



**Original: English**

**No. ICC-02/11-01/15 A**

**Date: 5 February 2020**

**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 THE REPUBLIC OF CÔTE D'IVOIRE**

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

**Public**

**Decision on Mr Gbagbo's request for extension of time to file a response to the  
Prosecutor's appeal brief**

**Decision to be notified in accordance with regulation 31 of the Regulations of the Court to:**

**The Office of the Prosecutor**  
Ms Fatou Bensouda, Prosecutor  
Ms Helen Brady

**Counsel for Laurent Gbagbo**  
Mr Emmanuel Altit  
Ms Agathe Bahi Baroan

**Legal Representative of Victims**  
Ms Paolina Massidda

**Counsel for Charles Blé Goudé**  
Mr Geert-Jan Alexander Knoops  
Mr Claver N'dry

**REGISTRY**

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**Registrar**  
Mr Peter Lewis

The Appeals Chamber of the International Criminal Court,

In the appeal of the Prosecutor against the decision of Trial Chamber I of 15 January 2019 (ICC-02/11-01/15-T-232-ENG), with reasons issued on 16 July 2019 (ICC-02/11-01/15-1263 and its annexes),

Having before it the '*Requête de la Défense afin de voir fixée par la Chambre d'appel la date du dépôt de sa réponse au mémoire d'appel du Procureur au 6 mars 2020 du fait du non-respect par le service de traduction de la décision de la Chambre d'appel du 26 novembre 2019*' (ICC-02/11-01/15-1300),

Renders the following

## DECISION

The time limit for Mr Laurent Gbagbo and Mr Charles Blé Goudé to respond to the Prosecutor's appeal brief is extended to 16h00 on Friday 6 March 2020.

## REASONS

### I. PROCEDURAL BACKGROUND

1. In its decision of 26 November 2019, the Appeals Chamber set a time limit of 14 days from receipt of the full draft French translation of the 'Reasons of Judge Geoffrey Henderson'<sup>1</sup> ('Judge Henderson's Reasons') for the filing of responses to the Prosecutor's appeal brief.<sup>2</sup> The Appeals Chamber directed the Registry, *inter alios*, to provide the full draft translation of those reasons by the end of January 2020, with rolling drafts provided to the parties in the meantime.<sup>3</sup>

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<sup>1</sup> ICC-02/11-01/15-1263-Conf-AnxB.

<sup>2</sup> [Decision on Mr Gbagbo's requests for extension of time, translations and correction of transcripts, 26 November 2019](#), ICC-02/11-01/15-1289 (the 'Decision 26 November 2019').

<sup>3</sup> [Decision of 26 November 2019](#), pp 3-4, paras 25-26.

2. On 29 January 2020, Mr Gbagbo was provided with the full draft translation of Judge Henderson's Reasons.<sup>4</sup>

3. On 30 January 2020, Mr Gbagbo filed a request for extension of the time limit to file his response, arguing that he had not received, prior to 29 January 2020, rolling draft translations of Judge Henderson's Reasons, contrary to the decision of the Appeals Chamber ('Mr Gbagbo's Request').<sup>5</sup>

4. On 31 January 2020, the Prosecutor filed her response to Mr Gbagbo's Request.<sup>6</sup>

## II. MERITS

5. Pursuant to regulation 35(2) of the Regulations of the Court, a Chamber may extend or reduce a time limit if 'good cause' is shown.

6. Mr Gbagbo requests three additional weeks to file his response to the Prosecutor's appeal brief. In support of his request, Mr Gbagbo argues that, due to the Registry's failure to provide the draft translations of Judge Henderson's Reasons on a rolling basis, he finds himself now in an impossible situation, which obliges him to read and analyse the 950 pages of Judge Henderson's Reasons, and discuss them with his Defence team, in only ten working days.<sup>7</sup> Mr Gbagbo further argues that, in the same period of time, his Defence team is also involved in preparations for the hearing in the case scheduled for 6 and 7 February 2020.<sup>8</sup>

7. The Prosecutor does not oppose the requested extension of time and submits that the same extension should be granted to Mr Blé Goudé, 'to place both Mr Gbagbo and Mr Blé Goudé on the same schedule'.<sup>9</sup>

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<sup>4</sup> Email from the Registry to the Appeals Chamber, 29 January 2020, at 9:33.

<sup>5</sup> [Requête de la Défense afin de voir fixée par la Chambre d'appel la date du dépôt de sa réponse au mémoire d'appel du Procureur au 6 mars 2020 du fait du non-respect par le service de traduction de la décision de la Chambre d'appel du 26 novembre 2019](#), ICC-02/11-01/15-1300.

<sup>6</sup> [Prosecution Response to Requête de la Défense afin de voir fixée par la Chambre d'appel la date du dépôt de sa réponse au mémoire d'appel du Procureur au 6 mars 2020 du fait du non-respect par le service de traduction de la décision de la Chambre d'appel du 26 novembre 2019](#), ICC-02/11-01/15-1301 (the 'Prosecutor's Response').

<sup>7</sup> [Mr Gbagbo's Request](#), para. 17.

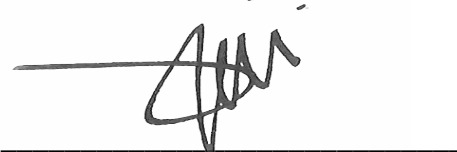
<sup>8</sup> [Mr Gbagbo's Request](#), para. 18.

<sup>9</sup> [Prosecutor's Response](#), paras 2-3.

8. The Appeals Chamber recalls that, in deciding to set the initial deadline for the filing of the response 14 days after Mr Gbagbo's receipt of the full draft French translation of Judge Henderson's Reasons, the Appeals Chamber took into account the fact that Mr Gbagbo would be receiving draft translations of those reasons on a rolling basis. Whereas the drafts were transmitted by the Registry to the Prosecutor and the Chamber on a rolling basis, they were not similarly provided to Mr Gbagbo, due to an oversight within the Registry.<sup>10</sup>

9. In the circumstances, the Appeals Chamber is satisfied that good cause has been shown warranting the requested extension of time. Accordingly, the time limit for the filing of Mr Gbagbo's response to the Prosecutor's appeal brief is extended to 16h00 on Friday, 6 March 2020. The Appeals Chamber finds it appropriate to grant the same extension of time to Mr Blé Goudé so that they remain on the same filing schedule.

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



**Judge Chile Eboe-Osuji**  
**Presiding**

Dated this 5<sup>th</sup> day of February 2020

At The Hague, The Netherlands

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<sup>10</sup> Email from the Registry to the Appeals Chamber, 29 January 2020, at 9:33.