICC-02/11-01/15-1284) et demande de rejet de la requête présentée par la Greffe" ("Gbagbo Defence Observations").²
3. The Defence for Mr. Blé Goudé ('the Defence') wishes to join the Gbagbo Defence's main submissions for the reasons that follow.

II. CONFIDENTIALITY

4. The present request is filed on a confidential basis under Regulation 23*bis*(2) since it refers to the confidential Gbagbo Defence Observations.

III. SUBMISSIONS

5. The Defense agrees that the Victims' Applications received by the Registry after the expiry of the deadline fixed by Trial Chamber I in its 6 March 2015 decision,³ should not be considered by the Chamber as doing so would directly contravene Trial Chamber I's ruling. There are no particular circumstances at this stage of the no case to answer proceedings justifying the

¹ ICC-02/11-01/15-1284.

² ICC-02/11-01/15-1285-Conf.

³ ICC-02/11-01/11-800, par. 51.

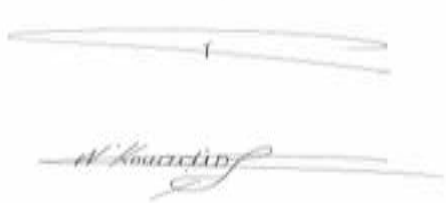
Chamber to depart from the yet applicable Trial Chamber's decision by reviewing and, as the case may be, accepting the late Victims' Applications.

6. As the Gbagbo Defence emphasizes, the Registry itself had decided at the time of receipt of the Victims' Applications not to transmit them to Trial Chamber I based on the conclusion that they had been received after the deadline.⁴ Therefore, the Defence agrees with the Gbagbo Defence that the reason for deciding not to transmit them at the time remains as valid today.
7. For these reasons, the Defence associates itself with the main request made by the Gbagbo Defence in filing number ICC-02/11-01/15-1285-Conf, *i.e.* its request to reject the Victims' Applications transmitted by VPRS to the Chamber.⁵

IV. RELIEF SOUGHT

8. In light of the above, the Defence respectfully requests the Chamber to reject the Victims' Applications.

Respectfully submitted,

A rectangular box containing a handwritten signature in dark ink. The signature is cursive and appears to be "H. Kourouma".

⁴ Gbagbo Defence Observations, para. 13, referring to ICC-02/11-01/15-1284, para. 8.

⁵ Gbagbo Defence Observations, para. 17.

Mr Knoops, Lead Counsel and Mr N'Dry, Co-Counsel

Dated this

20 November 2019,

At The Hague, the Netherlands