

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

No.: **ICC-02/11-01/12**
Date: **12 December 2013**

PRE-TRIAL CHAMBER I

Before: Judge Silvia Fernandez de Gurmendi, Presiding Judge
Judge Hans-Peter Kaul
Judge Christine Van den Wyngaert

SITUATION IN THE REPUBLIC OF CÔTE D'IVOIRE

**IN THE CASE OF
*THE PROSECUTOR v. SIMONE GBAGBO***

Public

Defence Request for an Extension of Time

Source: Defence for Ms Simone Gbagbo

Document to be notified in accordance with Regulation 31 of the *Regulations of the Court* to:

The Office of the Prosecutor

Fatou Bensouda

James Stewart

Counsel for the Defence

Sylvia Geraghty

Cire Cledor Ly

Legal Representatives of the Victims

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

**The Office of Public Counsel for
Victims**

Paolina Massidda

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

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Herman von Hebel

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

1. On 29th February 2012, the Chamber issued a warrant of arrest for Ms. Gbagbo (the “Warrant of Arrest”), which was made public on 22nd November 2012.
2. On 19th March 2012, the Registrar notified Côte d’Ivoire of the Warrant of Arrest and requested it to arrest and surrender Ms. Gbagbo to the Court (the “Surrender Request”).
3. On 1st October 2013, Côte d’Ivoire filed an Admissibility Challenge.
4. On 15th November 2013, the Chamber rendered a Decision on the conduct of the proceedings following Côte d’Ivoire’s challenge to the admissibility of the case against Simone Gbagbo. At page 9, subparagraph c), the Chamber invited *inter alia*, the Defence of Ms. Gbagbo to make observations on the Admissibility Challenge, if any, no later than Monday, 13th January 2014.
5. In the proceedings before the Court, Maitre Cire Cledor Ly has been on the record as Lead Counsel to Ms. Gbagbo.
6. On 25th of November 2013, Ms. Gbagbo annulled the mandate of Maitre Cire Cledor Ly to act as Lead Counsel (“Annulation Mandat CPI”).
7. Later, on 25th November 2013, by Special Mandate, Ms. Gbagbo mandated Sylvia Geraghty, Solicitor of the Supreme Court of Ireland and Solicitor of the Supreme Court of England & Wales and listed Counsel at ICC, to act as her (new) Lead Counsel before the ICC (“Mandat Special”).
8. Maitre Cire Cledor Ly has now filed a motion dated 6th December 2013, attaching thereto both the “Annulation Mandat CPI” and the “Mandat Special” and informing the Chamber of the changed situation and of the (new) Lead Counsel.
9. On 12th December 2013, Sylvia Geraghty attended at ICC and duly signed the Acceptance of Mandate.

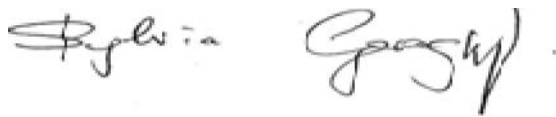
10. Article 14 (2) of the Code of Professional Conduct for Counsel imposes a positive obligation on the Defence to consult with the client.
11. Ms. Gbagbo has requested of Sylvia Geraghty that she attend with her, for the purpose of taking full instructions.
12. Ms. Gbagbo is best placed to provide the Defence with all necessary information in general and directly related to the Admissibility Challenge in particular.
13. The right of the Defence to be heard in connection with the Admissibility Challenge will only be effective if the Defence can prepare and submit its observations after obtaining full instructions from Ms. Gbagbo.
14. The (new) Lead Counsel wishes to comply fully with her professional obligations and to ensure that the rights of her client are fully protected.
15. However, the time constraint set out in the aforesaid Decision of 15th November 2013, being 13th January 2014, renders such compliance extremely difficult.
16. Pursuant to regulation 35 (2) of the Regulations of the Court (“Regulations”) which provides that the Chamber may extend a time limit if good cause is shown, (new) Lead Counsel hereby wishes to apply for an extension of time in which to submit observations grounded on the following matters:
 - (i) Given the specific circumstances at hand, namely the particular nature, importance and possible overall impact of a decision flowing from the consideration of the observations;
 - (ii) given the financial constraints and limited resources and the complexity, nature and scope of the issues involved;
 - (iii) given that (new) Lead Counsel has only been in a position to sign the acceptance of Mandate on 12th December 2013;
 - (iv) has not previously met with Ms. Gbagbo;
 - (v) is unfamiliar with the case;
 - (vi) the likely delay in obtaining a visa to travel to the Côte d’Ivoire;
 - (vii) given the intervening Christmas holiday, when no non-urgent Decisions are typically issued during recess and given that time limits can

be suspended during recess;¹ (viii) the foreseeable delay in making the necessary travel arrangements to include possible security arrangements; (ix) travelling approximately 1,000 (one thousand) kilometers North West to Odienne; (x) to taking instructions over a 9-10 day period; (xi) to travelling back to Ireland; (xii) to consideration of all the pleadings had in the matter to date and (xiii) to drafting and filing observations.

Relief Requested

For all of the reasons above set out, the Defence respectfully requests this Honourable Pre-Trial Chamber to extend the deadline by six (6) calendar weeks, until the end of February 2014.

Respectfully submitted,



Sylvia Geraghty
Counsel for Simone GBAGBO

Dated this Thursday, 12 December 2013
At The Hague, The Netherlands

¹ See, e.g., *Prosecutor v. Lubanga*, ICC-01/04-01/06-T-203-Red2-ENG, T. 64-65; *Prosecutor v. Bemba*, ICC-01/05-01/08-T-43-Red-ENG WT, T. 31-32.