

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-02/11-01/12
Date: 17 December 2013

PRE-TRIAL CHAMBER I

Before: Judge Silvia Fernández 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

Decision on the “Defence Request for an Extension of Time”

Decision 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

Clédor Ciré Ly

Legal Representatives of Victims

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

**The Office of Public Counsel for
Victims**

Paolina Massidda

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

States Representatives

Jean-Pierre Mignard

Jean-Paul Benoit

Amicus Curiae

REGISTRY

Registrar

Herman von Hebel

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Others

Pre-Trial Chamber I (“Chamber”) of the International Criminal Court (“Court”) issues the following decision on the “Defence Request for an Extension of Time” (the “Request”).¹

1. On 29 February 2012, the Chamber issued a warrant of arrest (the “Warrant of Arrest”) for Simone Gbagbo (“Ms Gbagbo”), which was made public on 22 November 2012.²

2. On 19 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.³

3. On 1 October 2013, Côte d’Ivoire filed the “*Requête de la République de Côte d’Ivoire sur la recevabilité de l’Affaire Le Procureur c. Simone Gbagbo, et demande de sursis à exécution en vertu des articles 17, 19 et 95 du Statut de Rome*” (the “Admissibility Challenge”), challenging the admissibility of the case against Ms Gbagbo before the Court.⁴

4. On 15 November 2013, the Chamber issued the “Decision on the conduct of the proceedings following Côte d’Ivoire’s challenge to the admissibility of the case against Simone Gbagbo”,⁵ *inter alia* inviting the Prosecutor, the Defence and Paolina Massidda from the Office of Public Counsel for victims as legal representative of the victims who have already communicated with the Court in relation to the case against Ms Gbagbo to submit observations on the Admissibility Challenge, if any, by 13 January 2013.⁶

¹ ICC-02/11-01/12-16.

² “Warrant of Arrest for Simone Gbagbo”, ICC-02/11-01/12-1. See also Pre-Trial Chamber I, “Decision on the Prosecutor’s Application Pursuant to Article 58 for a warrant of arrest against Simone Gbagbo”, 2 March 2012, ICC-02/11-01/12-2-Red.

³ ICC-02/11-01/12-6.

⁴ ICC-02/11-01/12-11-Conf. A public redacted version is also available (ICC-02/11-01-12-11-Red).

⁵ ICC-02/11-01/12-15.

⁶ *Ibid.*, p. 9.

5. On 12 December 2013, Ciré Clédor Ly filed in the record of the case, as Counsel for Ms Gbagbo, the *“Requête sur l’exercice des droits de la défense de Madame Simone Gbagbo”*,⁷ informing the Chamber that Ms Gbagbo had appointed a new Counsel, while he continued to be retained by Ms Gbagbo as part of the Defence team, and requesting the Chamber to:

1. Autoriser que Madame GBAGBO assure sa défense avec l’équipe qu’elle a constituée par mandat spécial en date du 25 Novembre 2013.
2. Autoriser le Conseil Maître Ciré Clédor LY de partager avec l’équipe de défense les documents confidentiels visés dans la décision du 15 Novembre 2013 rendue par la chambre préliminaire I ;
3. Faire droit à la demande de prorogation de délai en tenant compte du précédent et tous les impératifs qu’il incombe à la mandataire d’accomplir.⁸

6. On 13 December 2013, Sylvia Geraghty filed, as newly appointed Counsel for Ms Gbagbo, the Request, seeking an extension of time for the submission of observations on the Admissibility Challenge “by six (6) calendar weeks, until the end of February 2014”.⁹

7. On 16 December 2013, the Chamber received the *“Enregistrement de la désignation de Maître Sylvia Geraghty comme Conseil principal de Mme Simone Gbagbo et précisions sur la composition actuelle de l’équipe de la Défense”*,¹⁰ filed by the Registrar, informing the Chamber that:

1. l’équipe de la Défense de Mme Simone Gbagbo est actuellement supervisée par Maître Sylvia Geraghty, assistée par Maître Clédor Ciré Ly, conseil inscrit sur la liste de conseils prévue à la règle 21-2 du Règlement de procédure et de preuve ;
2. les deux conseils ont les accès au dossier de l’affaire.¹¹

⁷ ICC-02/11-01/12-21-Conf and confidential Annexes (notified on 13 December 2013).

⁸ *Ibid.*, p. 17.

⁹ Request, p. 5.

¹⁰ ICC-02/11-01/12-23 and confidential Annexes I-II and public annex III (filed on 13 December 2013).

¹¹ *Ibid.*, p. 3. Accordingly, intervention of the Chamber is not necessary with respect to the first two requests raised in the *“Requête sur l’exercice des droits de la défense de Madame Simone Gbagbo”* as reflected above in paragraph 5.

8. The Chamber notes regulation 35(2), first sentence, of the Regulations of the Court (the “Regulations”), which provides that the Chamber may extend a time limit if good cause is shown.

9. The Chamber notes that the request for extension of the time limit for the submission of the Defence observations on the Admissibility Challenge is advanced both in the *“Requête sur l’exercice des droits de la défense de Madame Simone Gbagbo”* and in the Request. For the purposes of the present decision, the Chamber, while noting that the two requests do not conflict, will make reference only to the Request, which provides more specific argumentation and specifies the extension of time requested.

10. The Defence describes as follows the grounds militating, in its view, for an extension of time by six weeks: (i) “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) “the financial constraints and limited resources and the complexity, nature and scope of the issues involved”; (iii) the fact 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”, and (v) “is unfamiliar with the case”; (vi) “the likely delay in obtaining a visa to travel, to the Côte d’Ivoire”; (vii) “the intervening Christmas holiday”; (viii) “the foreseeable delay in making the necessary travel arrangements to include possible security arrangements” (ix) the fact that “travelling approximately 1,000 (one thousand) kilometers North West to Odienne” will be needed, in order to (x) “tak[e] instructions over a 9-10 day period”, whereupon time will be needed for (x) “travelling back to Ireland”, (xi) “consideration of all the pleadings had in the matter to date”, and (xii) “drafting and filing observations”.¹²

¹² Request, para. 16.

11. The Chamber accepts the submission of the Defence that additional time is needed in order for the Defence team to be able to obtain instructions from Ms Gbagbo and prepare observations on the Admissibility Challenge. On this basis, the Chamber considers that the Defence has shown good cause within the meaning of regulation 35(2), first sentence, of the Regulations. As to the scope of the extension, the Chamber considers that the extension by six weeks, as requested, is appropriate in the present circumstances. Finally, the Chamber is of the view that the extension of time as granted will not unduly prejudice the interests of the other parties and participants in the proceedings following the Admissibility Challenge.

FOR THESE REASONS, THE CHAMBER

GRANTS the Defence until **Monday, 24 February 2014** to submit its observations on the Admissibility Challenge.

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



Judge Silvia Fernández de Gurmendi
Presiding Judge



Judge Hans-Peter Kaul



Judge Christine Van den Wyngaert

Dated this Tuesday, 17 December 2013
At The Hague, The Netherlands