



Original: English

**No. ICC-02/11-01/15 A
Date: 4 April 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 the OPCV's request for an extension of page limit for its
observations**

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

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 ‘CLR V Request for extension of page limit to file her submissions in the appeal’ of 27 March 2020 (ICC-02/11-01/15-1320),

Renders pursuant to regulation 37(2) of the Regulations of the Court the following

DECISION

The page limit for the victims’ observations is extended by seven pages.

REASONS

I. PROCEDURAL HISTORY

1. On 15 January 2019, Trial Chamber I (the ‘Trial Chamber’) issued, by majority, Judge Olga Herrera Carbuccion dissenting, an oral decision, acquitting Mr Gbagbo and Mr Blé Goudé of all charges.¹ On 16 July 2019, the Trial Chamber issued its reasons for the acquittal.²

2. On 16 September 2019, the Prosecutor filed her notice of appeal against the acquittal of Mr Gbagbo and Mr Blé Goudé,³ and on 15 October 2019, she filed her appeal brief.⁴

3. On 26 November 2019, the Appeals Chamber decided that the Office of Public Counsel for victims (the ‘OPCV’) shall file its observations within 30 days after notification of Mr Gbagbo’s and Mr Blé Goudé’s responses to the Prosecutor’s appeal, and that ‘[t]hese observations shall not exceed 60 pages’.⁵

4. On 6 February 2020, the Appeals Chamber extended to 6 March 2020 the time limit for Mr Gbagbo’s and Mr Blé Goudé’s responses to the Prosecutor’s appeal brief.⁶

5. On 26 February 2020, Mr Gbagbo requested that the page limit for his response to the Prosecutor’s appeal brief be extended from 100 to 130 pages.⁷

6. On 27 February 2020, the Prosecutor and the OPCV filed their respective responses to Mr Gbagbo’s request.⁸ In particular, the OPCV requested that, in the

¹ See Trial Chamber I, [Transcript of hearing, 15 January 2019](#), ICC-02/11-01/15-T-232-Eng, p. 1, line 15, to p. 5, line 7.

² [Reasons for oral decision of 15 January 2019 on the Requête de la Défense de Laurent Gbagbo afin qu’un jugement d’acquiescement portant sur toutes les charges soit prononcé en faveur de Laurent Gbagbo et que sa mise en liberté immédiate soit ordonnée, and on the Blé Goudé Defence no case to answer motion](#), 16 July 2019, ICC-02/11-01/15-1263.

³ See [Prosecution Notice of Appeal](#), 16 September 2019, ICC-02/11-01/15-1270-Corr (a corrigendum was filed the following day).

⁴ See [Public redacted version of ‘Prosecution Document in Support of Appeal’](#), ICC-02/11-01/15-1277-Conf, 15 October 2019, 17 October 2019, ICC-02/11-01/15-1277-Red.

⁵ [Decision on victim participation](#), 26 November 2019, ICC-02/11-01/15-1290, p. 3.

⁶ [Decision on Mr Gbagbo’s request for extension of time to file a response to the Prosecutor’s appeal brief](#), 6 February 2020, ICC-02/11-01/15-1304, p. 3.

⁷ [Requête de la Défense afin d’obtenir des pages additionnelles pour pouvoir répondre au mémoire d’appel de l’Accusation déposé le 15 octobre 2019 \(ICC-02/11-01/15-1277-Conf\)](#), 26 February 2020, ICC-02/11-01/15-1309, p. 7.

event Mr Gbagbo's request was granted an extension, the page limit for its observations be equally extended to 90 pages.⁹

7. On 2 March 2020, the Appeals Chamber extended the page limit for Mr Gbagbo's and Mr Blé Goudé's responses by 30 pages, and the page limit for the victims' observations by eight pages.¹⁰

8. On 27 March 2020, the OPCV requested that the Appeals Chamber grant an additional extension of seven pages, to a total of 75 pages, for its observations in this appeal¹¹ (the 'Request'). The OPCV submits that, 'as already recognised by the Appeals Chamber [...] – the present appeal raises novel and complex issues'.¹² It further submits that in the *Lubanga* appeals against the conviction and sentencing decisions, the Appeals Chamber granted 100 pages to both teams of legal representatives of victims even though 'the number of victims authorized to participate at the time was lower than in the present case'.¹³ The OPCV submits that, having read the responses to the Prosecutor's appeal and consulted with the victims, the responses 'have an important impact on the interests of the victims and require more extensive developments than expected to address the views and concerns of [its] clients'.¹⁴ In the OPCV's view, a further extension of seven pages is justified because the filing of these observations will be 'the only opportunity for the [OPCV] to address the interests of the victims she represents in the present appeal'.¹⁵

II. MERITS

9. Pursuant to regulation 37(2) of the Regulations of the Court (the 'Regulations'), a Chamber may grant an extension of the page limit 'in exceptional circumstances'.

⁸ [Prosecution Response to the Requête de la Défense afin d'obtenir des pages additionnelles pour pouvoir répondre au mémoire d'appel de l'Accusation déposé le 15 octobre 2019](#), 27 February 2020, ICC-02/11-01/15-1311; [CLRV Response to the 'Requête de la Défense afin d'obtenir des pages additionnelles pour pouvoir répondre au mémoire d'appel de l'Accusation déposé le 15 octobre 2019'](#), notified on 28 February 2020, ICC-02/11-01/15-1312.

⁹ [CLRV Response to the 'Requête de la Défense afin d'obtenir des pages additionnelles pour pouvoir répondre au mémoire d'appel de l'Accusation déposé le 15 octobre 2019'](#), notified on 28 February 2020, ICC-02/11-01/15-1312, p. 4.

¹⁰ [Decision on Mr Laurent Gbagbo's request for an extension of page limit for his response to the Prosecutor's appeal brief](#), ICC-02/11-01/15-1313, p. 3 and para. 10.

¹¹ [CLRV Request for extension of page limit to file her submissions in the appeal](#), 27 March 2020, ICC-02/11-01/15-1320, para. 4, p. 5.

¹² [Request](#), para. 5.

¹³ [Request](#), para. 6.

¹⁴ [Request](#), para. 7.

¹⁵ [Request](#), para. 7.

10. The Appeals Chamber considers that, in the specific circumstances of the case, where the OPCV submits that, having read the responses and consulted with its clients, it requires seven additional pages to fully address their views and concerns, and recalling the novelty and complexity of the issues on appeal, there are ‘exceptional circumstances’ justifying an extension of the page limit for the victims’ observations within the meaning of regulation 37(2) of the Regulations. The Appeals Chamber further considers that the length of the extension sought is reasonable. The Appeals Chamber therefore grants the Request.

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



Judge Chile Eboe-Osuji
Presiding

Dated this 4th April 2020

At The Hague, The Netherlands