

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

No.: **ICC-02/11-01/12**
Date: **19 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 Prosecutor's and the OPCV's requests for 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 (the “Chamber”) of the International Criminal Court (the “Court”) issues the following decision on the “Prosecution’s request pursuant to Regulation 35 for the extension of time to submit observations on the Admissibility Challenge” (the “Prosecutor’s Request”),¹ and the “Request pursuant to Regulation 35 for the extension of time to submit observations on the Admissibility Challenge” (the “OPCV’s Request”),² filed by the Office of Public Counsel for victims (the “OPCV”).

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 2012.³

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.⁴

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.⁵

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”,⁶ *inter alia* inviting the Prosecutor, the Defence and Paolina Massidda from the OPCV as legal representative of the

¹ ICC-02/11-01/12-26.

² ICC-02/11-01/12-28.

³ “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.

⁴ ICC-02/11-01/12-6.

⁵ ICC-02/11-01/12-11-Conf. A public redacted version is also available (ICC-02/11-01/12-11-Red).

⁶ ICC-02/11-01/12-15.

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 2014.⁷

5. On 17 December 2013, the Chamber, upon request,⁸ granted the Defence until 24 February 2014 to submit its observations on the Admissibility Challenge.⁹

6. On 18 December 2013, the Prosecutor filed the Prosecutor's Request, seeking an extension of time until 24 February 2014 to submit her observations on the Admissibility Challenge.¹⁰ The Prosecutor submits that as a result of her obligation to present an amended document containing the charges and list of evidence in the related case against Laurent Gbagbo by 13 January 2014 all available staff members currently assigned to the situation in the Republic of Cote d'Ivoire will, for a period of few weeks, need to focus their time and efforts exclusively on that case.¹¹ According to the Prosecutor, this is necessary because at this time of the year many members of her staff are, or will be, away from the office for the period of the Court recess.¹² The Prosecutor states that she finds herself in the difficult position of trying to allocate the efforts of a limited number of available staff to accomplish the important submissions that need to be completed.¹³ The Prosecutor notes the recent extension of time for the Defence, and submits that she should be allowed to file her observations by the same date.¹⁴ Finally, the Prosecutor observes that the next substantive step in the proceedings following the Admissibility Challenge will not occur until the Chamber has received

⁷ *Ibid.*, p. 9.

⁸ ICC-02/11-01/12-16.

⁹ "Decision on the 'Defence Request for an Extension of Time'", ICC-02/11-01/12-24, p. 6.

¹⁰ Prosecutor's Request, para. 11.

¹¹ *Ibid.*, para. 6.

¹² *Ibid.*, para. 6.

¹³ *Ibid.*, para. 7.

¹⁴ *Ibid.*, para. 9.

observations from all participants, and that therefore granting her request would not cause any prejudice to the parties and participants.¹⁵

7. On 18 December, the OPCV filed the OPCV's Request, seeking the same extension as the Prosecutor.¹⁶ The OPCV states that it is still in the process of collecting the views and concerns of its clients who have asked for some time to revert to it on the matter.¹⁷ Considering the importance of the legal issue *sub judice*, the OPCV submits that it should be given further time to finalise the collection of the views and concerns of the victims it is representing.¹⁸ In addition, the OPCV refers to other duties currently performed by it in other cases, submitting that an extension of time is justified also on that basis.¹⁹ Finally, the OPCV draws attention to the fact that granting its request will not result in any delay in the proceedings.²⁰

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 accepts the submissions of the Prosecutor as to the difficulty of complying with the original time limit to submit her observations on the Admissibility Challenge as a result of the involvement of her staff in a related case and the upcoming holidays. Accordingly, the Chamber takes the view that the Prosecutor has shown "good cause" within the meaning of regulation 35(2), first sentence, of the Regulations for the requested extension of time.

¹⁵ *Ibid.*, para. 10.

¹⁶ OPCV's Request, p. 6.

¹⁷ *Ibid.*, para. 11.

¹⁸ *Ibid.*, para. 12.

¹⁹ *Ibid.*, paras 13-15.

²⁰ *Ibid.*, para. 17.

10. Likewise, the Chamber is of the view that “good cause” is demonstrated by the OPCV. In particular, the Chamber considers it reasonable to allow to those victims, who have asked for more time, an opportunity to communicate their views and concerns to the OPCV.

11. The Chamber reaches the above conclusions also mindful of the fact that an extension of time until Monday, 24 February 2014 has already been granted to the Defence, and that therefore no delay will occur in the proceedings as a result of acceding also to the Prosecutor’s and the OPCV’s Requests.

FOR THESE REASONS, THE CHAMBER

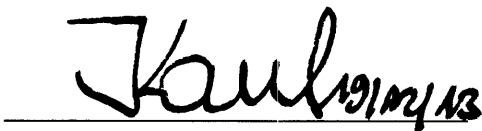
GRANTS the Prosecutor and the OPCV until **Monday, 24 February 2014** to submit their observations on the Admissibility Challenge.

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

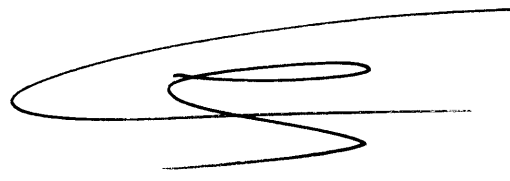


Judge Silvia Fernández de Gurmendi

Presiding Judge



Judge Hans-Peter Kaul



Judge Christine Van den Wyngaert

Dated this Thursday, 19 December 2013
At The Hague, The Netherlands